

Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 15

April 15, 1993

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State of Kansas

Kansas Advocacy and Protective Services, Inc.

Notice of Meeting

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 7 p.m. Thursday, April 22, at the Holiday Inn West, 605 Fairlawn Road, Topeka. For more information call (913) 776-1541.

Joan Strickler
Executive Director

Doc. No. 013329

State of Kansas

Board of Indigents' Defense Services

Notice of Meeting

The State Board of Indigents' Defense Services will meet at 11 a.m. Friday, April 23, in the Verandah Conference Room of the Doubletree Hotel, 10100 College Blvd., Overland Park. For additional information, contact Ron Miles, Director, State Board of Indigents' Defense Services, Room 506, Landon State Office Building, 900 S.W. Jackson, Topeka, (913) 296-4505.

Ronald E. Miles
Director

Doc. No. 013328

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

Effective 4-19-93 through 4-25-93

Term	Rate
0-90 days	3.00%
3 months	2.94%
6 months	3.10%
12 months	3.32%
24 months	3.83%
36 months	4.38%
48 months	4.84%

Sally Thompson
State Treasurer

Doc. No. 013319

State of Kansas

Social and Rehabilitation Services

Request for Comments

The draft social service block grant (SSBG) state plan for fiscal year 1994 will be in the public comment period from April 19 to May 19. Copies of the draft plan will be available for review during that period at each of the 12 SRS area offices throughout Kansas as well as the SRS Management Services Division in Topeka.

Comments concerning the draft plan are to be submitted by May 19 to the SRS Management Services Division, Room 611-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

The SSBG state plan is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at the June 1 SRS open meeting.

Donna L. Whiteman
Secretary of Social and Rehabilitation Services

Doc. No. 013297

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of Negotiations
for Engineering/Technical Services**

Notice is hereby given of the commencement of negotiations for "on-call" asbestos consultant services for the Kansas Department of Social and Rehabilitation Services. Two firms will be selected to provide this service. Services may include the identification and location of asbestos, laboratory testing and confirmation, cost estimates of removal procedures, preparation of plans and specifications for competitive bidding of removal or encapsulization, construction administration, and air monitoring and testing during removal or encapsulization work. Projects will vary in size and be assigned by the department.

Many of the projects will require the removal of asbestos and its replacement with an acceptable material; therefore, the design service will also need to include architectural and engineering services which can be included as a consulting service.

Any questions or expressions of interest should be directed to Kelly Conway, Deputy Director, Design and Construction Administration, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before April 30. An original and five copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of Architectural Services

Doc. No. 013300

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, published by the Secretary of State's office.

The following appointments were filed March 29-April 9:

**District Judge, 18th Judicial District,
Division 5**

Gregory L. Waller, 15200 E. Zimmerly, Wichita 67230. Term expires when a successor is elected and qualifies according to law. Succeeds Mary Kay Royse, resigned.

**District Judge, 29th Judicial District,
Division 4**

George A. Groneman, 8047 Parallel Parkway, Kansas City 66112. Term expires when a successor is elected and qualifies according to law. Succeeds John Mahoney.

Morton County Commissioner

Jack D. Shultz, Box 583, Elkhart 67950. Term expires when a successor is elected and qualifies according to law. Succeeds Kenneth Fowler, resigned.

Kansas Dental Board

Ronald G. Wright, Dentist Appointee, 514 Delaware, Hiawatha 66434. Effective May 2, 1993. Term expires May 1, 1997. Succeeds Richard Radke.

Kansas Parole Board

Christopher N. Cowger, 6125 Brookfield Circle, Topeka 66614. Subject to Senate confirmation. Effective May 3, 1993. Term expires March 31, 1997. Succeeds Don Mainey.

State Board of Pharmacy

Monte R. Baugher, Route 2, Derby 67037. Effective May 1, 1993. Term expires April 30, 1996. Succeeds Barbara Renick.

Glen M. Mathis, Route 4, Box 149B, Girard 66743. Effective May 1, 1993. Term expires April 30, 1996. Succeeds Kathleen Mahanna.

Kansas Commission on Veterans' Affairs

Robin Ray, 701 E. 56th St. South, Wichita 67216. Term expires June 30, 1996. Reappointment.

Bill Graves
Secretary of State

State of Kansas

Grain Inspection Department

Notice of Meeting

The Kansas State Grain Inspection Department will conduct its quarterly Grain Advisory Commission meeting at 9 a.m. Friday, April 23, in the meeting room of the Best Western Vagabond Motel, 2524 Vine, Hays. The meeting is open to the public.

Lee Hamm
Director

Doc. No. 013321

State of Kansas

Kansas Council on Employment and Training

Notice of Meeting

The Kansas Council on Employment and Training (KCET) will meet from 8:30 a.m. to noon Friday, April 23, at the Employment Security Systems Institute (ESSI) Building, center classroom, lower level, 1309 S.W. Topeka Blvd., Topeka. The meeting is open to the public.

Joe Dick
Secretary of Human Resources

Doc. No. 013307

State of Kansas

Department on Aging

Request for Proposals

The Kansas Department on Aging is currently accepting proposals for in-home nutrition services funded by state resources for the program period July 1, 1993 through June 30, 1994. Complete proposals must be submitted on or before May 7.

The In-Home Nutrition Program provides home delivered meals containing at least one-third of the current recommended dietary allowance to individuals age 60 or older who are homebound due to illness or incapacitating disability once a day, five or more days a week. Programs may be funded in all areas of the state; however, priority will be given to maintaining services in areas currently served by the In-Home Nutrition Program.

Organizations interested in receiving a request for proposal should contact Tamara Tiemann, R.D., Nutrition Specialist, Kansas Department on Aging, Docking State Office Building, Room 122-S, 915 S.W. Harrison, Topeka 66612-1500; (913) 296-4986.

Joanne E. Hurst
Secretary of Aging

Doc. No. 013312

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, April 26, 1993

RFQ 93 0889

Gas chromatography system

Gene Puckett, C.P.M.
Director of Purchasing

Doc. No. 013322

State of Kansas

Kansas State University

Notice of Intent to Lease Land

Kansas State University, Division of Biology, will lease a total of 428 acres of native pasture on Konza Prairie Research Natural Area for cattle grazing during the 1993 grazing season, May 5 through October 25. Konza Prairie is a research facility owned by The Nature Conservancy and leased by the Division of Biology. Special restrictions and conditions apply. Direct inquiries to: Gene Towne, Division of Biology, Kansas State University, Manhattan 66506-4901, (913) 532-6615.

Jerry Weis
Interim Director
Division of Biology

Doc. No. 013314

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Monday, April 26, 1993

#30116

Coordinate measuring machine

#30117

Unix workstation with digital media capabilities

William H. Sesler
Director of Purchasing

Doc. No. 013311

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board will meet at 2 p.m. Tuesday, April 20, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 013316

State of Kansas

Department of Health
and Environment

Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, April 27, in the SRS Staff Development Training Center, State Complex West, 300 S.W. Oakley, Topeka. The meeting is open to the public. Telephone hook-ups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina and Lawrence; the Pittsburg Office of Surface Mining; the Wyandotte County Health Department; and the Johnson County Health Department.

Any disabled person who plans to attend this meeting and requires visual or communication aid or assistance, building access assistance or other similar assistance should contact Mary Ann Cummings at (913) 296-0461 immediately so appropriate arrangements can be made.

The proposed agenda includes:

- Secretary's report.
- Program activities.
- Adoption of hospital regulations:
K.A.R. 28-34-1 (Revoked); 28-34-1a (New); 28-34-2 (Amended); 28-34-3b (New); 28-34-5 (Revoked); 28-34-5a (New); 28-34-6 (Revoked); 28-34-6a (New); 28-34-8 (Revoked); 28-34-8a (New); 28-34-9a (Amended); 28-34-10 (Revoked); 28-34-10a (New); 28-34-11 (Amended); 28-34-12 (Amended); 28-34-16 (Revoked); 28-34-16a (New); 28-34-17 (Revoked); 28-34-17a (New); 28-34-17b (New); 28-34-20 (Revoked); 28-34-20a (New); 28-34-32a (Revoked); 28-34-32b (New); 28-34-125 (Revoked).
- Adoption of surface water treatment regulations:
K.A.R. 28-15-11, 28-15-13, 28-15-21.
- Adoption of sandpoint water well regulation:
K.A.R. 28-30-6.
- Action on proposed policy on incineration of Dioxin at APTUS.
- Summary of proposed nursing home regulations.

A roundtable discussion regarding nursing home regulations and related nursing home issues will immediately follow the formal open meeting at the same Topeka location.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013327

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on
Priority System and List**

A public hearing to discuss the proposed federal fiscal year 1993 priority system and list and the FFY 1993 intended use plan will be at 10 a.m. Wednesday, May 19, at the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka.

The Bureau of Water has made minor modifications and clarifications to the priority system. Comments on the list and the intended use plan can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013317

(Published in the Kansas Register, April 15, 1993.)

**Supreme Court of the State of Kansas
Order
Proclaiming April 26-May 1, 1993
LAW WEEK
in the Kansas Judicial System**

April 26-May 1, 1993, is hereby proclaimed to be LAW WEEK throughout the Kansas judicial system and is to be observed by all judges and nonjudicial employees of the judicial branch of state government.

The 105 district courts in Kansas are encouraged to treat LAW WEEK in their respective counties as a special opportunity to recognize that governance of our society of laws is the basis of our personal freedoms and the only assurance that the rights of all our citizens will be protected.

"Justice for All—All for Justice," the theme of LAW WEEK, reminds us that every American citizen shares in the responsibility to maintain and improve our justice system. All Kansans are invited to share with their courts in the observance of LAW WEEK 1993.

The Clerk of the Supreme Court is hereby directed to file this order forthwith and deliver a copy to the Judicial Administrator who shall publish it in the Kansas Register.

By order of the court this 3rd day of March, 1993.

Richard W. Holmes
Chief Justice

Doc. No. 013298

State of Kansas

**Department of Health
and Environment**

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to JRC Contracting, Inc., Pittsburg, to install and operate a portable asphalt concrete mixing plant to be initially located at Section 12, T35S, R24E, Cherokee County, Kansas.

Written materials, including the permit application and information relating to the application submitted by JRC, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 13 by contacting Lynn Ranabargar, Air Quality District Representative, Southeast District KDHE Office, Chanute, (316) 431-2390. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinthner, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 13.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013318

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Kansas
Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 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 when issued will 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.

Public Notice No. KS-AG-93-42/47

Name and Address of Applicant	Legal Description	Receiving Water
Roger W. Aberle Route 1, Box 8 Morrill, KS 66515	SW/4, Sec. 1, T2S, R15E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-S028

The feedlot has capacity for approximately 300 head cattle and 580 head swine and a contributing drainage area of approximately 3 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 0.8 acre-feet.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Waterway	Type of Discharge
Hiss, Incorporated Route 4, Box 17 Great Bend, KS 67530	NW/4, Sec. 25, T19S, R14W, Barton County	Upper Arkansas River via Walnut Creek via Dry Walnut Creek

Kansas Permit No. A-UABT-M001 Fed. Permit No. KS-0089800

The proposed expanded facility will have capacity for approximately 900 dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: Water pollution control upgrade plans approved by the department shall be completed and operational prior to expansion of the dairy herd at the facility.

Name and Address of Applicant	Waterway	Type of Discharge
Steve File Plum Creek Farm, Inc. Route 2, Box 119 Beloit, KS 67420	NW/4, Sec. 2, T7S, R8W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-H003 Federal Permit No. KS-0080306

The existing facility has the capacity for approximately 3,000 swine. **Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Waterway	Type of Discharge
Dennis Funk Route 2, Box 106A Hillsboro, KS 67063	SW/4, Sec. 31, T19S, R3E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-S011

The proposed expanded facility will have capacity for approximately 350 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: The waste management plan developed by Soil Conservation Service and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of liquid wastes with application to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than one per acre per year and solid manure shall be applied at not greater than 20 tons/ac/year.

A grass filter area shall be established directly southeast of the open row lots providing approximately 80 feet of length and 40 feet of width for filtering of open lot rainfall runoff prior to dispersing onto cropland. The grass filter area shall be established by October 15, 1993.

Name and Address of Applicant	Waterway	Type of Discharge
S & T Cattle Company, Inc. Don Taylor 425 N. Broadway St. John, KS 67074	SW/4, Sec. 24, T23S, R14W, Stafford County	Lower Arkansas River Basin

Kansas Permit No. A-ARSF-S006

The feedlot has capacity for approximately 3000 swine and a contributing drainage area of approximately 2.75 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 3.2 acre-feet.

Compliance Schedule: A livestock waste management plan for the wastewater stored in the earthen retention pond shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

The waste management plan developed by Soil Conservation Service for the solid waste and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of solid waste and sludges with application to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.5 acre-inch per acre per year and solid manure shall be applied at not greater than 10 tons/ac/year.

Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 100 gallons per minute and dispersing the wastewater over 15 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Waterway	Type of Discharge
Johnnie Redding, Jr. Route 1, Box 87 Gridley, KS 66852	NW/4, Sec. 13, T23S, R13E, Coffey County	Neosho River Basin

Kansas Permit No. A-NECF-H001 Fed. Permit No. KS-0089818

The proposed facility will have capacity for approximately 7,200 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: Dewatering equipment shall be obtained within six months after issuance of this permit through purchase,

(continued)

rental or custom application agreement. It shall be capable of pumping at least 300 gallons per minute during Phase I of the operation. After Phase II has been implemented, required pumping capacity will be 600 gallons per minute. During Phase I the dewatering equipment shall be capable of dispersing the wastewater over 90 acres of land suitable for waste application. After Phase II has been implemented the dewatering equipment shall be capable of dispersing the wastewater over 180 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Public Notice No. KS-PT-93-2

Name and Address of Applicant	POTW	Type of Discharge
Tomkins Industries, Inc. Ruskin Division-Parsons 4801 Springfield Dayton, OH 45401 Layette County, Kansas Kansas Permit No. P-NE55-0002	Parsons MWWTP	Process wastewater

Description of Facility: This facility manufactures aluminum fire and smoke dampers. They operate an aluminum cleaning line consisting of seven tanks using a chromate conversion coating process.

Public Notice No. KS-ND-93-12

Name and Address of Applicant	Waterway	Type of Discharge
LaFarge Construction Matl's Olathe Facility P.O. Box 300140 Kansas City, MO 64130 Johnson County, Kansas Kansas Permit No. I-KS52-N004	Non-overflowing	Non-overflowing

Description of Facility: This is a ready-mix concrete batch facility. Concrete mixer trucks are washed out, and wastewater is collected in a concrete settling basin.

Public Notice No. KS-93-28/31

Name and Address of Applicant	Waterway	Type of Discharge
Pawnee County Coop 103 E. 3rd Larned, KS 67550 Pawnee County, Kansas Kansas Permit No. I-UA25-P003	Arkansas River via Pawnee River via storm sewer	Treated hydrocarbon contaminated groundwater

Description of Facility: This facility is engaged in a groundwater remediation project. Groundwater is treated in an air stripping tower prior to discharge. 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 Federal Surface Water Criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Phillips Pipe Line Company Paola Terminal-Paola 364 Adams Building Bartlesville, OK 74004 Miami County, Kansas Kansas Permit No. I-MC33-P009	Marais des Cygnes River via unnamed tributary	Stormwater, hydrostatic test water from new and used pipelines and tanks

Description of Facility: This facility receives, stores and transports refined petroleum products which consist of various grades or types of gasoline, diesel, and nondiesel fuels. Proposed effluent

limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Offerle Coop Grain and Supply Bucklin Branch 210 S. Main Bucklin, KS 67834 Ford County, Kansas Kansas Permit No. I-AR13-P001	Rattlesnake Creek via unnamed tributaries via PVC pipe	Treated hydrocarbon contaminated groundwater

Description of Facility: This facility is engaged in a groundwater remediation project. Groundwater is treated in an air stripping tower prior to discharge. 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 Federal Surface Water Criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Osborne County Highway Department P.O. Box 347 East Main Street Osborne, KS 67473 Osborne County, Kansas Kansas Permit No. I-SO29-P002	South fork Solomon River via drainage ditch	Treated hydrocarbon contaminated groundwater

Description of Facility: This facility is engaged in a groundwater remediation project. Groundwater is treated in an air stripping tower prior to discharge. 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 Federal Surface Water Criteria.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before May 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-93-42/47, KS-PT-93-2, KS-ND-93-12, KS-93-28/31) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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 Kansas Department of Health and Environment offices, Building 740, Forbes field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013326

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3146.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for May 11, 1993

Application for Certificate of Convenience and Necessity:

John W. Chase, dba) Docket No. 185,742 M
Chase Farms)
Route 4, Box 161)
Abilene, KS 67410) MC ID No. 147473

Applicant's Attorney: None

General commodities (except classes A and B explosives, hazardous materials and household goods),

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Kenneth L. Douglas) Docket No. 185,738 M
Route 3)
Fort Scott, KS 66701) MC ID No. 146452

Applicant's Attorney: John Jandera, 2102 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

Wrecked, disabled, repossessed and replacement vehicles,

Between all points and places in Bourbon, Linn, Allen and Crawford counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Troy Eddings, dba) Docket No. 185,743 M
Eddings Trucking)
Route 1, Box 37)
Greeley, KS 66033) MC ID No. 148008

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

Livestock, grain, feed, feed ingredients, seeds, dry fertilizer, salt, building and construction materials, fencing materials and machinery (restricted, however, to transport no hazardous materials except ammonium nitrate),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Emergency Road Services,) Docket No. 185,739 M
Inc.)
2941 Fremont)
Topeka, KS 66605) MC ID No. 145759

Applicant's Attorney: W. Robert Alderson, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Golden Eagle Transporta-) Docket No. 185,740 M
tion, Inc.)
1201 Triplett Drive, #G73)
Emporia, KS 66801) MC ID No. 146438

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

General commodities (except household goods, classes A and B explosives and commodities in bulk), including hazardous materials and commodities dealt in by supermarkets and discount stores,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Triad Transport, Inc.) Docket No. 185,734 M
1630 Diesel Ave.)
McAlester, OK 74501) MC ID No. 126703

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

General commodities (except household goods and classes A and B explosives),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

We Deliver Quality, Inc.) Docket No. 185,741 M
1306 N.E. Browning Lane)
Lee's Summit, MO 64063) MC ID No. 147477

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

General commodities (except classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, commodities injurious to other lading and hazardous materials as defined in 49 C.F.R. § 172.101) (Also restricted to transport no shipments weighing more than 100 pounds gross weight),

Between all points and places in the state of Kansas.

(continued)

Renoticed Application for Transfer of Certificate of Convenience and Necessity:

LTS, Inc.) Docket No. 180,734 M
1106 N. Hwy. 360, Ste. 400)
Grand Prairie, TX 75050) MC ID No. 142153
TO:
LTS Transportation, Inc.
1106 N. Hwy. 360, Ste. 400
Grand Prairie, TX 75050

Applicant's Attorney: John Jandera, 2101 S.W. 21st,
P.O. Box 237, Topeka, KS 66601-0237

General commodities (except household goods, classes A and B explosives, commodities in bulk and hazardous materials),
Between all points and places in the state of Kansas.

Application for Name Change of Certificate of Convenience and Necessity:

LTS Transportation, Inc.) Docket No. 180,734 M
1106 N. Hwy. 360, Ste. 400)
Grand Prairie, TX 75050) MC ID No. 142153
TO:
MNX Trucking, Inc.
1106 N. Hwy. 360, Ste. 400
Grand Prairie, TX 75050

Applicant's Attorney: John Jandera, 2101 S.W. 21st,
P.O. Box 237, Topeka, KS 66601-0237

General commodities (except household goods, classes A and B explosives, commodities in bulk and hazardous materials),
Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Shane A. New and) Docket No. 185,744 M
Walter Rethman, dba)
N & R Trucking)
Route 3, Box 188) MC ID No. 147478
Holton, KS 66436

Applicant's Attorney: None

Grain, hay and livestock,

Between all points and places in Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Marvin E. Emley, dba) Docket No. 147,568 M
Emley Auto Service)
P.O. Box 952)
Emporia, KS 66801) MC ID No. 122995

Applicant's Attorney: None

Don Carlile
Administrator
Transportation Division

Doc. No. 013324

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet at 1:30 p.m. Monday, April 19, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka.

Lisa Moots
Executive Director

Doc. No. 013310

(Published in the Kansas Register, April 15, 1993.)

Notice of Call for Redemption to the holders of

**City of Baldwin City, Kansas
Water and Electric Utility Revenue Bonds
Series A-1977 and B-1977
Dated May 1, 1977**

Notice is hereby given that pursuant to the provisions of Section 2 of Ordinance No. 692 of Baldwin City, Kansas (the issuer), the above mentioned bonds maturing May 1, 1994, and thereafter, and all unmaturing coupons appertaining thereto (the called bonds), have been called for redemption and payment on May 1, 1993 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the paying agent).

Series A-1977

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
155-160	05-01-1994	\$ 30,000	5.60%

Series B-1977

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
197-200	05-01-1994	\$ 20,000	6.00%

On the redemption date there shall become due and payable upon the presentation and surrender of each such called bond the redemption price thereof equal to 102 percent of the principal amount of the Series A-1977 Bonds and 100 percent of the principal amount of the Series B-1977 bonds, together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Baldwin City, Kansas
Kansas State Treasurer
Topeka, Kansas
as Paying Agent

Doc. No. 013334

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have recently been introduced by the 1993 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced April 1-7:

House Bills

HB 2545, by Committee on Taxation: An act concerning improvement districts; relating to the officers thereof; amending K.S.A. 19-2763 and repealing the existing section.

HB 2546, by Committee on Appropriations: An act concerning health assessments of school pupils; amending K.S.A. 72-5214 and repealing the existing section.

House Concurrent Resolutions

HCR 5023, A concurrent resolution relating to adjournment of the Senate and House of Representatives for a period during the 1993 regular session of the legislature.

House Resolutions

HR 6011, A resolution congratulating and commending Dr. Warren B. Armstrong on his retirement as President of Wichita State University.

Senate Bills

SB 434, by Committee on Federal and State Affairs: An act concerning state boards and commissions; relating to the powers, duties and functions of members thereof; relating to the terms thereof; amending K.S.A. 22-3707, 74-601, 74-2433, 74-2622, 74-3004, 74-3113, 74-3114, 74-3201, 74-4905, 74-5073, 74-7303, 74-8001, 74-8101, 74-8709, 74-8803, 74-8903 and 75-4323 and K.S.A. 1992 Supp. 17-2232, 22-4519, 44-709, 44-1003, 75-2929a and 75-4221a and repealing the existing sections; also repealing K.S.A. 1992 Supp. 17-2232a.

SB 435, by Committee on Federal and State Affairs: An act concerning alcohol related offenses involving the driving or operating of vehicles; amending K.S.A. 8-1001, 8-1002 and 8-1014 and repealing the existing sections.

SB 436, by Committee on Ways and Means: An act relating to counties; concerning the collection of certain delinquent property taxes; amending K.S.A. 79-2018 and repealing the existing section.

Senate Resolutions

SR 1847, A resolution congratulating and commending the Hoxie High School girls' basketball team and Coach Tom Friess for winning the 1993 Class 3A State Basketball Championship in Kansas.

SR 1848, A resolution congratulating and commending Vicki Worrell for winning the National Elementary School Physical Educator of the Year award.

SR 1849, A resolution congratulating and commending James McLean on his retirement and for his commitment to improving communication services for persons with mental retardation.

SR 1850, A resolution designating Minneapolis, Kansas, as the official boyhood home of George Washington Carver.

SR 1851, A resolution in memory of LeRoy Waite.

SR 1852, A resolution congratulating and commending Dr. Warren B. Armstrong on his retirement as President of Wichita State University.

SR 1853, A resolution congratulating and commending the Emporia State University Debate Team and Coach Glen Strickland for winning the 1993 National Debate Collegiate Sweepstakes Championship Award.

SR 1854, A resolution honoring Superintendent Gary Livingston for his many contributions and services to Topeka Unified School District (USD) 501 and to the Topeka community.

SR 1855, A resolution designating the City of Emporia as the official home of the National Teachers Hall of Fame.

SR 1856, A resolution congratulating and commending Jerrod Westfahl on being recognized as 1993 Kansas Outstanding High School Vocational Student and current finalist for National High School Student of the Year and All-American Vocational Student.

SR 1857, A resolution congratulating and commending the Kansas Master Teachers for 1993.

Doc. No. 013320

(Published in the Kansas Register, April 15, 1993.)

Notice of Redemption
Unified School District 469
Leavenworth County, Kansas
General Obligation Improvement Bonds
Series 1986

Dated June 1, 1986

Notice is hereby given to the registered owners of certain General Obligation Improvement Bonds, Series 1986, dated June 1, 1986, of Unified School District 469, Leavenworth County, Kansas, that the school district hereby calls for redemption on June 1, 1993, the following bonds of said series:

Bond Numbers	CUSIP Numbers	Principal Amount	Maturity	Interest Rate
All Bonds	522226BC2	150,000	06-01-1994	8.20%
All Bonds	522226BD0	165,000	06-01-1995	8.20%
All Bonds	522226BE8	175,000	06-01-1996	8.20%
All Bonds	522226BF5	190,000	06-01-1997	8.20%
All Bonds	522226BG3	205,000	06-01-1998	7.60%
All Bonds	522226BH1	225,000	06-01-1999	7.70%
All Bonds	522226BJ7	245,000	06-01-2000	7.80%
All Bonds	522226BK4	265,000	06-01-2001	7.90%
All Bonds	522226BL2	285,000	06-01-2002	8.00%
All Bonds	522226BM0	305,000	06-01-2003	8.10%
All Bonds	522226BN8	335,000	06-01-2004	8.20%
All Bonds	522226BP3	360,000	06-01-2005	8.20%
All Bonds	522226BQ1	390,000	06-01-2006	8.20%

On such date, each of the aforesaid bonds shall become due and payable at a redemption price equal to 101 percent of the principal amount thereof, plus accrued interest thereon to June 1, 1993, and from and after such redemption date interest shall cease to accrue and be payable on said bonds. The bonds so called for redemption should be presented for payment and redemption at the office of the Kansas State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235, on or after June 1, 1993.

Dated April 15, 1993.

Unified School District 469
Leavenworth County, Kansas
By: Security Bank of Kansas City
Kansas City, Kansas
as Escrow Trustee

Doc. No. 013323

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Bill Graves
Secretary of State

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2412

AN ACT concerning public health; relating to assistance at the scene of an accident; amending K.S.A. 65-2891 and repealing the existing section.

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

Section 1. K.S.A. 65-2891 is hereby amended to read as follows:

65-2891. (a) Any health care provider who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to any minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(c) Any health care provider may in good faith render emergency care or assistance during an emergency which occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by the patient's family or by guardian assumes responsibility for such patient's professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

(d) Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases wherein emergency care and assistance is rendered in any physician's or dentist's office, clinic, emergency room or hospital with or without compensation.

(e) As used in this section the term "health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, licensed podiatrist, licensed pharmacist and registered physical therapist, and any physician's assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physicians' assistants of the American board of medical examiners, any person who holds a valid attendant's certificate under K.S.A. 65-6129, and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered or approved by the American red cross, by the American heart association or, by the mining enforcement and safety administration of the bureau of mines of the department of interior, by the national safety council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and any person engaged in a postgraduate training program approved by the state board of healing arts.

Sec. 2. K.S.A. 65-2891 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2488

AN ACT concerning wildlife and parks; relating to conservation service and conservation officers; amending K.S.A. 1992 Supp. 32-808 and repealing the existing section.

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

Section 1. K.S.A. 1992 Supp. 32-808 is hereby amended to read as follows: 32-808. (a) The secretary shall organize a wildlife and parks conservation service and employ conservation officers. The secretary may appoint permanent officers and employees of the department as deputy conservation officers, and may appoint law enforcement officers temporarily assigned to the department pursuant to K.S.A. 74-5610 and amendments thereto, to assist the wildlife and parks conservation service in a manner determined by the secretary. All deputy conservation officer appointments shall be on a voluntary basis and shall expire on December 31 following the date of any such appointment.

(b) The department shall provide a minimum of 40 hours' internal law enforcement training prior to certification of deputy conservation officers.

(c) Conservation officers, deputy conservation officers and any other law enforcement officers authorized to enforce the laws of the state of Kansas shall have the power and authority to:

(1) Enforce all the wildlife and parks laws and other laws of the state, including but not limited to chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations of the secretary. In addition, any conservation officer who has completed the required course of instruction for law enforcement officers approved by the law enforcement training center; upon display of proper credentials, may assist an officer of a law enforcement agency in the making of an arrest at the request of the agency. Such a conservation officer may arrest a person when (A) the conservation officer has a warrant commanding that the person be arrested, (B) the conservation officer has probable cause to believe the person is committing or has committed a felony, (C) the conservation officer has probable cause to believe that the person is committing or has committed a misdemeanor under the circumstances specified in K.S.A. 22-2401 and amendments thereto or (D) a felony or misdemeanor is being committed by the person in the conservation officer's view. If the conservation officer makes an arrest without the presence of an officer of a law enforcement agency, the conservation officer shall cause the person arrested to be delivered to the sheriff, chief of police or the sheriff's or chief's designee in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest and shall be available as a witness. Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-2307, and amendments thereto, as required by any policy adopted by the secretary. A conservation officer acting under authority of this subsection shall be considered an employee of the department and shall be subject to its direction, benefits and legal protection.

(2) Serve warrants and subpoenas issued for the examination, investigation or trial of all offenses against the wildlife and parks laws and rules and regulations of the secretary and of violations of department controlled lands and waters, of any law and of any rule and regulation of the state of Kansas.

(3) Carry firearms or weapons, concealed or otherwise, in the performance of their duties but only if the officer has completed the required course of instruction for law enforcement officers at the law enforcement training center, unless otherwise qualified pursuant to K.S.A. 74-5608a and amendments thereto.

Sec. 2. K.S.A. 1992 Supp. 32-808 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2138

AN ACT relating to group-fund workers compensation pools; reorganization; providing for the transfer of assets, liabilities and fund balances.

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

Section 1. Any municipalities, as defined by K.S.A. 75-6102, and amendments thereto, who have entered into an agreement to pool their liabilities for Kansas workers compensation benefits and employers' liability under the provisions of K.S.A. 44-581 et seq., and amendments thereto, prior to January 1, 1987, may seek to reorganize the pooling agreement under K.S.A. 12-2616 et seq., and amendments thereto. All assets, liabilities and the fund balance of each group-funded workers compensation pool shall be transferred to the pool seeking a certificate of authority under K.S.A. 12-2616 et seq., and amendments thereto, upon authorization by the commissioner of insurance.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2462

AN ACT concerning counties; relating to security for costs on appeal and stay or supersedeas bond; amending K.S.A. 19-108 and repealing the existing section.

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

Section 1. K.S.A. 19-108 is hereby amended to read as follows: 19-108. (a) When a judgment shall be rendered against the board of county commissioners of any county, or against any county officer, in an action prosecuted by or against him, in his the county officer in the officer's name of office, where the same judgment should be paid by the county, no execution shall issue upon said the judgment, but the same. The judgment shall be levied and collected by tax, as other county charges, and. When so collected the judgment shall be paid by the county treasurer to the person to whom the same shall be it is adjudged, upon the delivery of a proper voucher therefor.

(b) The county shall not be required in any proceeding in any court to give security for costs on appeal, or any stay or supersedeas bond, where the county is plaintiff or defendant.

Sec. 2. K.S.A. 19-108 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2429

AN ACT enacting the Kansas nuclear safety emergency preparedness act; authorizing certain fees for emergency planning and preparedness activities by state and local government agencies; relating to accidents at nuclear electricity production facilities; prescribing powers, duties and functions for the adjutant general; establishing the nuclear safety emergency preparedness fee fund.

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

Section 1. This act shall be known and may be cited as the Kansas nuclear safety emergency preparedness act.

Sec. 2. As used in this act:

(a) "Emergency planning zone" means an area surrounding a nuclear facility for which planning is needed to assure that prompt and effective actions can be taken to protect the public in the event of an accident at the facility. Each nuclear facility shall have, as a minimum a plume exposure pathway planning zone consisting of an area of approximately 10 miles radius surrounding the facility and an ingestion exposure pathway planning zone consisting of an area approximately 50 miles in radius surrounding the facility.

(b) "Emergency preparedness" has the meaning ascribed thereto by K.S.A. 48-904 and amendments thereto.

(c) "Nuclear facility" means any facility which utilizes nuclear energy to produce electricity and which has all or any part of an emergency planning zone within Kansas.

(d) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group,

agency, political subdivision of this state, or any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

Sec. 3. (a) Persons engaged in the production of electricity through the utilization of nuclear energy at a nuclear facility shall pay fees to the adjutant general to cover the costs incurred by state and local government agencies in establishing and maintaining appropriate emergency preparedness plans and programs for an accident at a nuclear facility, including the costs of administering this act.

(b) Fees collected under the provisions of this act shall be used exclusively to fund those state and local government activities approved as necessary by the adjutant general to develop, maintain and implement appropriate plans and programs necessary for preparedness for an accident at a nuclear facility and for administration of this act.

(c) State agencies and local governments of Kansas incurring expenses attributable to developing and maintaining plans and programs to meet responsibilities in the event of an accident at a nuclear facility may apply to the adjutant general for payment for those expenses. Upon approval by the adjutant general of emergency preparedness budgets submitted by state and local government agencies therefor, the adjutant general shall pay or reimburse such expenses or may disburse moneys in advance of such expenses from fees collected pursuant to this act.

(d) The adjutant general shall remit to the state treasurer all moneys received from fees fixed and collected pursuant to this act. Upon receipt of such moneys, the state treasurer shall deposit the entire amount in the state treasury and credit it to the nuclear safety emergency preparedness fee fund which is hereby established in the state treasury. The adjutant general shall administer the nuclear safety emergency preparedness fee fund. All expenditures from the nuclear safety emergency preparedness fee fund shall be in accordance with the provisions of appropriation acts.

(e) When the total of all fees collected under this act during any fiscal year exceeds the total expenditures from the nuclear safety emergency preparedness fee fund under this act from appropriations for that fiscal year, the amount of receipts that exceeds such expenditures shall be credited to the persons who were assessed such fees for that fiscal year, and such amount shall be credited against the fees to be collected under this act for the ensuing fiscal year. Each such person shall receive as a credit that amount of the excess which corresponds proportionately to the amount of fees the person paid with respect to all fees collected under this act in the fiscal year that produced the excess.

Sec. 4. (a) The adjutant general shall adopt rules and regulations necessary to administer and implement the provisions of this act. Such rules and regulations shall include a schedule for the submission of emergency preparedness budget requests by participating state and local government agencies and for the payment and disbursement of moneys from the nuclear safety emergency preparedness fee fund. Commencing with the fiscal year ending June 30, 1993, the adjutant general shall prepare a budget estimate for each fiscal year showing the total of operating expenditures and capital improvement expenditures projected to be incurred in administering this act during the fiscal year. The budget estimate under this act shall be prepared only after consultation with those persons liable for the fees imposed under this act as to the costs necessary to enable state and local government agencies to perform their responsibilities in the event of an accident at a nuclear facility.

(b) Within the limitations of appropriation acts, the adjutant general is authorized to employ appropriate personnel necessary to administer the provisions of this act and rules and regulations adopted under this act. All costs incurred by the adjutant general in administering the provisions of this act shall be paid from fees collected pursuant to this act. The adjutant general shall have the duty, in administering this act, to prevent and eliminate any duplication of services or equipment.

Sec. 5. The adjutant general shall administer this act in conjunction with the administration of the Kansas emergency preparedness act.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

HOUSE BILL No. 2444

AN ACT concerning water; providing for a study of financing options for acquisition of certain conservation storage water supply capacity.

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

Section 1. The Kansas water authority shall study options for financing and acquisition by the state of conservation storage water supply capacity in federal reservoirs, other than Tuttle Creek, Melvern and Pomona reservoirs, pursuant to the memorandum of understanding entered into by the state of Kansas and the U.S. army corps of engineers in 1985 or by means of other contractual arrangements. The authority shall submit the results of the study together with any related recommendations in the authority's annual report to the governor and the 1994 legislature.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

SENATE BILL No. 60

AN ACT concerning standing committees of the senate; amending K.S.A. 12-1771a, 46-1602, 46-1604, 74-4905, as amended by section 1 of chapter 218 of the 1992 Session Laws of Kansas, 74-5001a, 74-5049, 74-5080, 74-8001, 74-8002, 74-8004, 74-8005, 74-8101, 74-8105, 74-8204, 74-8310, 74-8405 and 76-483 and K.S.A. 1992 Supp. 46-1801 and 46-2201 and repealing the existing sections.

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

Section 1. K.S.A. 12-1771a is hereby amended to read as follows:

12-1771a. (a) The governing body of a city may establish an increment in ad valorem taxes using the procedure set forth in subsection (b) for projects that are initiated upon a finding that the area is a blighted area under subsection (a)(2) of K.S.A. 12-1771, and amendments thereto, when the following conditions exist:

(1) The proposed district has been identified by the Kansas department of health and environment or the United States environmental protection agency to be an environmentally contaminated area;

(2) the city has entered into a consent decree or settlement agreement or has taken action expressing an intent to enter into a consent decree or settlement agreement with the Kansas department of health and environment or the United States environmental protection agency that addresses the investigation and remediation of the environmental contamination;

(3) the consent decree or settlement agreement contains a provision that has the effect of releasing property owners who are not responsible for the contamination from the responsibility of paying the response costs of the investigation and remediation of the contamination; and

(4) the city intends to establish a redevelopment district pursuant to K.S.A. 12-1771, and amendments thereto, to wholly finance or partially finance the investigation and remediation of contamination within such district.

(b) An increment established after a city has found that the condition in subsection (a)(2) of K.S.A. 12-1771, and amendments thereto, exists shall be set on a yearly basis. For purposes of this section, a yearly basis shall be a calendar year. Each year's increment shall be an amount sufficient to pay the direct costs of investigation and remediation of the contaminated condition anticipated to be incurred that year including principal and interest due on any special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part the remediation and investigation, costs relating to remediation investigation and feasibility studies, operation and maintenance expenses and other expenses relating directly to the investigation and remediation of contamination. Each year's increment shall not exceed 20% of the amount of taxes that are produced from the redevelopment district area in the year the redevelopment district is first established.

(c) The budget that establishes the yearly increment shall be certified by the city to the county clerk and county treasurer no later than August 25th, preceding the calendar year for which the budget is being set. Funds derived from an increment established by this section and interest on all funds derived from an increment established by this section may be used only for projects involving

the investigation and remediation of contamination in the district.

(d) The real property taxes produced by the increment established under subsection (b) from a redevelopment district established under the provisions of K.S.A. 12-1771, and amendments thereto, shall be allocated and paid by the county treasurer to the treasurer of the city and deposited in a special separate fund of the city to pay the direct cost of investigation and remediation of contamination in the redevelopment district. Any funds collected by the city from parties determined to be responsible in any manner for the contaminated condition shall be either: (1) Deposited in the same separate special fund created hereunder, and with all interest earned thereon, may be used only for projects involving the investigation and remediation of contamination in the established redevelopment district; or (2) distributed to parties who have entered into a contract with the city to pay a portion of investigation and remediation of the contamination in the redevelopment district and the terms of such contract provide that such parties are entitled to reimbursement for a portion of funds they have expended for such investigation and remediation of contamination from the recovery of costs that are collected from other third party responsible parties. A redevelopment district created under the provisions of this section shall constitute a separate taxing district. If all costs for such investigation and remediation of contamination in the redevelopment district have been paid and moneys remain in the special fund, such moneys shall be remitted to each taxing subdivision which paid moneys into the special fund on the basis of the proportion which the total amount of moneys paid by such taxing subdivision into the special fund bears to the total amount of all moneys paid by all taxing subdivisions into the fund.

(e) Nothing in this section shall prevent any city from establishing a redevelopment district for other purposes pursuant to K.S.A. 12-1770 *et seq.*, and amendments thereto, which may include part or all of the real property included in the district established under this section.

(f) Nothing in this section shall be construed to affect the obligations of the county to annually review the fair market value of property in accordance with procedures set by law or to affect the right of any taxpayer to protest and appeal the appraised or reappraised value of their property in accordance with procedures set forth by law.

(g) Commencing with the regular session of the legislature in 1993, each city that establishes a redevelopment district under this section shall make a status report on a biennial basis to the *standing committee on commerce of the senate and the standing committees committee* on economic development of the senate and house of representatives during the month of January. The status report shall contain information on the status of the investigation and remediation of contamination in the redevelopment district.

Sec. 2. K.S.A. 46-1602 is hereby amended to read as follows: 46-1602. There is hereby established a standing committee of the senate known as the senate committee on *economic development commerce*. The members of the committee shall be appointed in the same manner as members of other standing committees of the senate. Laws and rules applicable to other standing committees of the senate shall apply to the senate *economic development commerce* committee.

Sec. 3. K.S.A. 46-1604 is hereby amended to read as follows: 46-1604. (a) ~~On January 1, 1987,~~ There is hereby created the joint committee on economic development which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on *economic development commerce* of the senate, or a member of such committee appointed by the chairperson, two members of such committee appointed by the president and two members of such committee appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on economic development of the house of representatives, or a member of such committee appointed by the chairperson, four members of such committee appointed by the speaker and three members of such committee appointed by the minority leader.

(b) All members of the joint committee on economic development shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. After June 30 in odd-numbered

years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. After June 30 in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on economic development may meet at any time and at any place within the state on the call of the chairperson.

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on economic development to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(e) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on economic development.

(f) The joint committee on economic development may introduce such legislation as it deems necessary in performing its functions.

Sec. 4. K.S.A. 1992 Supp. 46-1801 is hereby amended to read as follows: 46-1801. (a) There is hereby established a joint committee on the arts and cultural resources which shall consist of five senators and five members of the house of representatives. The senate members shall be appointed by the committee on organization, calendar and rules. The house of representative members shall be appointed by the speaker of the house of representatives. Not less than one representative member shall be a member of the house committee on appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In addition, not less than one representative member shall be a member of the house committee on economic development and not less than one senator member shall be a member of the senate committee on economic development ~~commerce~~. The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section.

(b) A quorum of the joint committee on the arts and cultural resources shall be six. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson of the joint committee shall be the designated member of the house of representatives from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson of the joint committee shall be the designated member of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on the arts and cultural resources shall study, investigate and analyze the following matters:

(1) The goals appropriate to the future of the arts and cultural life of Kansas including, but not limited to, the following: Public art; individual artists; films, video, radio and music; and historic preservation;

(2) the role the legislature and state government should play in the achievement of these goals;

(3) arts legislation in other states and at the federal level;

(4) the budget and programs of the Kansas arts commission and other state supported arts and cultural programs and agencies;

(5) the present status of arts education in Kansas; and

(6) the economic impact of arts and cultural resources in Kansas.

(d) The joint committee shall report to the legislature on or before December 31 each year any finding and recommendations concerning the arts in Kansas which the joint committee deems appropriate.

The joint committee may introduce such legislation as it deems necessary in performing its functions.

(e) The joint committee on the arts and cultural resources shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(f) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

Sec. 5. K.S.A. 1992 Supp. 46-2201 is hereby amended to read as follows: 46-2201. (a) On January 1, 1993, there is hereby created the joint committee on pensions, investments and benefits which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on ways and means of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president and two members appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on appropriations of the house of representatives, or a member of such committee appointed by the chairperson, four members appointed by the speaker and three members appointed by the minority leader.

(b) All members of the joint committee on pensions, investments and benefits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. After June 30 in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. After June 30 in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on pensions, investments and benefits shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on pensions, investments and benefits.

(e) The joint committee on pensions, investments and benefits may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on pensions, investments and benefits shall:

(1) Monitor, review and make recommendations regarding investment policies and objectives formulated by the board of trustees of the Kansas public employees retirement system;

(2) review and make recommendations relating to benefits for members under the Kansas public employees retirement system; and

(3) consider and make recommendations to the standing committee on confirmations of the senate specified by the president of the senate relating to the confirmation of members of the board of trustees of the Kansas public employees retirement system appointed pursuant to K.S.A. 74-4905 and amendments thereto. On and after July 1, 1993, the information provided by the Kansas bureau of investigation or other criminal justice agency to the senate committee on confirmations pursuant to subsection (h) of K.S.A. 74-4905 and amendments thereto relating to the confirmation of mem-

(continued)

bers of the board to the standing committee of the senate specified by the president shall be forwarded by the Kansas bureau of investigation or such other criminal justice agency to such joint committee for such joint committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the joint committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319 and amendments thereto shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection.

Sec. 6. K.S.A. 74-5001a is hereby amended to read as follows: 74-5001a. The purpose of the department of commerce shall be to develop and implement strategies to:

(a) Facilitate the growth, diversification and expansion of existing enterprises and the creation by Kansans of new wealth-generating enterprises;

(b) promote economic diversification and innovation within the basic industries and sectors of the state;

(c) promote increased productivity and value added products, processes and services among wealth-generating enterprises, and the export of those goods and services created by small and large Kansas enterprises to the nation and world;

(d) maintain and revitalize economically depressed rural areas and urban neighborhoods by annually targeting scarce resources by size, sector and location to communities and enterprises of particular need and opportunity, and by working in close collaboration with local communities;

(e) protect and enhance the environmental quality of the state in ways consistent with dynamic economic growth; and

(f) forge a supportive partnership with the legislative standing and joint committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development, Kansas, Inc., the Kansas technology enterprise corporation, Kansas venture capital, Inc., Kansas certified development companies, Kansas small business development centers, Kansas public and private educational institutions, and other appropriate private and public sector organizations in achieving the economic goals of the state.

Sec. 7. K.S.A. 74-5049 is hereby amended to read as follows:

(a) In order to insure that the department of commerce is effectively administering this act, the department shall cooperate with the standing and joint legislative committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development and Kansas, Inc. in the performance of an independent performance review of the activities of the department and the departmental divisions. The review shall include, but not be limited to: (1) An assessment of the impacts of the department's programs corresponding to the strategic plans of the department and the departmental divisions; (2) a comparative assessment of the relative impact of the department's programs with similar programs in other states; and (3) a comparative assessment of the targeting of the department's programs by size and sector of economic activity, and by location in different areas of the state. The review shall be completed or updated at least once every three years.

(b) The department shall prepare and publish an annual report, which shall be made widely available, of its activities and expenditures for the information of the governor, the standing and joint legislative committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development, Kansas, Inc. and the public, and shall, from time to time, submit recommendations to the governor concerning legislation found to be necessary or desirable in effecting the purposes of this act. The annual report shall specifically account for the ways in which the purposes of the department and its divisions as described in this act have been achieved, and the recommendations shall specifically note what changes in the activities of the department and its divisions, and of state government are necessary to better address the purposes described in this act.

Sec. 8. K.S.A. 74-5080 is hereby amended to read as follows: 74-5080. The secretary shall prepare and submit a report of activities under the trade show promotion act to the standing committees

committee on commerce of the senate and the standing committee on economic development of the senate and house of representatives at the beginning of the regular session of the legislature in 1900 and each regular session thereafter of the legislature. The report shall contain information concerning the types of Kansas small business concerns receiving financial assistance for participation in trade shows and the results obtained from such participation.

Sec. 9. K.S.A. 74-8001 is hereby amended to read as follows: 74-8001. (a) There is hereby created a body politic and corporate to be known as Kansas, Inc. Kansas, Inc. is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function. Kansas, Inc. shall consist of 15 predominately private sector members as follows:

(1) The governor of Kansas;

(2) the secretary of the Kansas department of commerce;

(3) seven members who are appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, as follows:

(A) One member from each of the primary economic sectors in the state—agriculture, oil and gas, and aviation—who are recognized for outstanding knowledge and leadership in their fields;

(B) one member from one other primary, job creating, value added business sector who is recognized for outstanding knowledge and leadership in the member's field;

(C) two members from the private financial sector, one of whom shall have experience in the area of high-risk venture investments, and one of whom shall have commercial banking experience in an industry of special importance to the Kansas economy, and both of whom are recognized for outstanding knowledge and leadership in their fields;

(D) one member representing labor who is recognized for outstanding knowledge and leadership in the member's field;

(4) one member who serves as the commanding general of the Kansas cavalry;

(5) one member who is appointed by the state board of regents from a Kansas university and who is recognized for outstanding knowledge and leadership in the field of economic development;

(6) the speaker of the house, the house minority leader, the president of the senate, and the senate minority leader or legislators who are appointed to represent them and who will provide continuity by virtue of their membership on the house or senate committees on economic development standing committee on commerce of the senate, the standing committee on economic development of the house of representatives or the joint committee on economic development.

(b) (1) State officers who are designated as members of Kansas, Inc. under subsection (a)(1), (a)(2), (a)(4) and (a)(6) shall serve by virtue of office or position.

(2) Members appointed under subsection (a)(6) shall be appointed for a term ending on the first day of the regular legislative session in odd-numbered years.

(3) The member appointed under subsection (a)(5) shall serve for a term of four years.

(4) Members appointed under subsection (a)(3) shall serve for a term of four years, except that, of the members first appointed, two shall serve for a term of two years, three shall serve for a term of three years, and two shall serve for a term of four years.

(5) In case of a vacancy in the appointive membership of Kansas, Inc., a successor shall be appointed in like manner and subject to the same qualifications and conditions as the original appointment of the member creating the vacancy.

Sec. 10. K.S.A. 74-8002 is hereby amended to read as follows: 74-8002. (a) The purpose of Kansas, Inc. shall be to:

(1) Undertake ongoing strategic analysis in order to determine the state's areas of potential and continuing competitive economic advantage and disadvantage;

(2) oversee the formulation of economic development policy and strategic planning for the state;

(3) oversee the targeting of scarce state resources by size and sector of economic activity and by geographic location within the state in order to enhance the state's potential comparative economic advantages;

(4) undertake continuing strategic planning for the improvements of the state's tax, regulatory and expenditure policies to enhance the state's potential comparative economic advantages;

(5) oversee crisis management and opportunity management of short term potential gains or losses in economic activity through impact analysis;

(6) serve in an advisory capacity to the Kansas department of commerce;

(7) provide appropriate oversight to ensure the successful implementation of Kansas venture capital, Inc.

(8) forge a supportive partnership with the legislative standing and joint committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development, the governor and the secretary of commerce, the Kansas technology enterprise corporation, Kansas venture capital, Inc. Kansas certified development companies, Kansas small business development centers, Kansas public and private educational institutions, and other appropriate private and public sector organizations in achieving the economic goals of the state;

(9) establish goals, priorities and program standards, and evaluate the effectiveness of state economic development programs and policies according to the goals, priorities and standards established;

(10) institutionalize ongoing means of collaboration between the executive and legislative branches, the business, agricultural and financial sectors, educational institutions and local communities to create a developing Kansas economy the increasing innovation, creativity, diversity and productivity of which is greater than any one sector can achieve acting alone; and

(11) review and evaluate the Kansas technology enterprise corporation, the major programs and activities of the department of commerce, the statewide risk capital system, the venture capital tax credit, and the investments in research and development activities tax credit.

Sec. 11. K.S.A. 74-8004 is hereby amended to read as follows: 74-8004. (a) In order to achieve its purpose as provided in this act, Kansas, Inc. shall:

(1) Serve in an advisory capacity to the governor, the Kansas department of commerce and the standing and joint legislative committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development.

(2) Assume central responsibility to develop, with the guidance of both the private and public sectors, all facets of a comprehensive long term economic development strategy.

(3) Coordinate the strategy development with all other state and local agencies and offices and state educational institutions which do research work, develop materials and programs, gather statistics, or which perform functions related to economic development; and such state and local agencies and offices and state educational institutions shall advise and cooperate with Kansas, Inc. in the planning and accomplishment of the strategy.

(4) Evaluate and analyze the state's economy to guide the direction of future public and private actions, and report and make recommendations to the governor, the department of commerce, and the standing and joint legislative committees committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development with respect to the state's economy.

(5) Oversee and evaluate the state's economic development activities on an ongoing basis through the establishment of goals, priorities performance standards and the periodic program audit of those goals, priorities and performance standards.

(6) Oversee the implementation of the state's economic development plan and monitor updates of that plan.

(7) Provide appropriate oversight to ensure the successful implementation of Kansas venture capital, Inc.

(8) Oversee the targeting of scarce state resources by size and sector of economic activity and by geographic location within the state in order to enhance the state's potential comparative economic advantages.

(9) Review and evaluate the state economic development plan developed by the department of commerce. Updates of the plan

shall be submitted to Kansas, Inc. by the department no later than July 15 of each year. Kansas, Inc. shall review, evaluate and make recommendations concerning the plan and updates thereof before transmitting the same to the governor and the legislature no later than September 1 of each year.

(10) Review and evaluate the annual reports of the department of commerce, Kansas technology enterprise corporation and Kansas venture capital, Inc. Kansas, Inc. shall transmit recommendations concerning the agencies' activities to the governor and the legislature no later than September 1 of each year.

(b) Kansas, Inc. shall seek advice from the general public and from professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of economic development and planning.

(c) The department of commerce and all other interested state agencies shall cooperate with Kansas, Inc. in providing information and other assistance as may be requested for the performance of its duties with respect to the state's economic development plan.

Sec. 12. K.S.A. 74-8005 is hereby amended to read as follows: 74-8005. (a) Kansas, Inc. shall hire a person to serve as its chief executive officer and president. Kansas, Inc. shall conduct a national search and select a corporation president who meets a national standard of experience, ability and initiative for similar positions. Kansas, Inc. may negotiate and enter into an employment agreement with the individual selected as corporation president which may provide for such compensation and such provisions for allowances, benefits and expenses as may be included in such agreement. Kansas, Inc. is authorized to make all payments and payroll deductions as may be required under such agreement.

(b) The president shall direct and supervise the general management of the corporation and a small core staff of analysts. The president:

(1) May employ and terminate such other employees as designated by the members of Kansas, Inc.;

(2) shall attend board meetings;

(3) shall keep a record of all proceedings and maintain and be custodian of all financial and operational records, documents and papers filed with Kansas, Inc.; and

(4) as a first priority, shall prepare a business plan which shall be approved by the members of Kansas, Inc. and be submitted for review and comment to the legislative standing committees on economic development committee on commerce of the senate, the committee on economic development of the house of representatives or the joint committee on economic development.

(c) Kansas, Inc. is hereby authorized to negotiate and enter into contracts for professional consulting and research services in collaboration with the department of commerce.

(d) Kansas, Inc. is authorized to accept gifts, donations and grants.

(e) Kansas, Inc. is not subject to state purchasing laws.

Sec. 13. K.S.A. 74-8101 is hereby amended to read as follows: 74-8101. (a) There is hereby created a body politic and corporate to be known as the Kansas technology enterprise corporation. The Kansas technology enterprise corporation is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) The corporation shall be governed by a board of 20 directors who shall be residents of this state. The board shall consist of (1) the governor or, at the discretion of the governor, the secretary of the department of commerce, (2) the secretary of the state board of agriculture, (3) four directors who are members of the legislature appointed as provided in subsection (d)(1), (4) four directors who are appointed by legislative officers as provided in subsection (d)(2), and (5) ten directors appointed by the governor subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto.

(c) (1) All 10 of the directors appointed by the governor shall be persons recognized for outstanding knowledge and leadership in their fields. Six of the directors shall be persons from the private sector and four of the directors shall be engineers or scientists who have extensive experience in managing basic or applied scientific and technological research at Kansas educational institutions. Of the six directors appointed from the private sector:

(continued)

(A) Four directors shall be persons who represent industries of the Kansas economy including small enterprises which include, but are not limited to:

- (i) Resource-based industries of agriculture, oil and gas;
- (ii) advanced technology industries of aviation, manufacturing, information and design; and
- (iii) emerging industries of telecommunications, computer software, information services and research services; and

(B) two directors shall be persons who represent the private financial sector of whom one shall have experience in the area of high-risk venture investments, and the other shall have commercial banking experience in an industry of special technological importance to the Kansas economy.

(2) In making appointments to the board, the governor shall give consideration to the qualifications of the persons who served as commissioners of the Kansas advanced technology commission and shall give consideration to appropriate geographical representation.

(3) Two directors shall be appointed for a term of one year, two directors shall be appointed for terms of two years, three directors shall be appointed for terms of three years and three directors shall be appointed for terms of four years. Successors to such directors shall be appointed for terms of four years. Each director shall hold office for the term of appointment and until the successor has been appointed and confirmed. In the event of a vacancy, the vacancy shall be filled by the governor in the manner provided for original appointments for the remainder of the unexpired portion of the term.

(d) (1) Four directors shall be members of the legislature as follows: The speaker of the house, the house minority leader, the president of the senate, and the senate minority leader, or legislators who are appointed to represent them and who will provide continuity by virtue of their membership on the ~~house or senate committees on economic development~~ *standing committee on commerce of the senate, the standing committee on economic development of the house of representatives* or the joint committee on economic development. Legislative officers designated in this subsection shall serve by virtue of office. Legislators appointed under this subsection shall serve from the dates of their appointment until the first day of the regular legislative session in odd-numbered years and are eligible for reappointment.

(2) (A) Four directors shall be appointed by legislative officers as follows: (1) One shall be appointed by the speaker of the house, (2) one shall be appointed by the house minority leader, (3) one shall be appointed by the president of the senate, and (4) one shall be appointed by the senate minority leader. The members so appointed shall be persons who are recognized for outstanding knowledge and leadership in their fields, who are from the private sector and who represent industries of the Kansas economy including small enterprises which include, but are not limited to:

- (i) Resource-based industries of agriculture, oil and gas;
- (ii) advanced technology industries of aviation, manufacturing, information and design; and
- (iii) emerging industries of telecommunications, computer software, information services and research services.

(B) Of the directors first appointed by legislative officers under this subsection (d)(2), the directors appointed by the speaker of the house and the president of the senate shall be appointed to a term of four years and the directors appointed by the house minority leader and the senate minority leader shall be appointed to a term of two years. Successors to such directors shall be appointed for terms of four years. Each director shall hold office for the term of appointment and until the successor has been appointed. In the event of a vacancy, the vacancy shall be filled by the legislative officer who appointed the director who created the vacancy in the manner provided for the original appointment for the remainder of the unexpired portion of the term.

(e) Members of the board of directors, in their dealings with enterprises that may receive financing through the corporation, shall declare any potential conflict of interest and abstain from voting prior to taking any actions relating to that transaction.

(f) The board of directors shall conduct a national search and select a corporate president who meets a national standard of experience, ability and initiative for similar positions. The corporate president shall not be a member of the board.

(g) The board of directors shall hold all board meetings within

the state of Kansas.

(h) Members of the board of directors are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto.

(i) The board shall annually elect from the private sector membership one member as chairperson and one member as vice-chairperson.

(j) The board of directors shall meet at least once during each calendar quarter, and at such other times as may be provided in the rules of the corporation, upon call by the president, the chairperson or upon written request of a majority of the directors.

(k) A majority of the board of directors shall be necessary to transact corporation business, and all actions of the directors shall be by a majority vote of the full number of corporate directors.

(l) The directors shall establish an executive committee composed of the chairperson, vice-chairperson and three additional members chosen by the chairperson from among the remaining directors. The executive committee, in intervals between board meetings, may transact any board business that has been delegated to the executive committee. A majority of the executive committee shall be necessary to transact business and all actions of the executive committee shall be by a majority vote of the committee.

(m) No member of the board of directors is eligible to serve more than two terms of office.

(n) A member appointed to the board of directors by the governor may be removed by the governor for cause, stated in writing, after a hearing thereon.

Sec. 14. K.S.A. 74-8105 is hereby amended to read as follows: 74-8105. (a) The president shall be the chief executive officer of the corporation and shall serve at the pleasure of the board. The president's salary shall be set by the board of directors. The board of directors may negotiate and enter into an employment agreement with the individual selected as president of the corporation which may provide for such compensation and such provisions for allowances, benefits and expenses as may be included in such agreement. The board of directors is authorized to make all payments and payroll deductions as may be required under such agreement. The president shall direct and supervise administrative affairs and the general management of the corporation.

(b) The president:

(1) May employ and terminate such other officers and employees as designated by the board of directors;

(2) shall attend board meetings;

(3) shall appoint a secretary to keep a record of all proceedings and maintain and be custodian of all financial and operational records, documents and papers filed with the corporation and of the minute book of the corporation; and

(4) before accepting any applications as provided for under this act, shall prepare a business plan which shall include the corporate analysis of funding levels of programs in other states that are shown in the report required in subsection (b) of K.S.A. 74-8111 and amendments thereto and the threshold funding levels specified in subsection (c) of K.S.A. 74-8111 and amendments thereto. Upon approval of the business plan by the corporation board, the plan shall be presented to the *standing committee on commerce of the senate and the standing committee on economic development of the house of representatives* or the joint legislative ~~committees~~ *committee* on economic development for review and evaluation.

Sec. 15. K.S.A. 74-8204 is hereby amended to read as follows: 74-8204. Kansas Venture Capital, Inc. shall prepare and publish an annual report of its activities for the information of the governor, the ~~joint and standing legislative committees~~ *committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee* on economic development, Kansas, Inc., and the public which shall be made widely available and shall specifically account for:

(a) The manner in which the purpose as described in this act has been carried out by Kansas Venture Capital, Inc.

(b) The total investments made annually by Kansas Venture Capital, Inc. in Kansas businesses.

(c) An estimate of jobs created and jobs preserved by investments by Kansas Venture Capital, Inc. in Kansas businesses.

(d) An estimate of the multiplier effect on the Kansas economy of investments by Kansas Venture Capital, Inc. in Kansas businesses.

(e) An analysis of the targeting of scarce resources by Kansas Venture Capital, Inc. by size, sector and location to enterprises of particular need and opportunity.

Sec. 16. K.S.A. 74-8310 is hereby amended to read as follows: 74-8310. (a) The secretary shall report annually to the governor, the legislature, and to Kansas, Inc., and to each certified Kansas venture capital company detailing:

- (1) The number of Kansas venture capital companies;
- (2) the total tax credit generated;
- (3) the total investments made in Kansas venture capital companies;
- (4) the total investments in Kansas businesses by Kansas venture capital companies;
- (5) an estimate of jobs created or preserved under the program; and
- (6) an estimate of the multiplier effect on the Kansas economy of the program.

(b) Additionally, the secretary shall evaluate the success of the program in collaboration with Kansas, Inc. and the standing ~~and joint legislative committees~~ *committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development*, and may include specific recommendations for legislation.

Sec. 17. K.S.A. 74-8405 is hereby amended to read as follows: 74-8405. (a) The secretary of commerce shall report annually to the governor, the legislature, and to Kansas, Inc., and to each certified local seed capital pool detailing:

- (1) The number of local seed capital pools;
- (2) the total tax credit generated;
- (3) the total investments made in Kansas venture capital companies;
- (4) the total investments in Kansas businesses by local seed capital pools;
- (5) an estimate of jobs created or preserved under the program; and
- (6) an estimate of the multiplier effect on the Kansas economy of the program.

(b) Additionally, the secretary shall evaluate the success of the program in collaboration with Kansas, Inc. and the standing ~~and joint legislative committees~~ *committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development*, and may include specific recommendations for legislation.

Sec. 18. K.S.A. 76-483 is hereby amended to read as follows: 76-483. (a) The leadership council shall appoint the director of the agricultural value added processing center from a list of nominees prepared by the president of the Kansas technology enterprise corporation. The director shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the leadership council. The director shall receive compensation from appropriations made for the Kansas technology enterprise corporation for the agricultural value added processing center. The director shall be located in the office of the president of Kansas state university.

(b) The director shall be responsible for publishing a formal strategy and set of goals adopted by the leadership council for the agricultural value added processing center and presenting the strategy and goals to the board of directors of the Kansas technology enterprise corporation. At the direction of the leadership council, the director shall prepare a preliminary budget proposal for fiscal year 1990 and present such budget proposal to the board of directors of the Kansas technology enterprise corporation prior to September 1, 1988. Each year, such board of directors shall submit a proposed budget for the agricultural value added processing center within the budget estimate prepared and submitted to the division of the budget pursuant to K.S.A. 75-3717 and amendments thereto. ~~The director shall present the strategy, goals and budget proposals of the agricultural value added processing center to the standing committees on agriculture and economic development of the senate and the house of representatives at the beginning of the regular session of the legislature in 1989 and shall present a follow-up report to such committees during that session and after April 1, 1989.~~

(c) The leadership council shall develop and adopt a formal strategy and set of goals for such agricultural value added processing center and shall revise and update such strategy and goals as deemed necessary by the council. The leadership council may recommend such legislation as the council deems appropriate for the purposes of the agricultural value added processing center.

Sec. 19. On July 1, 1993, K.S.A. 74-4905, as amended by section 1 of chapter 218 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 74-4905. (a) On July 1, 1993, the board of trustees of the Kansas public employees retirement system, as such board existed on June 30, 1993, is hereby abolished. On July 1, 1993, there is hereby established a new board of trustees of the Kansas public employees retirement system. Such board established on July 1, 1993, shall consist of nine members, as follows:

(1) Six appointed members, four appointed by the governor subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto, one appointed by the president of the senate and one appointed by the speaker of the house of representatives;

(2) two retirement system members elected by the members and retirants of the system as provided in subsection (12) of K.S.A. 74-4909 and amendments thereto. Of the two retirement system members elected pursuant to this subsection, one shall be a member of the retirement system who is in school employment as provided in K.S.A. 74-4931 *et seq.* and amendments thereto and one shall be a member of the retirement system other than a member who is in school employment. For purposes of this subsection, retirement system means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges; and

(3) the state treasurer.

(b) All members of the board as provided in subsection (a)(1) and (a)(2) shall serve four-year terms, except that of the members first appointed by the governor, two shall be appointed for two-year terms and the member appointed by the speaker of the house of representatives shall be appointed for a two-year term. The governor shall designate the term for which each of the members first appointed shall serve. All members appointed to fill vacancies in the membership of the board and all members appointed to succeed members appointed to membership on the board shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the board appointed by the governor, the president of the senate, or the speaker of the house of representatives shall be appointed to fill the unexpired term of such member. All vacancies on the board by a member elected by the members and retirants of the system shall be filled as provided by rules and regulations adopted as provided in subsection (12) of K.S.A. 74-4909 and amendments thereto.

(c) The board shall elect a chairperson of the board at the first regular meeting held on or after July 1, 1993, and at each annual meeting thereafter from the members of the board. The chairperson shall preside over meetings of the board and perform such other duties as required by the board.

(d) The chairperson shall appoint another board member as vice-chairperson, and the vice-chairperson shall perform the duties of chairperson in the absence of the chairperson or upon the chairperson's inability or refusal to act.

(e) The six members appointed pursuant to subsection (a)(1) shall have had at least five years' experience in the field of investment management or analysis, actuarial analysis or administration of an employee benefit plan.

(f) No person shall serve on the board if such person has knowingly acquired a substantial interest in any nonpublicly traded investment made with moneys of the fund. Any such person who knowingly acquires such an interest shall vacate such member's position on the board and shall be guilty of a class A misdemeanor. For purposes of this subsection, "substantial interest" means any of the following:

(1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(continued)

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(3) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(4) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(5) If an individual or an individual's spouse has received a loan from or received financing from any bank, savings and loan, credit union or any other financial institution in an amount which exceeds \$2,000, the individual has a substantial interest in that financial institution.

As used in this subsection, "client or customer" means a business or combination of businesses.

Any person who serves on the board shall fully disclose any substantial interest that such person has in any publicly traded investment made with moneys of the fund.

(g) No person who serves on the board shall be employed for a period of two years commencing on the date the person no longer serves on the board and ending two years after such date with any organization in which moneys of the fund were invested, except that the employment limitation contained in this subsection shall not apply if such person's employment is with an organization whose stock or other evidences of ownership are traded on the public stock or bond exchanges.

(h) All members of the board named, appointed or elected to the board shall be subject to an investigation by the Kansas bureau of investigation or other criminal justice agencies. Information to be obtained during such investigation shall include criminal history record information, including arrest and conviction data, criminal intelligence information and information relating to criminal and background investigations as necessary to determine qualifications of such member. Such information shall be forwarded to the senate committee on confirmations specified by the president of the senate for such committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319 and amendments thereto shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection.

(i) All of the powers, duties and functions of the board of trustees of the Kansas public employees retirement system as such board existed prior to July 1, 1993, are hereby transferred to and conferred and imposed upon the board of trustees established pursuant to this act. The board of trustees of the Kansas public employees retirement system established pursuant to this act shall be the successor in every way of the powers, duties and functions of the board of trustees existing prior to July 1, 1993, in which the same were vested prior to July 1, 1993.

Sec. 20. K.S.A. 12-1771a, 46-1602, 46-1604, 74-5001a, 74-5049, 74-5080, 74-8001, 74-8002, 74-8004, 74-8005, 74-8101, 74-8105, 74-8204, 74-8310, 74-8405 and 76-483 and K.S.A. 1992 Supp. 46-1801 and 46-2201 are hereby repealed.

Sec. 21. On July 1, 1993, K.S.A. 74-4905, as amended by section 1 of chapter 218 of the 1992 Session Laws of Kansas, is hereby repealed.

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

(Published in the Kansas Register, April 15, 1993.)

SENATE BILL No. 314

AN ACT concerning criminal procedure; relating to trials and incidents thereto; clerk of the court's preparation of defendant's notice of appeal; amending K.S.A. 1992 Supp. 22-3424 and repealing the existing section.

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

Section 1. K.S.A. 1992 Supp. 22-3424 is hereby amended to read as follows: 22-3424. (1) The judgment shall be rendered and sentence imposed in open court.

(2) If the verdict or finding is not guilty, judgment shall be rendered immediately and the defendant shall be discharged from custody and the obligation of the defendant's appearance bond.

(3) If the verdict or finding is guilty, judgment shall be rendered and sentence pronounced without unreasonable delay, allowing adequate time for the filing and disposition of post-trial motions and for completion of such presentence investigation as the court may require.

(4) Before imposing sentence the court shall: (a) Allow the prosecuting attorney to address the court, if the prosecuting attorney so requests; (b) afford counsel an opportunity to speak on behalf of the defendant; and (c) address the defendant personally and ask the defendant if the defendant wishes to make a statement on the defendant's own behalf and to present any evidence in mitigation of punishment. Before imposing sentence the court may allow the victim or victim's family to address the court, if they so request.

(5) After imposing sentence in a case which has gone to trial on a plea of not guilty, the court shall advise the defendant of the defendant's right to appeal and of the right of a person who is unable to pay the costs of an appeal to appeal in *forma pauperis*. If the defendant so requests the clerk of the court should prepare and file forthwith a notice of appeal on behalf of the defendant.

Sec. 2. K.S.A. 1992 Supp. 22-3424 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

SENATE BILL No. 137

AN ACT relating to the commercial harvest of prairie rattlesnakes; prescribing unlawful acts relating thereto; amending K.S.A. 1992 Supp. 32-941 and 32-988 and repealing the existing sections.

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

Section 1. K.S.A. 1992 Supp. 32-941 is hereby amended to read as follows: 32-941. (a) Except as otherwise authorized by law or rules and regulations of the secretary, a commercial harvest permit is required, in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, to take any wildlife in this state on a commercial basis.

(b) Subsection (a) does not apply to:

(1) A person acting within the scope of a valid furharvester or valid fur dealer license issued to such person; or

(2) a private water fishing impoundment.

(c) Subject to the requirements of law and rules and regulations of the secretary, a person may obtain a commercial harvest permit from the secretary or the secretary's designee by making application and paying the fee prescribed pursuant to K.S.A. 1992 Supp. 32-988, and amendments thereto.

(d) The area and period of time for which a commercial harvest permit is valid shall be in accordance with rules and regulations of the secretary.

(e) Any person having a valid hunting license or any person not required to have a hunting license pursuant to K.S.A. 1992 Supp. 32-919, and amendments thereto, may annually obtain a special permit to harvest prairie rattlesnakes on a commercial basis upon payment of the fee prescribed therefor by K.S.A. 1992 Supp. 32-988, and amendments thereto. Any person may annually obtain a special nonfirearm permit to harvest prairie rattlesnakes on a commercial basis upon payment of the fee prescribed therefor by K.S.A. 1992 Supp. 32-988, and amendments thereto.

(e) (f) The secretary may adopt, in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, rules and regulations nec-

essary to implement, administer and enforce the provisions of this section and to govern the taking of wildlife on a commercial basis except that, for calendar year 1993, the following provisions shall govern the commercial taking, selling, buying, trading and possession of prairie rattlesnakes:

(1) The harvest and possession of prairie rattlesnakes for commercial purposes shall occur only between the effective date of this act and June 30;

(2) the possession limit shall not exceed 30 prairie rattlesnakes;

(3) prairie rattlesnakes may be taken only by hand, snake hook or snake catchers;

(4) prairie rattlesnakes legally taken by a commercial prairie rattlesnake harvest permittee may be sold to: (A) A commercial prairie rattlesnake dealer; (B) a person legally authorized by another state to purchase prairie rattlesnakes; or (C) any other person if the prairie rattlesnakes are not purchased for resale or sold;

(5) any person desiring to purchase prairie rattlesnakes for resale or export from the state shall obtain a commercial prairie rattlesnake dealer permit;

(6) a commercial prairie rattlesnake dealer may possess and sell legally acquired prairie rattlesnakes without regard to time or numbers;

(7) the cost of a commercial prairie rattlesnake harvest permit for any person in possession of a valid hunting license issued to such person or any person not required to have a hunting license pursuant to K.S.A. 32-919 and amendments thereto shall be \$5;

(8) the cost of a commercial prairie rattlesnake harvest permit for any person without a valid hunting license shall be \$20;

(9) the cost of a commercial prairie rattlesnake dealer permit shall be \$50; and

(10) commercial prairie rattlesnake harvest permittees and commercial prairie rattlesnake dealer permittees shall report permit activities if requested by the department.

(g) Rules and regulations adopted by the secretary pursuant to this section may include, with regard to fishing on a commercial basis, establishment and designation of:

(1) Certain portions of the Missouri river bordering on this state and certain streams, lakes and impoundments, or parts thereof, in this state to be open to commercial fishing for such period of time as the secretary specifies;

(2) methods and equipment for the taking of fish on a commercial basis;

(3) inspections and frequency of inspections;

(4) size and specifications of seines, nets, traps and other commercial fishing equipment and methods of tagging such equipment;

(5) procedures for handling, sale or exchange of fish taken on a commercial basis;

(6) species of fish subject to commercial fishing and any size or number restrictions; and

(7) a bonding requirement for commercial fishing.

The secretary may limit commercial fishing to contract only, and the contractor shall provide such reports and information as required by the secretary. In addition to any other penalty prescribed by law for a violation of law or rules and regulations of the secretary pertaining to commercial fishing, the secretary may revoke a commercial fishing contract or refuse to issue such contract.

Sec. 2. K.S.A. 1992 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident: minimum \$10, maximum \$100

Nonresident: minimum \$30, maximum \$400

Big game tag: maximum \$10

Combination hunting and fishing licenses

Resident: minimum \$10, maximum \$30

Lifetime: minimum \$400, maximum \$600; or 8 quarterly payments, each minimum \$55, maximum \$80

Nonresident: minimum \$75, maximum \$125

Commercial dog training permits: minimum \$10, maximum \$25

Commercial guide permit or associate guide permit: maximum \$50

Commercial harvest or dealer permits: minimum \$10, maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: minimum \$200, maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: minimum \$50, maximum \$300

Examinations: minimum \$25, maximum \$100

Field trial permits: minimum \$10, maximum \$25

Fishing licenses

Resident: minimum \$5, maximum \$15

Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45

Nonresident: minimum \$15, maximum \$50

Five-day nonresident: minimum \$5, maximum \$15

Institutional group: minimum \$100, maximum \$200

Twenty-four-hour: maximum \$3

Fur dealer licenses

Resident: minimum \$50, maximum \$200

Nonresident: minimum \$50, maximum \$400

Furharvester licenses

Resident: minimum \$10, maximum \$20

Nonresident: minimum \$50, maximum \$400

Game breeder permits: minimum \$2, maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: minimum \$10, maximum \$25

Hunting licenses

Resident: minimum \$5, maximum \$15

Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45

Nonresident: minimum \$25, maximum \$75

Controlled shooting area: minimum \$5, maximum \$15

Forty-eight-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: minimum \$3, maximum \$5

Mussel fishing licenses

Resident: minimum \$25, maximum \$200

Nonresident: minimum \$50, maximum \$400

Rabbit permits

Live trapping: maximum \$200

Shipping: minimum \$25, maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

Special permits under K.S.A. 1992 Supp. 32-961: maximum \$100

Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to 1/2 the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to 1/2 the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 1992 Supp. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 3. K.S.A. 1992 Supp. 32-941 and 32-988 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

SENATE BILL No. 422

AN ACT concerning the Kansas development finance authority; relating to the Kansas basic enterprises loan program; amending K.S.A. 74-8905 and repealing the existing section.

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

Section 1. K.S.A. 74-8905 is hereby amended to read as follows: 74-8905. (a) The authority is hereby authorized and empowered to issue bonds, either for a specific activity or on a pooled basis for a series of related or unrelated activities or projects duly authorized by a political subdivision or group of political subdivisions of the state in such amounts as shall be determined by the authority for the purpose of financing capital improvement facilities, educational facilities, health care facilities and housing developments. Nothing in this act shall be construed to authorize the authority to issue bonds or use the proceeds thereof to (1) purchase, condemn, or otherwise acquire a utility plant or distribution system owned or operated by a regulated public utility or (2) finance any capital improvement facilities, educational facilities, or health care facilities which are authorized under the laws of the state to be financed by the issuance of general obligation or utility revenue bonds of a political subdivision, except that the acquisition by the authority of general obligation or utility revenue bonds issued by political subdivisions with the proceeds of pooled bonds shall not violate the provisions of the foregoing. Nothing in this subsection (a) shall prohibit the issuance of bonds by the authority when any statute specifically authorizes the issuance of bonds by the authority or approves any activity or project of a state agency for purposes of authorizing any such issuance of bonds in accordance with this section and provides an exemption from the provisions of this subsection (a).

(b) The authority is hereby authorized and empowered to issue bonds for activities and projects of state agencies as requested by the secretary of administration. No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. When requested to do so by the secretary of administration, the authority is further authorized and empowered to issue bonds for the purpose of refunding, whether at maturity or in advance of maturity, any outstanding bonded indebtedness of any state agency. The revenues of any state agency which are pledged as security for any bonds of such state agency which are refunded by refunding bonds of the authority may be pledged to the authority as security for the refunding bonds.

(c) The authority is hereby authorized and empowered to issue bonds for the purpose of financing industrial enterprises, agricultural business enterprises, educational facilities, health care facilities and housing developments, or any combination of such facilities, or any interest in facilities, including without limitation leasehold interests in and mortgages on such facilities. No less than 30 days prior to the issuance of any bonds authorized under this act with respect to any project or activity which is to be undertaken for the direct benefit of any person or entity which is not a state agency or a political subdivision, written notice of the intention of the authority to provide financing and issue bonds therefor shall be given by the president of the authority to the governing body of the city in which the project or activity is to be located, or, if the project or activity is not proposed to be located within a city, such notice shall be given to the governing body of the county. No bonds for the financing of the project or activity shall be issued by the authority for a one-year period if, within 15 days after the giving of such notice, the governing body of the political subdivision in which the project or activity is proposed to be located shall have duly enacted an ordinance or resolution stating express disapproval of the project or activity and shall have notified the president of the authority of such disapproval. The provisions of this subsection shall not apply to the Kansas basic enterprises loan program.

(d) The authority is hereby authorized and empowered to issue bonds for the purpose of establishing and funding one or more series of venture capital funds in such principal amounts, at such interest

rates, in such maturities, with such security, and upon such other terms and in such manner as is approved by resolution of the authority. The proceeds of such bonds not placed in a venture capital fund or used to pay or reimburse organizational, offering and administrative expenses and fees necessary to the issuance and sale of such bonds shall be invested and reinvested in such securities and other instruments as shall be provided in the resolution under which such bonds are issued. Moneys in a venture capital fund shall be used to make venture capital investments in new, expanding or developing businesses, including, but not limited to, equity and debt securities, warrants, options and other rights to acquire such securities, subject to the provisions of the resolution of the authority. The authority shall establish an investment policy with respect to the investment of the funds in a venture capital fund not inconsistent with the purposes of this act. The authority shall enter into an agreement with a management company experienced in venture capital investments to manage and administer each venture capital fund upon terms not inconsistent with the purposes of this act and such investment policy. The authority may establish an advisory board to provide advice and consulting assistance to the authority and the management company with respect to the management and administration of each venture capital fund and the establishment of its investment policy. All fees and expenses incurred in the management and administration of a venture capital fund not paid or reimbursed out of the proceeds of the bonds issued by the authority shall be paid or reimbursed out of such venture capital fund.

(e) The authority is hereby authorized and empowered to use the proceeds of any bond issues herein authorized, together with any other available funds, for venture capital investments or for purchasing, leasing, constructing, restoring, renovating, altering or repairing facilities as herein authorized, for making loans, purchasing mortgages or security interests in loan participations and paying all incidental expenses therewith, paying expenses of authorizing and issuing the bonds, paying interest on the bonds until revenues thereof are available in sufficient amounts, purchasing bond insurance or other credit enhancements on the bonds, and funding such reserves as the authority deems necessary and desirable. All moneys received by the authority, other than moneys received by virtue of an appropriation, are hereby specifically declared to be cash funds, restricted in their use and to be used solely as provided herein. No moneys of the authority other than moneys received by appropriation shall be deposited with the state treasurer.

(f) (1) The authority is hereby authorized and empowered to develop and implement the Kansas basic enterprises loan program and to issue bonds for the financing of loans thereunder. All loans under the program shall be made to eligible Kansas basic enterprises in accordance with guidelines and conditions prescribed by the authority and by statute. Each loan under the program shall be qualified, entered into and serviced by a financial institution acting as the agent of the authority and receiving a fee for such services pursuant to a contract entered into by the authority with the financial institution. The authority shall prescribe monitoring and reporting requirements for participating financial institutions to provide for the monitoring of each loan under the program and the activities of the eligible Kansas basic enterprise in connection with the loan to provide for compliance with the loan provisions and the provisions of this subsection. Each loan under the program shall be in an amount of not less than \$20,000 and not more than \$200,000 and shall be matched by a subordinated loan to the eligible Kansas basic enterprise from the participating financial institution which shall be in an amount of not less than 15% of the amount of the loan made under the program. The eligible Kansas basic enterprise receiving a loan under the program shall contribute equity capital to the project, for which the loan is being made under the program, which capital is equal to at least 10% of the total cost of the project. Loans may be made to an eligible Kansas basic enterprise under the Kansas basic enterprise loan program for the purposes of purchasing, leasing, constructing, restoring, renovating, altering, repairing and equipping facilities, refinancing of facilities and providing working capital. Subject to the provisions of this subsection (f), the authority is hereby authorized to pledge moneys credited to the Kansas basic enterprises loan guarantee fund in security for bonds issued under the program. Nothing in this act shall preclude the making of any loan under this program as part of a packaged loan arrangement for an eligible Kansas

basic enterprise which includes one or more loans or loan guaranties from the small business administration or farmers home administration of the federal government or from other lenders.

(2) There is hereby established in the state treasury the Kansas basic enterprises loan guarantee fund. The fund shall be administered by the authority and all moneys in the fund shall be used for the purposes of pledging security for bonds issued to finance loans to eligible Kansas basic enterprises pursuant to this subsection (f). All expenditures from the Kansas basic enterprises loan guarantee fund shall be made in accordance with the provisions of appropriations acts for the purposes of satisfying obligations arising pursuant to surety agreements entered into pursuant to this subsection (f) on warrants of the director of accounts and reports issued pursuant to vouchers signed by the president of the authority or a person designated by the president.

Sec. 2. K.S.A. 74-8905 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 15, 1993.)

SENATE BILL No. 199

AN ACT requiring preschool students to receive certain tests and inoculations; amending K.S.A. 72-5209 and repealing the existing section.

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

Section 1. K.S.A. 72-5209 is hereby amended to read as follows: 72-5209. (a) Subject to the provisions of subsection (c), in each school year, every pupil enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other pupils as may be designated by the secretary, prior to admission to and attendance in school, shall present to the appropriate school board certification from a physician or local health department that the pupil has received, or is in the process of receiving and will have completed within 90 days after admission to school, such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary.

(b) As an alternative to the certification required under subsection (a), a pupil shall present:

(1) Certification from a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child, or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations, or

(3) a written statement signed by one parent or guardian that such tests or inoculations are in the process of being received and will be completed within 90 days after admission to school.

(c) Every pupil enrolling or enrolled in any school in this state who has not complied with the requirements of subsections (a) or (b) of this section, shall present evidence of compliance with either of such subsections to the school board upon admission to school.

(d) Prior to the commencement of each school year, the school board of every school affected by this act shall give to all known pupils who are enrolled or who will be enrolling in the school, or as designated by the secretary, a copy of this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(e) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement showing evidence of compliance with the requirements of this act to the school board of the school to which the pupil transfers.

Sec. 2. K.S.A. 72-5209 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, April 26, 1993

29591

Department of Commerce—Mailing services

29594

Department of Revenue—Reflective sheeting for validation stickers

95632

Department of Transportation—Sweeper

95633

Department of Transportation—Removal and delivery of KDOT aggregate, Morton County

Tuesday, April 27, 1993

A-7099

Kansas State University—A-23 parking lot renovation

A-7100

Kansas State University—A-14 parking lot reconstruction

A-7103

Department of Administration, Division of Facilities Management—ADA toilet modifications, Docking State Office Building

A-7104

Department of Administration, Division of Facilities Management—Life safety renovations, first floor, Docking State Office Building

29323

Statewide—Notebook computers

29493

Statewide—Influenza vaccine

29597

Wichita State University—Direct mail services

95642

University of Kansas—Paper, printing and binding

Wednesday, April 28, 1993

A-7102

Wichita State University—Commons remodel, campus activities center

A-7106

Department of Administration, Division of Facilities Management—Renovations, Docking State Office Building

(continued)

29592

Department of Administration, Division of
Information Systems and Communications—Terminal
controllers

95641

Kansas State University—Soybean meal

95650

Kansas Correctional Industries—Fabrication of cell
furniture, Hutchinson

95651

Department of Administration, Division of
Information Systems and Communications—3720
peripherals and upgrades

95652

University of Kansas—3380 DASD

95653

Department of Administration, Division of
Information Systems and Communications—Hitachi
controllers and DASD

95654

University of Kansas—Photomultiplier tube

95655

University of Kansas—Microplate reader

95656

University of Kansas—LP chromatography system

95665

Kansas State University—CO2 incubator and bio
safety cabinet

95666

Adjutant General's Department—Furnish and
install lock system, Fort Leavenworth

95667

Kansas State University—Lawn tractor, Topeka

95668

University of Kansas—Plumbing materials

95712

Department of Health and Environment—Design
and install air stripper

95732

Kansas Neurological Institute—Reach-in
refrigerators and freezers

Thursday, April 29, 1993

A-7086

Department of Administration, Division of
Facilities Management—Building management
system, Forbes buildings

27337-Supp.

Various state agencies—Tableware

95690

Department of Transportation—Wood guardrail
posts and blocks, Chanute

95691

Kansas State University—Furnish and install metal
building, Colby

95692

Kansas State University—Furnish and install wood
frame building

95694

Winfield State Hospital—Patient lifts

95701

University of Kansas—Optical table

95702

University of Kansas Medical Center—Surgical
table

Friday, April 30, 1993

A-5927(a)

University of Kansas—Brick seal and coping stone
repair, Jayhawker Towers

A-6938, A-6746

Larned State Hospital—Asbestos abatement,
crawlspaces, Allen and Meyer buildings

A-6979

Kansas Neurological Institute—Miscellaneous
mechanical projects

A-7109

Wichita State University—Parking lot repairs

29596

Statewide—June (1993) meat products

95710

Kansas State University—Digital imaging system
for planar radiochromatography

95711

Wichita State University—Engraving system

95720

Kansas Historical Society—Asphalt paving, Pawnee
Rock

95721

Department of Social and Rehabilitation Services—
TV/VCR combination equipment

95722

Hutchinson, Ellsworth, Norton and Lansing
Correctional Facilities—AS/400 laser printers

Tuesday, May 4, 1993

A-7089(a), A-7089(b)

Kansas Highway Patrol—Reroofing projects,
Marian and Antoinette buildings, Salina

Wednesday, May 5, 1993

A-6895

University of Kansas Medical Center—Murphy
Hall, HVAC system upgrade

A-6983

Kansas Neurological Institute—Replacement of
existing underground storage tanks

95689

Emporia State University—Token ring adapter
cards

Friday, May 7, 1993

A-6975

Winfield State Hospital and Training Center—
Install sewage lift station and forced main

29581

Kansas State University—Ethernet transceivers and
repeaters

95741

University of Kansas Medical Center—Furnish and install dictation equipment (upgrade and expansion)

Wednesday, May 19, 1993

95649

University of Kansas Medical Center—Sale of cadaver storage racks

Tuesday, June 1, 1993

29599

Department of Social and Rehabilitation Services—Worker's compensation insurance

29602

University of Kansas Medical Center—Hospital professional liability insurance

Thursday, June 3, 1993

29588

University of Kansas, Kansas State University and Emporia State University—Individual professional liability insurance

Request for Proposals

Monday, April 26, 1993

29600

Contaminated site investigation at Galva, Kansas, for the Department of Health and Environment

29601

Consulting service to analyze and investigate the application of KN Energy for Citizen's Utility Ratepayer Board

Jack R. Shipman
Director of Purchases

Doc. No. 013325

State of Kansas

Office of Judicial Administration

Court of Appeals Docket

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

Kansas Court of Appeals
Johnson County Community College
Overland Park, Kansas

Thursday, April 22, 1993

Before Elliott, P.J.; Rulon and Pierron, JJ.

10:00 a.m.

Case No.	Case Name	Attorneys	County
65,488	Robin Overbaugh, v. James Strange, Appellee, and KC Power & Light, Appellant.	James L. Crabtree J. Nick Badgerow	Johnson
67,903	City of Overland Park, Appellee, v. Thomas Pavelcik, Appellant.	William Isenhour Jr. Michael A. Rump	Johnson
67,512	George Porras, Appellant, v. Donald Bell, et al., Appellees.	Steven A. Jensen	Johnson
		Robert L. Morse	
		Michael T. Halloran Timothy McNamara	Johnson
		W. Joseph Hatley	
		1:30 p.m.	
68,619	Kurt Kuemmerlein, Appellee, v. Joanna Russell, et al., Appellants.	Leland F. Dempsey Gregory D. Bangs	Johnson
68,770	Darrell Myers, Jr., Appellee, v. Dept. of SRS, Appellant.	Ben T. Schmitt	Johnson
68,700	Thomas Gilliam, Appellee, v. Delbert and Sandra Kimbrough, Appellants.	Lewis Heaven Jr.	Johnson
		Barbara J. Steele	
		Denise L. Adams	Wyandotte
		Hal D. Meltzer	

(continued)

Kansas Court of Appeals

Court of Appeals Courtroom, 3rd Floor, Old Sedgwick County Courthouse
510 N. Main, Wichita, Kansas

Tuesday, April 27, 1993

Before Elliott, P.J.; Larson, J.; and Timothy E. Brazil,
District Judge, assigned.

11:00 a.m.

Case No.	Case Name	Attorneys	County
68,179	In the Matter of the Marriage of Janet L. Fischer and Eric O. Fischer.	M. David Zacharias John E. Stang	Sedgwick
68,464	State of Kansas, Appellee, v. Kenneth L. Fryar, Appellant.	Debra S. Byrd Attorney General Brad L. Keil	Sedgwick

1:00 p.m.

68,659	Larry and Linda Teeter, Appellants, v. Michael Mitchell and Leonard Ropfogel, Appellees.	Ross Wichman Timothy McKee	Gove
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Summary Calendar—No Oral Argument

68,105	Michael Mitchell, Appellant, v. State of Kansas, Appellee.	William R. Griffith Attorney General	Sedgwick
68,250	State of Kansas, Appellee, v. Ray R. Bernal, Appellant.	Debra S. Byrd County Attorney Attorney General Julie Gorenc	Finney

Before Elliott, P.J.; Lewis, J.; and Timothy E. Brazil,
District Judge, assigned.

2:00 p.m.

68,750	Union National Bank of Wichita, Appellant, v. Clifford Schmitz, Appellee.	Matthew D. Flesher	Sedgwick
68,827	Thomas and Regena Penka, Appellants, v. E&C Farms, et al., Appellees.	Clifford Schmitz, <i>pro se</i> Gordon B. Stull	Pratt
68,424	Stewart A. Schultz, Appellee, v. Dept. of Revenue, Appellant.	Robert Eisenhauer Martin J. Keenan Brian Cox	Barton

Summary Calendar—No Oral Argument

68,793	State of Kansas, Appellee, v. David L. Cline, Appellant.	County Attorney Attorney General	Barber
68,380	State of Kansas, Appellee, v. Rudy C. Agosto, Appellant.	Robert Christensen Debra S. Byrd Attorney General Hazel Haupt	Sedgwick

Wednesday, April 28, 1993

Before Larson, P.J.; Lewis, J.; and John O. Sanderson,
District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,411	Arden O'Dell, Appellee, v. A-1 Mobile Home Transport, et al., Appellants.	Vincent Bogart Cortland Clotfelter Vincent Burnett	Sedgwick
68,583	Louisa Passman, Appellant, v. J.P. Weigand & Sons, Inc., et al., Appellees.	Lynn D. Preheim D. Lee McMaster David G. Crockett James D. Oliver	Sedgwick

11:00 a.m.

67,686	In the Matter of the Application of Lisa D. Tolle for writ of habeas corpus.	Steven R. Zinn Debra S. Byrd	Sedgwick
68,101	State of Kansas, Appellee, v. Francisco Montano, Appellant.	County Attorney Attorney General Kristine Paredes	Sumner

1:00 p.m.

68,916	Virginia Krom, Appellant, v. Manor Wood Healthcare, et al., Appellees.	Russell B. Cranmer J. Philip Davidson Paul Hasty, Jr.	Barton
68,110	Ronald and Martha Scranton, Appellants, v. AT&SF Rwy. Co., Appellee.	Robert L. Feldt Nola Wright Viola	Pawnee

2:00 p.m.

67,983 SC	State of Kansas, Appellee, v. Crystal L. Cross, Appellant.	Debra S. Byrd Attorney General Jean Gilles Phillips	Sedgwick
67,123	State of Kansas, Appellee, v. Stephen P. Murphrey, Appellant.	Debra S. Byrd Attorney General Geary Gorup	Sedgwick

Summary Calendar—No Oral Argument

68,496	Roger Redding, Appellant, v. Cindy Lou Redding, Appellee.	Roger Redding, <i>pro se</i> Cindy Keim, <i>pro se</i>	Coffey
68,274	State of Kansas, Appellee, v. Paul L. Goseland, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
67,990	State of Kansas, Appellee, v. Randy Q. Rone, Appellant.	Debra S. Byrd Attorney General Jessica R. Kunen	Sedgwick

(continued)

Kansas Court of Appeals
Division 1, Courtroom 300, Johnson County Courthouse
Olathe, Kansas

Tuesday, April 27, 1993

Before Pierron, P.J.; Rulon, J.; and Karen M. Humphreys,
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
68,486	In the Matter of the Marriage of Kathy H. Rodgers and Bryan H. Rodgers.	George M. Wolf Anton C. Andersen	Johnson
68,487	In the Interest of R.E.D. II and J.J.D.	R. Bruce Kips Thomas Kelly Ryan Stephen V. Sickel District Attorney	Johnson
10:30 a.m.			
66,586	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v. Randall William Murphy, Appellant.	Wendy Slayton	
68,663	Burl Kline, Appellant,	Jon G. Carlson Michelle M. Suter	Wyandotte
	v. AT&SF Rwy. Co., Appellee.	Nola Wright Viola William Coates Jr.	
68,463	Dominique Allen, <i>et al.</i> , Appellees,	Dennis L. Horner Keith C. Sevedge Michael L. Sexton	Wyandotte
	v. Emergency Physicians Serv., <i>et al.</i> , Appellants.	Denise L. Adams	

1:30 p.m.

68,587	Atchison Casting Corp., Appellant,	Richard P. Senecal James D. Griffin John R. Phillips	Atchison
	v. Thomas Schneider, Appellee.	Daniel S. Garrity	
68,580	In the Matter of the Marriage of Marcia E. Butell and Leo J. Butell.	Michael E. Riling Sherrie E. Loveland	Douglas
68,562	Mary Lisbeth O'Brien, Appellant,	Pedro L. Irigonegaray	Douglas
	v. Richard McFarlane, <i>et al.</i> , Appellees.	Paul Hasty Jr.	
68,369	Earl Monroe, <i>et al.</i> , Appellants,	Dan E. Turner John E. Larson	Greeley
	v. Rickel, Inc., <i>et al.</i> , Appellees.	Frank W. Lipsman Nathalie C. Elliott	
68,433	First State Bank, Appellee,	Charles Fowler Thomas Hamill	Wyandotte
	v. Madison Group, <i>et al.</i> , Appellants.	Michael L. Zevitz	

Summary Calendar—No Oral Argument

68,901	In the Matter of the Application of Loren E. Jones Jr. for writ of habeas corpus.	Thomas L. Boeding District Attorney	Wyandotte
68,529	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v. Christopher H. Simms, Appellant.	Jean Gilles Phillips	

68,541	State of Kansas, Appellee,	Nick A. Tomasic Attorney General	Wyandotte
	v.		
	Arthur Lee Cook, Appellant.	Jean Gilles Phillips	

Kansas Court of Appeals

Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas

Tuesday, April 27, 1993

Before Royse, P.J.; Brazil, J.; and Theodore B. Ice,
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,193	Lisa Dunn, Appellant, v. Earl Hindman, Director, Appellee.	Benjamin Wood Attorney General District Attorney	Shawnee
68,942	Glen Broaddus, Appellant, v. Transnational Diversified, Inc., Appellee.	B. Keith Kocher J. H. Eschmann	Shawnee

10:00 a.m.

68,797	Prairie Corp. of Topeka, Appellant, v. City of Topeka, Appellee.	Edwin P. Carpenter Neil Roach	Shawnee
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10:30 a.m.

68,762	In the Matter of the Adoption of Baby Boy B.	John L. Weingart Elizabeth Lea Henry Philip A. Burdick Paula Kidd Casey	Doniphan
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Summary Calendar—No Oral Argument

67,745	State of Kansas, Appellee. v. James Craig, Appellant.	County Attorney Attorney General Rebecca Woodman	Seward
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Before Royse, P.J.; Gernon, J.; and Theodore B. Ice,
District Judge, assigned.

1:00 p.m.

68,193	State of Kansas, Appellee, v. Wesley A. Rowe, Appellant.	County Attorney Attorney General Robert D. Hecht	Wabaunsee
68,383	State of Kansas, Appellee, v. Joel A. Meyers, Appellant.	County Attorney Linda K. Glaze	Lyon
67,885	State of Kansas, Appellee, v. Ricky J. Stovall, Appellant.	County Attorney Attorney General Reid Nelson	Lyon

(continued)

Summary Calendar—No Oral Argument

68,457	State of Kansas, Appellee, v. Trenton L. Kohlman, Appellant.	County Attorney Attorney General Courtland E. Berry	Chase
Before Gernon, J.; Brazil, J.; and Theodore B. Ice, District Judge, assigned.			
3:00 p.m.			
67,935	Thomas P. Bird, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Attorney General County Attorney	Lyon
68,628	Christopher Alexander, <i>et al.</i> , Appellees, v. Adjutant General, Appellant.	Brad E. Avery Kathryn D. Myers Attorney General Les E. Diehl	Shawnee
68,581	Clifford and Patricia Dick, Appellants, v. Henry and Lillie McKinney, Appellees.	Linda S. Mock Jonathan B. Phelps Henry McKinney, <i>pro se</i>	Jefferson

Summary Calendar—No Oral Argument

68,819	In the Matter of the Marriage of Linda Lou Haislett and David Lee Haislett.	Philip W. Unruh Nicholas St. Peter	Cowley
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Wednesday, April 28, 1993

Before Gernon, P.J.; Brazil, J.; and Janice D. Russell,
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
68,662	Robert and Regina Sebree, <i>et al.</i> , Appellants, v. Shawnee Co. Comm., <i>et al.</i> , Appellees.	Stephen P. Weir Gregory A. Lee Jeffrey A. Chanay	Shawnee
68,070	State of Kansas, Appellee, v. Lois Knopp, Appellant.	County Attorney Attorney General Benjamin Wood Jessica R. Kunen	Geary
10:00 a.m.			
67,463	Stephen Behnke, Appellant, v. Arthur St. John, <i>et al.</i> , Appellees.	Terry E. Beck William A. Larson	Shawnee
68,188	State of Kansas, Appellee, v. Carl D. Smith, Appellant.	County Attorney Attorney General Rebecca Woodman	Atchison

Summary Calendar—No Oral Argument

68,279 State of Kansas, Appellee, County Attorney
Attorney General Lyon
v.
Donald J. Dalberg, Appellant. Ty R. Wheeler

Before Gernon, P.J.; Royse, J.; and Theodore B. Ice,
District Judge, assigned.

11:30 a.m.

68,666 In the Matter of the Application of John M. Duma Shawnee
National Joint Apprenticeship Board. R. Wayne Lampson

1:00 p.m.

68,771 Brent and Elizabeth Brock, Appellants, Wm. Scott Hesse Riley

v.
68,317 Roberts Realty Inc., *et al.*, Appellees. Curtis L. Tideman
State of Kansas, Appellee, County Attorney
Attorney General Lyon

v.
Roger Major Suggs, Appellant. Lucille Marino

Summary Calendar—No Oral Argument

67,884 Roger P. Oden, Appellant, Wendy Slayton Ellsworth
v.
State of Kansas, Appellee. Attorney General
County Attorney

Before Royse, P.J.; Brazil, J.; and Janice D. Russell,
District Judge, assigned.

2:30 p.m.

68,548 In the Interest of A.R.S., E.M.S., T.J.S., D. Randall Heilman Morris
and T.E.S. County Attorney
Kenneth McClintock

68,428 State of Kansas, Appellant, Leo N. Johnson
County Attorney
Attorney General Brown

v.
68,512 Tracy D. Peabody, Appellee. Daniel S. Garrity
In the Matter of the Appeal of Samuel Michael Lennen
and Ralph Cohen, *et al.* David H. Fisher Judicial
Thomas E. Hatten Review

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Department of Wildlife
and ParksPermanent Administrative
Regulations

Article 4.—BIG GAME

115-4-1. Turkey; legal equipment, taking methods, reports, tags and general provisions. (a) Hunting equipment for the taking of turkey during an archery turkey season shall consist of:

- (1) bows and arrows;
- (2) each bow shall not be less than 45 pound pull up to or at full draw;
- (3) each bow shall be hand drawn;
- (4) each bow shall have no mechanical device that locks the bow at full or partial draw;
- (5) each bow shall be designed to shoot only one arrow at a time;
- (6) each bow shall have no more than 65% let-off;
- (7) each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights attached to the front of the bow;
- (8) each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges; and
- (9) each arrow used for hunting shall be not less than 20 inches in length.

(b) Hunting equipment for turkey during a firearms turkey season shall consist of:

- (1) archery equipment as authorized in subsection (a);
 - (2) shotgun and muzzleloading shotgun of not less than 20 gauge; and
 - (3) only size 2 shot through size 9 shot shall be used with shotguns and muzzleloading shotguns.
- (c) Non-electric calls, lures and decoys, except live decoys, may be used while hunting turkey.
- (d) Blinds and stands may be used while hunting turkey.
- (e) Turkeys shall only be shot while the turkey is on the ground or in flight.

(f) Carcass tag:

- (1) each permittee shall have in possession a carcass tag while hunting turkey;
- (2) the permittee shall sign and date the tag and attach it to the carcass immediately following the kill and before moving the carcass from the site of the kill;
- (3) the carcass tag shall remain attached to the carcass until the turkey is processed for consumption; and
- (4) removal of the carcass tag from the permit shall invalidate the permit for hunting.

(g) Legally taken turkey may be possessed without limit in time and may be given to another if accompanied by a written notice containing the donor's name, address and permit number.

(h) General provisions:

- (1) unless otherwise authorized by rules and regulations, an individual shall not submit more than one

permit and one second turkey game tag application for a turkey season;

(2) unless otherwise authorized by rules and regulations, an individual shall not obtain more than one permit and one second turkey game tag for a turkey season;

(3) any applicant unsuccessful in obtaining a permit through a drawing may apply for any left-over permit remaining after the drawing, and may apply for any permit that is not limited;

(4) only turkey permit holders shall be eligible to apply for turkey game tags;

(5) a permit or turkey game tag shall be non-transferable;

(6) a permit or turkey game tag refund shall be granted only if a permittee dies prior to the opening date of the season for which the permit or turkey game tag was issued;

(7) in addition to other penalties prescribed by law, each permit or turkey game tag obtained by an individual through false representation, misrepresentation, unauthorized application or in excess of the number of permits or turkey game tags authorized by rules and regulations shall be invalid from date of issuance;

(8) in awarding turkey permits, the first priority shall be given to those individuals who did not receive a permit in the prior year. All other applicants shall be given equal priority;

(9) landowner-tenants receiving a permit to hunt turkey on their own property shall not be considered as having a turkey permit during the previous year. (Authorized by K.S.A. 1992 Supp. 32-807 and K.S.A. 1992 Supp. 32-937; implementing K.S.A. 1992 Supp. 32-807, K.S.A. 1992 Supp. 32-937 and K.S.A. 1992 Supp. 32-1002; effective Jan. 22, 1990; amended May 27, 1991; amended June 1, 1993.)

115-4-3. Antelope; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of antelope during an archery antelope season shall consist of:

(1) bows and arrows:

- (A) Each bow shall not be less than 45 pounds pull up to or at full draw.
- (B) Each bow shall be hand-drawn.
- (C) Each bow shall have no mechanical device that locks the bow at full or partial draw.
- (D) Each bow shall be designed to shoot only one arrow at a time.
- (E) Each bow shall have no more than 65% let-off.
- (F) Each bow shall have no electronic or chemical devices attached to the bow or arrow, with the exception of lighted pin sights attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges; and

(H) Each arrow used for hunting shall be not less than 20 inches in length.

(2) crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of antelope during a firearm antelope season shall consist of:

- (1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;

(3) muzzleloading rifles that fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components;

(4) shotguns, 20 gauge or larger, using only rifled slugs; and

(5) centerfire handguns, that fire a bullet greater than .23 inches in diameter, use a cartridge case 1.280 inches or more in length and which are not fully automatic.

(6) Only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns.

(c) Hunting equipment for the taking of antelope during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles with iron or peep sights and which fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, may be used while hunting antelope.

(e) Blinds and stands may be used while hunting antelope.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an antelope taken under an "any antelope" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired antelope meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(4) Archery-only antelope permittees shall not have a firearm in possession while hunting antelope.

(5) Muzzleloader-only antelope permittees shall not have a rimfire or centerfire firearm in possession while hunting antelope.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the antelope season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall not submit more than one application for an antelope permit or apply for an archery antelope and a firearm antelope permit in the same calendar year except as authorized in subsection (f)(10).

(10) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any left-over

permits or any other permits that are available on an unlimited basis.

(11) In awarding firearm antelope permits, the first priority shall be given to those individuals who have not obtained an antelope permit in any of the five previous years. All other applicants shall be given equal priority.

(12) Landowner-tenants receiving a permit to hunt antelope on their own land shall not be considered to have an antelope permit for purposes of the permit priority system. (Authorized by K.S.A. 1992 Supp. 32-807 and K.S.A. 1992 Supp. 32-937; implementing K.S.A. 1992 Supp. 32-807, K.S.A. 1992 Supp. 32-937 and K.S.A. 1992 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993.)

115-4.5. Deer; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of deer during an archery deer season shall consist of:

(1) bows and arrows:

(A) Each bow shall not be less than 45 pounds pull up to or at full draw.

(B) Each bow shall be hand-drawn.

(C) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) Each bow shall have no more than 65% let-off.

(F) Each bow shall have no electronic or chemical devices attached to the bow or arrow, with the exception of lighted pin sights attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges.

(H) Each arrow used for hunting shall be not less than 20 inches in length.

(2) crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of deer during a firearm deer season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and that can only be loaded through the front of the firing chamber with separate components;

(4) shotguns, 20 gauge or larger, using only slugs;

(5) centerfire handguns that fire a bullet greater than .23 inches in diameter and use a cartridge case 1.280 inches or more in length and which are not fully automatic; and

(6) only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns.

(c) Hunting equipment for the taking of deer during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles and muskets with iron or peep sights, which fire a bullet of .39 inches in diameter or

(continued)

larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting deer.

(f) General provisions:

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for a deer taken under an "any deer" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired deer meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only deer permittees shall not have a firearm in possession while hunting deer.

(5) Muzzleloader-only deer permittees shall not have a rimfire or centerfire firearm in possession while hunting deer.

(6) A permit or game tag shall not be transferable.

(7) A permit or game tag refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit or game tag was issued.

(8) In addition to other penalties prescribed by law, each permit or game tag obtained by an individual through false representation, misrepresentation, or in excess of the number of permits or game tags authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall only apply for or obtain either an archery deer permit or a firearm deer permit in the same calendar year, except that:

(A) Any individual may apply for any permit or game tag remaining after the drawing for limited permits or game tags has been conducted.

(B) Any individual may apply for a unit archery permit.

(C) Any individual may apply for special season permits and game tags.

(10) Only deer permit holders shall be eligible to apply for deer game tags.

(11) In awarding firearm deer permits, the first priority shall be given to those applicants who did not receive a firearm deer permit the previous year. All other firearm deer permit applicants shall be given equal priority.

(12) Landowner-tenants receiving a permit to hunt deer on their own land, permittees receiving a firearm "antlerless only" permit or a deer game tag during the previous regular firearm season, or permittees receiving a firearm deer permit or deer game tag for a special deer season shall not be considered to have had a

firearm deer permit during the previous year for purposes of the permit priority system. (Authorized by K.S.A. 1992 Supp. 32-807 and K.S.A. 1992 Supp. 32-937; implementing K.S.A. 1992 Supp. 32-807, K.S.A. 1992 Supp. 32-937 and K.S.A. 1992 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993.)

115-4-6. Deer; management units. (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Weapons' Range; subunit 4a: the following described area shall be designated a subunit of unit 4 and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Weapons Range. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 4a permit and any permits and licenses required by air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway

K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a: the following described area shall be designated a subunit of unit 8 and unit 9 and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 8a permit and any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas boundary, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas boundary to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-75 to its junction with interstate high-

way I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas boundary, then north along the Missouri-Kansas boundary to its junction with the Nebraska-Kansas boundary, then west along the Nebraska-Kansas boundary to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth; subunit 10a: the following described area shall be designated a subunit of unit 10 and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 10a permit and any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to its junction with the Missouri-Kansas boundary, then south along the Missouri-Kansas boundary to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with federal highway US-169, except federal and state sanctuaries.

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then east along the Oklahoma-Kansas boundary to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junc-

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tion with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on state highway K-1 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-1, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway

US-160 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-54, then northeast on federal highway US-54 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-1, then south on state highway K-1 to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with federal highway US-160, except federal and state sanctuaries. (Authorized by K.S.A. 1992 Supp. 32-807; implementing K.S.A. 1992 Supp. 32-807 and K.S.A. 1992 Supp. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993.)

115-4.7. Elk; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of elk during an archery elk season shall consist of bows and arrows.

(1) Each bow shall not be less than 50 pounds pull up to or at full draw.

(2) Each bow shall be hand-drawn.

(3) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(4) Each bow shall be designed to shoot only one arrow at a time.

(5) Each bow shall have no more than 65% let-off.

(6) Each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights attached to the front of the bow.

(7) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges.

(8) Each arrow used for hunting shall be not less than 20 inches in length.

(b) Hunting equipment for the taking of elk during a firearm elk season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .25 inches in diameter, use a cartridge (case and bullet) greater than two and one-half inches in length, and are not fully automatic; and

(3) muzzleloading rifles that fire a bullet of .49 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(4) Only soft point, hollow point or other expanding bullets shall be used with centerfire rifles.

(c) Hunting equipment for the taking of elk during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles with iron or peep sights,

which fires a bullet of .49 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting elk.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an elk taken under an "any elk" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired elk meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only elk permittees shall not have a firearm in possession while hunting elk.

(5) Muzzleloader-only elk permittees shall not have a rimfire or centerfire firearm in possession while hunting elk.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall only apply for or obtain an either archery elk permit or a firearm elk permit in the same calendar year.

(10) Each individual receiving an elk hunting permit shall not be eligible to receive an elk hunting permit in subsequent seasons. (Authorized by K.S.A. 1992 Supp. 32-807 and K.S.A. 1992 Supp. 32-937; implementing K.S.A. 1992 Supp. 32-807, K.S.A. 1992 Supp. 32-937 and K.S.A. 1992 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993.)

Ted Ensley
Secretary of Wildlife
and Parks

Doc. No. 013313

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-85a. Eligibility factors specific to the EA program. Each applicant or recipient shall meet the following eligibility requirements to be eligible for EA.

(a) General eligibility requirements. Each applicant or recipient shall meet the general eligibility requirements set forth in K.A.R. 30-4-55(a) and 30-4-59.

(b) Living in the state. Each applicant or recipient shall be physically living in the state.

(c) Emergency situation. A bona fide emergency situation shall exist. Emergency situations shall be limited to abuse, neglect, or abandonment of children, family violence, situations resulting in risk of out-of-home placement or institutionalization of children, disasters, including fires, floods, and tornadoes, or homelessness or risk of homelessness. An application shall be made within 30 days of the emergency situation.

(d) Financial eligibility. The household of each applicant or recipient shall be without sufficient resources to provide needed emergency care or services.

(e) Household eligibility. A household shall be defined as a family group in which at least one child is:

(1) Under the age of 18, or under the age of 19 and a full-time student in a secondary school or the equivalent level of vocational or technical training if the child may reasonably be expected to complete the program before attaining age 19;

(2) living in the household, or who was living in that household within six months before the month in which assistance is requested. That household shall be maintained by any of the relatives set forth in K.A.R. 30-4-72(c) as the child's home; and

(3) not in destitution or need because the child or a member of the household refused, without good cause, to accept employment or training for employment.

(f) Authorization period. Assistance under EA shall be limited to one period of 30 consecutive days, following the date of approval, in any 12 consecutive months. All payments shall be made within the authorization period.

(g) Assistance provided. The assistance provided shall be limited to a maximum of 90 days of service or less in a 12-month period as necessary to alleviate the emergency condition. The need shall be directly related to the immediate emergency and shall be met in order to resolve the emergency. The assistance provided shall be given promptly and pursuant to K.A.R. 30-4-122a. The effective date of this regulation shall be June 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 1992 Supp. 39-708c, 39-709; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987;

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amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990; amended June 1, 1993.)

30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. (a) To be eligible for GAU, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50, and the specific eligibility requirements set forth below.

(1) Each applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GAU if the applicant or recipient:

- (A) Is eligible for a federal program; or
- (B) has been rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient.

(2) Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GAU:

(A) Parents and their minor children who are living together, if the parents are not voluntarily unavailable for employment. A person shall not be considered voluntarily unavailable for employment if the person is attending high school full-time or is participating in an agency-approved, work-related activity. Assistance under this provision may not be denied solely because a person is participating in post-secondary education or training activities not occurring during normal working hours. Assistance under this provision shall also be granted to non-ADC children who are living with a conservator or a personal representative who is not within the degree of relationship for ADC;

(B) a person who has been medically or psychologically determined to be physically or mentally incapacitated based on one of the following conditions:

(i) Fractures or soft tissue injuries requiring at least 12 months of surgical management to restore function or preventing full weight-bearing for at least 12 months;

(ii) amputation of a lower extremity: with hip disarticulation; at or above the tarsal region due to peripheral vascular disease or diabetes mellitus; or with inability to use a lower prosthesis for at least 12 months;

(iii) permanent loss of use of any two limbs;

(iv) active inflammatory arthritis, corroborated by laboratory results, persisting at least three months despite prescribed treatment;

(v) arthritis, demonstrated on x-ray, with: inability to stand or walk unassisted; surgical reconstruction or arthrodesis preventing full weight-bearing for at least 12 months; or gross deformity and functional limitation of joints in both arms;

(vi) osteomyelitis or septic arthritis of a major bone or joint persisting at least five months despite prescribed treatment;

(vii) ankylosis or fixation of spine at 30 or more degrees flexion confirmed by x-ray;

(viii) osteoporosis with: multiple vertebral fractures not due to trauma; or at least 50 percent compression of vertebral body not due to trauma;

(ix) marked difficulty standing or walking which is expected to persist for at least 12 months;

(x) blindness with: best corrected central visual acuity of 20/100 in better eye; or constriction of visual fields to 25 degrees or less in each eye;

(xi) best corrected visual efficiency of 26 percent or less in the better eye;

(xii) total bilateral ophthalmoplegia confirmed by ocular motility studies;

(xiii) deafness with aided speech discrimination of 40 percent or less in better ear;

(xiv) permanent inability to produce intelligible, sustainable speech by any means;

(xv) labyrinthine—vestibular dysfunction with frequent vertiginous episodes and hearing loss;

(xvi) chronic skin disorders involving the hands, feet, axillae, perinium or extensive body areas which are resistant to treatment and result in severe functional limitations;

(xvii) chronic pulmonary insufficiency, confirmed on x-ray, due to any cause with: pulmonary function studies showing vital capacity or both one-second forced expiratory volume and maximum voluntary ventilation restricted to 35 percent or less of expected values; diffusing capacity of the lungs for carbon monoxide of 35 percent or less of expected values; severe, chronic impairment of gas exchange confirmed by arterial blood gas studies; cyanosis, dyspnea at rest, chronic wheezing and rhonchi and use of accessory muscles of breathing; or documented need for 24-hour supplemental oxygen;

(xviii) asthma or other episodic pulmonary impairments with severe prolonged attacks requiring intensive treatment which occur at intervals averaging at least every two months and prolonged expiration, wheezing and rhonchi between attacks despite prescribed treatment;

(xix) congestive heart failure with: persistence for three months despite treatment; cor pulmonale; or persistent severe left ventricular hypertrophy;

(xx) ischemic heart disease with ongoing angina resulting in severe functional limitations;

(xxi) cardiac arrhythmias with repeated uncontrolled syncopal episodes;

(xxii) peripheral vascular disease with persistent ulceration despite treatment, or with amputation or other manifestations causing severe functional limitations;

(xxiii) hypertensive end-organ damage resulting in severe functional limitations;

(xxiv) uncompensated cardiomyopathy with left ventricular ejection fraction of 30 percent or less;

(xxv) documented need for a heart transplant;

(xxvi) other congenital or acquired heart disease with severe functional limitations due to cardiac dysfunction;

(xxvii) proven stricture, stenosis or obstruction of the esophagus with weight loss sustained at a level indicative of malnutrition;

(xxviii) proven peptic ulcer disease with: recurrent ulceration which is persistent despite prescribed treatment after definitive surgery; inoperable fistula for-

mation; demonstrated recurrent obstruction; or weight loss sustained at a level indicative of malnutrition;

(xxix) chronic liver disease with: esophageal varices resulting in massive bleeding or requiring a shunt; significantly elevated serum bilirubin persisting for at least three months; recurrent or persistent ascites associated with persistent hypoalbuminemia; proven hepatic cell necrosis or inflammation; or documented need for a liver transplant;

(xxx) chronic inflammatory disease of the digestive system with: persistent or recurrent systemic manifestations resulting in severe functional impairment; obstruction due to intractable abscess, fistula formation or stenosis; or significant and persistent weight loss sustained at a level indicative of malnutrition;

(xxxi) disorders of the pituitary, thyroid, parathyroid or adrenal cortex which are resistant to treatment and result in severe functional impairment;

(xxxii) diabetes mellitus with: severe neuropathy resulting in marked difficulty standing, walking or using the hands; or frequent episodes of ketoacidosis despite treatment;

(xxxiii) impaired renal function persisting for at least five months due to chronic, progressive disease with: elevation of serum creatinine to four mg. per 100 ml. or greater; creatinine clearance of 29 liters per 24 hours or less; or severe complications which require chronic dialysis or renal transplant;

(xxxiv) nephrotic syndrome with the following lasting three or more months; anasarca and serum albumin of 3.0 gm. per 100 ml. and proteinuria of at least 3.5 grams per 24 hours; or anasarca and proteinuria of at least 10 grams per 24 hours;

(xxxv) acute leukemia or acute phase of chronic leukemia;

(xxxvi) documented need for a bone marrow transplant;

(xxxvii) chronic anemia with hematocrit persisting below 30 percent which: requires blood transfusions each two months on average; or is due to a chronic gastrointestinal disorder;

(xxxviii) myeloma or myelofibrosis with radiologically demonstrated bony involvement and intractable bone pain;

(xxxix) myeloma with: severe persistent hypercalcemia; or significant levels of plasma cells in peripheral blood;

(xl) coagulation defects, including chronic thrombocytopenia with persistence of severely decreased platelet count, and hemorrhagic disorders with recent spontaneous hemorrhage or intracranial bleeding;

(xli) chronic polycythemia not controllable by treatment with severe, persistent functional impairment due to hemorrhage or thrombosis;

(xlii) sickle cell disease: with sickle cell crises occurring each three months on average; with chronic anemia with hematocrit persisting below 30 percent; or requiring frequent extended hospitalization;

(xliii) recurrent systemic bacterial infections within the past four months due to: myelofibrosis; chronic leukemia; or chronic granulocytopenia with absolute

neutrophil counts persisting below 1000 cells per cubic millimeter;

(xliv) HIV infection with presence of opportunistic disease or severe functional impairment;

(xlv) morbid obesity of at least 100 percent over desired weight with sustained skeletal, cardiovascular or respiratory disease resulting in functional limitations;

(xlvi) systemic lupus erythematosus or progressive systemic sclerosis with recurrent visceral manifestations resulting in severe functional impairment;

(xlvii) polymyositis, polyarteritis or other collagen vascular disease with severe involvement of affected body systems resulting in severe functional impairment;

(xlviii) organic brain syndrome persisting for three or more months with severe functional limitations preventing the performance of employment;

(xlix) mental retardation;

(l) functional psychotic disorders which cause severe functional limitations precluding competitive employment and requiring ongoing psychiatric or psychological treatment;

(li) other severe and persistent mental illness, not controllable by medications or other treatment, causing severe functional limitations that preclude competitive employment and requiring ongoing psychiatric or psychological treatment;

(lii) seizure disorder not controllable by medications with: major motor seizures occurring on an average of one each two months despite at least three months of treatment; or minor motor seizures occurring on an average of one each week despite at least three months of prescribed treatment;

(liii) cerebral palsy with: mental retardation; severe emotional liability or abnormal behavior; severely limited ability to communicate; or severe limitations in motor functioning;

(liv) other chronic neurological disease, not controllable by treatment, or persistent manifestations of central nervous system insult resulting in: severely limited ability to stand, walk or use the hands; persistent severe difficulty swallowing or breathing; severe expressive or receptive aphasia resulting in severely decreased ability to communicate; or frequent acute exacerbations of the disease resulting in severe functional limitations;

(lv) histologically malignant brain tumors proven by pathology report; or other brain tumors causing severe functional limitations despite treatment;

(lvi) lymphoma that is not controlled despite treatment or metastatic disease of a lymph node from an undeterminable primary site;

(lvii) hormone-dependent or isotope-sensitive malignancies or sarcoma of soft parts not currently controlled despite treatment;

(lviii) solid malignancies that are not hormone-dependent or isotope-sensitive, with evidence of active disease, and which are: inoperable, unresectable, or incompletely excised; recurrent after radical surgery; metastatic beyond the regional lymph nodes; not controlled despite treatment; or generally considered un-

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controllable by established medical or surgical procedures;

(Ivix) permanent residuals of neoplastic disease resulting in severe functional impairment; or

(lx) one or more other medically determinable impairments which: prevent the performance of gainful employment; are expected to last 12 months or longer or result in death in less than 12 months; and are not controllable by medication, surgery, or other treatment within 12 months of onset;

(C) a person whose presence is required at home because of a verified, medically-determined condition of another member of the home whose condition does not permit self-care and who meets the criteria of subparagraph (2) (B) above, and when the care is not available from another person in the home;

(D) a woman who is pregnant and not eligible for APW. The father of the unborn child shall also be included in the same assistance plan if they are living together. Neither the pregnant woman nor the father shall be voluntarily unavailable for employment;

(E) a parent or parents of a child who has been removed from the home and placed in foster care, if there is an agency-approved plan to return the child to the home; or

(F) a child in a family group who is not otherwise eligible for assistance as a result of an established period of ineligibility resulting from the provisions of K.A.R. 30-4-58(d), 30-4-63(e), 30-4-64(d), or 30-4-110(c)(8) if there is an approved social service plan substantiating that the child is facing imminent removal from the home and placement into a foster care arrangement if assistance is not reinstated. Assistance shall be provided in accordance with the social service plan, which shall not exceed the budget deficit for the family group.

(3) The needs of the applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not otherwise eligible. The needs of certain persons in the family group who are not otherwise eligible shall be excluded in determining eligibility for GAU. However, the resources of those persons in the family group shall, unless the resources are specifically exempt, be included in determining eligibility for GAU. Such persons include:

(A) SSI recipients;

(B) persons who are ineligible due to the receipt of lump sum income;

(C) persons who are ineligible due to a sanction;

(D) minor parents whose needs are met through foster care payments; and

(E) aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b) A presumptive eligibility determination shall be made for persons who are being released from a medicad-approved psychiatric hospital or from the Larned correctional mental health facility in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available infor-

mation concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100 percent of the applicable GAU budgetary standards and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not exceed the month of discharge and the two following months. Assistance under this provision may be extended by the department beyond the three-month limitation for good cause.

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GAU provided the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GAU. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993.)

30-4-122a. Special allowances for EA. Recipients of EA shall be eligible for payment of the following services as necessary to alleviate the emergency condition and only if otherwise not available from other sources. (a) Emergency shelter. Payment for emergency shelter shall include rent to obtain housing or prevent eviction. It shall also include emergency shelter to prevent homelessness of family members in circumstances of family violence when, in order to assure the safety of all family members, the alleged perpetrator of violence needs to be separated from the family.

(b) Emergency utilities. Payment for emergency utilities shall include an amount necessary to turn on utilities.

(c) House repairs. Payment for house repairs shall include an amount necessary for adaptation or repair of residence to resolve the emergency.

(d) Household effects. Payment for necessary household furniture, appliances and supplies shall include an amount for repair or purchase of used furniture, appliances and other household supplies.

(e) Emergency clothing. Payment for the replacement of clothing shall be allowed on an as needed basis.

(f) Shelter care. Shelter care shall include payment for shelter care, foster family care, or group residential care for children separated from their parents.

(g) Family services. Family services shall include payment for case management, counseling, therapy,

in-home intensive family services, and any other social services necessary to resolve the emergency.

(h) Parenting education and training. Parenting education and training shall include payment for either in-home or residentially-based education and training and for household management training, family support, and development services.

(i) Child and respite care. Child care and respite care shall include payment for care necessary to resolve the emergency and prevent out-of-home placement of the child at risk. The effective date of this regulation shall be June 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 1992 Supp. 39-708c, 39-709; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended June 1, 1993.)

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-151. Scope of hospital services for medikan program recipients. Hospital services for medikan program recipients shall be limited to services provided for the following conditions: (a) Acute psychotic episodes;

(b) traumatic injury;

(c) burns; and

(d) substance abuse acute detoxification. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; ; effective, T-84-8, March 29, 1983; amended, T-84-11, July 1, 1983; effective May 1, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 2, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended, T-30-6-10-91, July 1, 1991; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993.)

Donna L. Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 013309

State of Kansas

Department of Education

**Permanent Administrative
Regulations**

Article 1.—CERTIFICATE REGULATIONS

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

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

(2) Any secondary endorsement shall be extended to grades five and six, if the applicant's preparation:

(A) Includes course work in child and adolescent psychology, accredited experience or student teaching

in one of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement. This option shall expire July 1, 1997; or

(B) meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and includes accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(3) Any applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be granted an endorsement at the middle or junior high level, if the applicant meets the requirements of S.B.R. 91-1-30(a)(2).

(4) Any elementary certificate shall include a subject level endorsement for middle or junior high school level if the applicant's preparation:

(A) Includes coursework in child and adolescent psychology, accredited experience or student teaching in one of the grades five through nine for middle or junior high school level, and 15 semester hours of education or training in each field or subject covered by the endorsement. This option shall expire July 1, 1997; or

(B) meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and includes accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(5) Any applicant who is employed at an accredited teacher education institution, may meet recent credit or experience requirements with verification by the dean or head of the education department that the experiences the individual has acquired in the areas of research, curriculum development, staff development or inservice education are equivalent to the semester hour requirements for initial certification provided in S.B.R. 91-1-27(c).

(b) Renewal requirements. (1) Credit other than upper-division or graduate level credit that is submitted as a basis for renewal of certification shall be approved by the applicant's district school administrator or building administrator. Applicants for renewal of certification based upon credit hours shall select credit hours which maintain or improve skills related to their employment as teachers, administrators or special services personnel. Renewal credit shall be appropriate for any endorsements which appear on the certificate, to a new endorsement area, or to professional development.

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

(3) Applicants for renewal of certification based upon accredited experience who do not have previous

(continued)

credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

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

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

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

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

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

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

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

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

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

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

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

(9) Applicants for renewal of certification who are employed at an accredited teacher education institution may meet renewal requirements with verification by the dean or head of the education department that the experiences the individual has acquired in the areas of research, curriculum development, staff development or inservice education are equivalent to the stated semester hour requirements for renewal of certification provided in state board regulations for the certificate the individual holds or has held.

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

(B) Those certificates listed above, which were not valid as of July 1, 1980, shall be renewed as non-expiring certificates by meeting the requirements prescribed in S.B.R. 91-1-30(b)(2), (b)(3), or (b)(4)(B).

(11) The state board reserves the right to modify or amend the regulations relating to renewal requirements for all certificates. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; effective (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended June 1, 1993.)

91-1-80. Pre-service professional education. (a) Each teacher education program which requires student teaching as a part of the program shall include a professional education component.

(b) The professional education component shall include studies in foundations of education, methods and materials of teaching, multicultural education, equal educational opportunity, and supervised laboratory experiences.

(c) Each institution shall have written objectives for the professional education component.

(d) The professional education component shall require each student to demonstrate competence in the following:

(1) Knowledge of the importance of self esteem, and techniques to foster the development of positive self esteem in students;

(2) knowledge of communication theory and techniques to foster the development of verbal and non-verbal communication;

(3) knowledge of techniques for teaching goal-setting and decision-making;

(4) knowledge of the importance of interpersonal relations skills, and techniques for teaching these skills;

(5) knowledge of the process of human growth and development, and the application of this knowledge to teaching;

(6) knowledge of the physical, psychological and sociological effects, both positive and negative, relating to human sexuality and sexual behavior;

(7) knowledge of acquired immune deficiency syndrome and sexually-transmitted diseases;

(8) knowledge of major categories of exceptionality, and the application of this knowledge to teaching;

(9) knowledge of evaluation techniques, research findings, teaching methods, laboratory techniques, materials, media, technology, and safety procedures appropriate to teaching each field of specialization;

(10) the ability to teach effectively and to work ethically and constructively with pupils, teachers, administrators, and parents;

(11) an understanding of the foundations underlying the development and organization of education in the United States;

(12) an understanding of the role and responsibilities of the school in regard to recognizing and reporting child abuse or neglect;

(13) an understanding of the licensing of teachers, administrators and other school personnel;

(14) an understanding of related professional organizations and their impact on the educational process;

(15) an understanding of the purposes, administrative organization, and operation of the basic educational programs of schools;

(16) the ability to use self assessment as one means of continuous professional development; and

(17) the ability to teach basic reading skills appropriate to the level and field of endorsement.

(e) The professional education component shall require field experiences throughout the program providing for observation and experience with school-age youth.

(f) Student teaching shall be included in the professional education component and shall require that:

(1) The responsibilities involved in supervision of student teachers shall be designated in writing and made available to cooperating schools;

(2) the observations by teacher education institutions shall be in sufficient number and of a length to provide adequate observation and evaluation of each student teacher and adequate consultation with cooperating teachers and student teachers. One of the supervisory visits shall occur prior to or at the beginning of the student teaching experience. During this visit, the institution-based supervisor, cooperating teacher and education student shall meet and confirm the responsibilities, roles and expectations of each. The teacher education institution shall maintain a record of the frequency and duration of the supervisory visits;

(3) instructional resources for supervision of student teaching experiences shall be provided by the teacher education institution and based on the traditional full-time teaching load of the institution with two student teachers equivalent to one semester hour;

(4) the student teachers in subject areas at the middle and secondary levels shall be supervised by either professional education faculty with expertise in the subject area or by a combination of professional education and subject area faculty; and

(5) the student teaching experience shall be for the majority of each school day during at least a 10-week period and consist of a comprehensive experience with expanding responsibilities including the full range of activities of a certified teacher.

(g) Student teaching shall be permitted only after:

(1) a comprehensive, professional review of a student's record indicates scholarship in an area or areas of specialization; and

(2) the student has demonstrated competence in the professional education component.

(h) Each teacher education institution shall have written contracts with local education agencies for mutually agreed upon activities, services, and compensation; roles and responsibilities; provisions for solving problems and the coordination of ongoing activities;

and means for revisions to meet changing needs and conditions.

(i) Each local education agency and teacher education institution shall have an identifiable coordinator who channels or coordinates all contacts, operations, and activities which pertain to field experiences prior to and during the student teaching, internship, or apprenticeship program.

(j) This regulation shall be effective July 1, 1994. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended May 1, 1984; amended Sept. 3, 1990; amended July 1, 1994.)

91-1-102a. Health. (a) Each applicant for a health education endorsement shall have successfully completed a state-approved health education program and shall be recommended by a teacher education institution.

(b) A state-approved program in health education shall consist of a course of study requiring each student to demonstrate knowledge of:

(1) The aims and objectives of health education in the schools;

(2) human physiology and anatomy, basic body chemistry, microbiology, genetics, and ecology;

(3) the behavioral and social sciences pertinent to the study of health;

(4) personal health and physical fitness;

(5) community and environmental health, including sanitation and pollution;

(6) nutrition, including weight control, food fads, and diet supplements;

(7) emotional and mental health;

(8) the physical, social, and emotional health hazards of drugs, alcohol, and tobacco;

(9) the physical and emotional aspects of sex;

(10) communicable diseases (including venereal disease), body defenses, and immunization programs;

(11) common physical and mental exceptionalities and degenerative diseases;

(12) consumer health, including the evaluation of advertising for the selection of health products and professional services;

(13) first aid and emergency care;

(14) safety in outdoor, water, home, industrial, and traffic settings;

(15) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(16) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(17) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Each program shall provide experience in developing, promoting, and implementing a school health environment and cooperative relationships with voluntary, community, and other health agencies.

(d) Prior to July 1, 1994, any institution may request that its health education program be approved by the State Board under the provisions of this regulation.

(continued)

(e) On and after July 1, 1994, any institution desiring to have an approved health education program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

91-1-104b. Home economics (non-vocational). (a) Each applicant for a home economics endorsement shall have successfully completed a state-approved home economics program and be recommended by a teacher education institution.

(b) A state-approved program in home economics shall consist of a course of study requiring each student to demonstrate knowledge of:

(1) The developmental processes of children and creating and maintaining an environment in which children and families develop and interact as individuals and family members;

(2) a multiplicity of factors involved in clothing and textiles which satisfy the needs of persons and families;

(3) the importance of making value judgments and decisions about shelter needs, furnishings, and equipment for individuals and families;

(4) the appropriate selection, planning, preparation and serving of foods according to nutritional needs of various individuals, families, and groups;

(5) the proper management of individual and family resources to achieve individual and family goals at the various stages of the life cycle;

(6) the maintenance of appropriate human relations in planning, developing, teaching, supervising, and evaluating programs in occupational home economics;

(7) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(8) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(9) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Prior to July 1, 1994, any institution may request that its home economics program be approved by the State Board under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved home economics program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

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

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

(1) Knowledge of the multidisciplinary approach of home economics. The course of study shall require students to demonstrate the ability to:

(A) Identify the comprehensive scope of home economics;

(B) analyze the contribution of each area of home economics to personal and family life; and

(C) identify occupational opportunities in the field;

(2) knowledge of the family unit. The course of study shall require students to demonstrate:

(A) Knowledge of the development, care, and guidance of a child from infancy through preschool;

(B) the ability to analyze factors which influence positive self-concept and successful interpersonal relations; and

(C) the ability to relate development of self-concept to peer and family relationships throughout the life cycle;

(3) knowledge of home economics content. The course of study shall require students to demonstrate the ability to:

(A) Identify and apply the principles of the decision-making process to personal, family, consumer, and resource management;

(B) evaluate consumer issues as they relate to the individual, family, and the community;

(C) recognize the effect of housing and space needs on individuals and families;

(D) identify and apply methods and techniques of clothing selection, care and construction that are timely and energy efficient;

(E) understand the principles of nutrition, food selection and preparation;

(F) identify the relationship of grooming practices to personal health and appearance; and

(G) identify safety procedures in the management of home and family life;

(4) knowledge of home economics education. The course of study shall require students to demonstrate the ability to:

(A) Develop and evaluate curriculum appropriate for middle-level home economics; and

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

(5) knowledge of human sexuality and sexually transmitted diseases, including AIDS. The course of study shall require students to demonstrate knowledge of:

(A) A variety of methods and modalities for teaching human sexuality;

(B) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(C) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Prior to July 1, 1994, any institution may request that its middle-level home economics program be approved under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved middle-level home economics program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

91-1-110a. Adapted physical education. (a) Each applicant for an adapted physical education endorsement at the elementary, middle or secondary level of instruction shall have successfully completed a state

approved adapted physical education program and the requirements of S.B.R. 91-1-110b or 91-1-110c for a physical education endorsement and shall be recommended by a teacher education institution.

(b) Approved programs shall enable students to demonstrate those skills which are necessary to teach adapted physical education to all exceptionalities by:

(1) Demonstrating the ability to screen and assess physical education skills of individuals exhibiting various handicapping conditions;

(2) demonstrating the ability to write in behavioral terms and assess instructional objectives for adapted physical education;

(3) demonstrating the ability to reassess and revise the student's program as necessary;

(4) demonstrating the ability to analyze, adapt, and implement physical education curriculum in providing programs for a variety of handicapping conditions;

(5) demonstrating ability to adapt teaching methods, materials, and techniques for physical and motor fitness to the needs of the handicapped; and

(6) demonstrating the ability to use community and staff resources within the special education environment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended July 12, 1985; amended June 1, 1993.)

91-1-110c. Physical education. (a) Each applicant for a physical education endorsement shall have successfully completed a state-approved physical education program and shall be recommended by a teacher education institution.

(b) A state-approved program in physical education shall consist of a course of study requiring each student to demonstrate knowledge of:

(1) The aims and objectives of physical education and the development of curricula to meet those aims and objectives by:

(A) Planning programs using the purposes and objectives of physical education; and

(B) describing the values of physical fitness to society and to individuals;

(2) physical education from historical and philosophical perspectives;

(3) human movement sciences by:

(A) Identifying the structure and understanding the function of the human organism;

(B) understanding the principles of physiological processes and principles involved in efficient motor skill learning and exercise;

(C) understanding the principles of the kinematics of the human body during movement activities;

(D) identifying and applying the relationships between age-related physical changes and physical activity; and

(E) demonstrating a knowledge and understanding of socio-psychological dimensions of physical activity and sport;

(4) the proper conduct of a program of physical education that is appropriate to level of endorsement by:

(A) Identifying and applying skills, techniques, and methodologies associated with physical activities using fundamental motor skills in physical fitness programs,

tumbling and gymnastics, individual and dual sports, team sports and games, rhythms, dance and aquatics; and

(B) demonstrating the ability to organize and administer interscholastic and intramural programs;

(5) caring for and preventing minor athletic injuries, and administering first aid by:

(A) Demonstrating the ability to discriminate between serious and minor athletic injuries;

(B) demonstrating the ability to administer first aid to a wide array of minor injuries;

(C) demonstrating the ability to administer cardiopulmonary resuscitation to another human being;

(D) demonstrating taping and support procedures for a wide array of minor athletic problems; and

(E) applying the methods utilized in the prevention of athletic injuries;

(6) development of individual physical fitness by:

(A) Demonstrating knowledge of the strengths and weaknesses of lifetime activities for maintaining fitness;

(B) demonstrating the ability to design and implement an individual physical fitness program; and

(C) identifying risks associated with certain sporting and physical fitness activities;

(7) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(8) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(9) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Prior to July 1, 1994, any institution may request that its physical education program be approved by the State Board under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved physical education program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

91-1-112c. General science. (a) Each applicant for a general science endorsement shall have successfully completed a state-approved program in general science and shall be recommended by a teacher education institution.

(b) A state-approved program in general science shall consist of a course of study requiring each student to demonstrate:

(1) Knowledge of:

(A) basic processes, concepts and principles of biology, chemistry, physics, and earth and space science;

(B) the cultural, intellectual, and philosophical nature of science;

(C) advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions and probability;

(D) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(continued)

(E) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(F) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality; and

(2) the ability to:

(A) utilize basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) utilize integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science;

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science;

(E) describe and apply analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(F) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures within society;

(G) illustrate that science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application;

(H) illustrate, through laboratory experiences, the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process; and

(I) use computers for classroom instruction in science.

(c) Prior to July 1, 1994, any institution may request that its general science program be approved under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved general science program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

91-1-112d. Middle-level science. (a) Each applicant for a science endorsement at the middle level shall have successfully completed a state-approved middle-level science program and shall be recommended by a teacher education institution.

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

(1) Knowledge of the basic principles of biological science, physical science, and earth science including a knowledge of:

(A) Classification systems, basic health principles, continuity, structure/function, diversity, evolution, nutrition, behavior, life cycles and energy systems;

(B) metric measures, matter and energy, the basic principles of physics, and the basic principles of chemistry; and

(C) basic geology, forces changing the earth, meteorology, and descriptive astronomy;

(2) an understanding of and the ability to use the scientific method by being proficient in:

(A) Organization and use of laboratory equipment;

(B) field observation; and

(C) process skills, including identifying and controlling variables, interpreting data, formulating and teaching hypotheses, and experimenting;

(3) an understanding of the relationships between scientific principles and everyday life by displaying:

(A) Skill in using scientific principles to improve human life and to help students cope with an increasingly technological world; and

(B) awareness of the nature of a wide variety of science and technological careers open to students;

(4) the ability to apply mathematical principles to the study of scientific issues;

(5) the ability to use computers for classroom instruction in science;

(6) the ability to relate the study of science to science-related societal issues;

(7) knowledge of a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(8) knowledge of the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(9) knowledge of cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Prior to July 1, 1994, any institution may request that its middle-level science program be approved under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved middle level science program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

91-1-113b. Biology. (a) Each applicant for a biology endorsement at the secondary level shall have successfully completed a state-approved program in biology, shall have met the general requirements in S.B.R. 91-1-112a and shall be recommended by a teacher education institution.

(b) A state-approved program shall consist of a course of study requiring each student to demonstrate knowledge of:

(1) The fundamentals of biology, including botany, zoology, bacteriology or microbiology, anatomy, and physiology;

(2) laboratory techniques concerned with the study of systematics, development, evolution, genetics, behavior, homeostatic mechanisms and all the life processes in animals, plants, and microbes;

(3) knowledge of the fundamentals of ecology;

(4) the proper conduct and direction of meaningful field trips and investigations concerned with obtaining

information on ecological populations ecosystems, energy flow, nutrient cycles and the sociobiological aspects of ecology;

(5) chemistry, mathematics, and physical science of physics including:

(A) Knowledge of the laboratory techniques equivalent to general college chemistry;

(B) subject-matter knowledge equivalent to general college physical science or college physics; and

(C) a working knowledge of mathematics equivalent to college algebra;

(6) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS);

(7) the rights and responsibilities of the individual as they relate to family systems and parenthood; and

(8) cultural, ethnic, racial, religious, and gender similarities and differences relating to human sexuality.

(c) Prior to July 1, 1994, any institution may request that its biology program be approved by the State Board under the provisions of this regulation.

(d) On and after July 1, 1994, any institution desiring to have an approved biology program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993.)

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 an unrestricted regular physical education program.

(b) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, but shall not include individually prescribed medical devices, such as eye glasses and hearing aids.

(c) "Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:

(1) evaluating the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) providing training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(6) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(d) "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.

(e) "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.

(f) "Categorical service unit plan" means a plan for delivering special education services in the same educational program to exceptional children within one of the categorical areas of exceptionality.

(g) "Center-based" means an organized early childhood education experience for a group of children at a central location.

(h) "Consulting teacher plan" means a plan for delivering special education services in which a special teacher facilitates the maintenance of exceptional children in regular education. The plan provides 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.

(i) "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 impaired or the visually impaired.

(j) "Developmental preschool" means a school, operated by a private nonprofit corporation or foundation, that serves children with disabilities through age seven.

(k) "Early childhood special education eligibility" means that a multidisciplinary team has determined that a child under age six:

(1)(A) is at least 1.5 standard deviations below the mean on a standardized diagnostic instrument in one or more of the following areas:

(i) cognitive,

(ii) adaptive behavior,

(iii) communication,

(iv) motor, or

(v) socio-emotional development; or

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(B) requires special education and related services when test results are unreliable or inconclusive, or when the child has a diagnosed condition that has a high probability of resulting in the need for special education and related services. This process shall include a written team report which documents the assessment procedures used, the results of the procedures and the reasons the team believes the assessment results are unreliable, inconclusive or that the child has a diagnosed condition which necessitates the need for special education and related services; and

(2) has special needs which are not primarily the result of environment, economic disadvantage, or cultural differences.

(l) "Early childhood special education program" means an education program of developmentally appropriate intervention services designed to meet the individual needs of children with disabilities ages five and under.

(m) "Exceptional children" means those children who have autism, mental retardation, specific learning disabilities, hearing impairments, language impairments, speech impairments, behavior disorders, physical impairments, other health impairments, severe multiple disabilities, deaf-blindness, traumatic brain injury, visual impairments, children eligible for early childhood special education services or children who are gifted.

(n) "Children with disabilities" means all exceptional children except those identified as gifted.

(o) "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.

(p) "Home-based plan" means a plan for delivering early childhood services in which a special teacher instructs the parent or other person caring for the child or the means of providing special education services to the child so that the parent or other person caring for the child may provide appropriate services to the child on a daily basis.

(q) "Homebound instruction plan" means a plan for delivering educational services 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.

(r) "Hospital instruction plan" means a plan for delivering educational services to children confined to hospitals or convalescent homes for psychiatric or medical treatment.

(s) "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.

(t) "Individualized educational program (I.E.P.)" means an annual written statement for each exceptional child which describes the unique educational needs of the child and the manner in which these needs are to be met.

(u) "Infants and toddlers with disabilities" means children ages birth through two who have been determined to be eligible for early intervention services

under the federal individuals with disabilities education act.

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

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

(x) "Itinerant teacher plan" means a plan for delivering special education services in 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.

(y) "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 an abnormality 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 is 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.

(z) "Least restrictive environment" means educational placement in which, to the maximum extent appropriate, exceptional children are placed in educational programs with nonexceptional children, with such placement being:

(1) determined annually;

(2) based upon the student's individualized educational program; and

(3) as close as possible to the child's home.

(aa) "Local education agency" means any governmental agency authorized or required by state law to provide education to exceptional children, including each unified school district, special education cooper-

ative, school district interlocal, state school, and state institution.

(bb) "Mental retardation" means significantly sub-average general intellectual functioning that exists concurrently with deficits in adaptive behavior causing adverse affects in 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) "Eduicable mental retardation," which means:

(A) Mild retardation according to the mental deficiency classification, as prescribed in "Definitions and Classifications in Mental Retardation, Ninth Edition" edited by Luckasson, et al, published by the American Association on Mental Deficiency, dated 1973, revised 1983 and 1992; and

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

(2) "Trainable mental retardation," which means:

(A) Moderate retardation according to the mental deficiency classification, as prescribed in "Definitions and Classifications in Mental Retardation, Ninth Edition" edited by Luckasson, et al., published by the American Association on Mental Deficiency, dated 1973, revised 1983 and 1992; and

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

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

(dd) "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.

(ee) "Physical impairment" means a physical disability of such severity as to adversely affect educational performance.

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

(gg) "Rehabilitation counseling services" means services provided by a qualified rehabilitation counseling professional in individual or group sessions, that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes services to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(hh) "Related services" means those services that are required to assist an exceptional child to benefit from special education. Related services include art therapy, assistive technology devices and services, 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, rehabilitation counseling services, school social work services, special education administration and supervision, special music education, speech and language services, and transportation.

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

(jj) "Resource room plan" means a plan for delivering 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.

(kk) "School age" means:

(1) for gifted children, having attained 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 gifted child completes a local curriculum or reaches age 21, whichever occurs first; and

(2) for children with disabilities, having attained age three, to and including the school year in which the child with disabilities completes a local curriculum or reaches age 21, whichever occurs first.

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

(mm) "School psychological services" means special services which provide:

(1) consultation with other school staff to plan individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests;

(2) administration and interpretation of psychological and educational tests;

(3) consultation with teachers and other school staff concerning child behavior, modes of learning, and development of a positive learning climate; and

(4) psychological counseling for children and parents.

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

(1) a liaison between the home, school, and the community to prevent problems in learning and to promote quality education;

(2) consultation with teachers or other school staff in understanding the cultural and social factors related to a child's performance in school;

(3) coordination between the school and other community agencies to mobilize resources to enable the child to profit from the educational experience; and

(4) assistance through group and individual counseling with the child and family to affect the child's adjustment in school.

(oo) School term.

(1)"School term for exceptional children of school age," means the period of time prescribed in K.S.A.

(continued)

72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection.

(2) "School term for center based programs for children with disabilities age five and under," means the period of time prescribed for kindergarten in K.S.A. 72-1106, and any amendments to that statute.

(3) "School term for home based programs for children with disabilities age five and under," means 215 hours including a minimum of 54 hours of instruction by a professional and an instructional paraprofessional. No fewer than 13 of the 54 hours shall be provided by the professional staff. Additional hours of individual instruction necessary to fulfill the required 215 hours shall be provided through documented implementation of the IEP by a parent, caregiver, professional or paraprofessional.

(4) If a center based and a home based program are combined, a proportional combination of the two school terms shall be required.

(5) A shorter period of time may be prescribed on an individual basis for exceptional 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 educational team of the child and shall be included in the individualized education program of the child.

(pp) "Severe multiple disabilities" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders.

(qq) "Special classroom plan" means a plan for delivering 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.

(rr) "Special day school plan" means a plan for delivering 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.

(ss) "Special education action" means any act by a local education agency which causes a child to be:

- (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.

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

(uu) "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 agency appropriate for their specialized area of service;

(4) other related services or instructional personnel for which there is no licensing or registering agency, 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.

(vv) "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.

(ww) "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.

(xx) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent liv-

ing, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(yy) "Traumatic brain injury" means an injury to the brain, caused by an external physical force, resulting in total or partial functional disability or psychosocial maladjustment that adversely affects educational performance. The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or dysgenerative or brain injuries induced by birth trauma.

(zz) "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 disability 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.

(aaa) "Vocational program" means any organized educational program which is directly related to the preparation of individuals for paid or unpaid employment, or for 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; amended May 1, 1988; amended July 1, 1990; amended July 1, 1991; amended Sept 2, 1991; amended June 1, 1993.)

91-12-23. State approval of special education services. (a) General criteria for state approval. State approval of any special education services to be offered shall require that the agency proposing to provide the services has made provision for:

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

(2) compliance with pupil-teacher ratios;

(3) the age or grade span for students in special education services to correspond with the age or grade span of general education students in the attendance center in which the services are provided;

(4) the special education and related services identified in the individual education program of each student;

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

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

(7) appropriate licensed or certificated support personnel;

(8) other necessary related services; and

(9) an approvable delivery model or models.

(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 provided in article 12 of these regulations may be granted or denied by the state commissioner of education or his designee. Requests for a waiver shall be made, in writing, to the state commissioner of education or his designee. 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 decision of the state commissioner of education or his designee 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 denial of its request for a waiver to the state board of education within 15 days of the date written notice was sent to the local education agency. Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner on behalf of the state board of education 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 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 recommendation shall be considered by the state board of education at its next meeting.

(3) If the commissioner of education or his designee grants the request for waiver, such action shall be subject to the 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 implement-

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ing 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; amended May 1, 1988; amended July 1, 1990; amended June 29, 1992; amended June 1, 1993.)

91-12-24a. Approval of homebound and hospital instruction. (a) Reimbursement for the provision of instruction for each homebound or hospitalized child shall be provided only if the child has been appropriately identified as an exceptional child in need of special education services.

(b) Each local education agency shall complete and submit a cumulative state department of education annual report that identifies specific information regarding individual students receiving homebound and hospital instruction.

(c) Each individual who is reimbursed as a teacher in a homebound or hospital program shall have completed a program that qualifies the individual to be fully or provisionally 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. (Authorized by and implementing K.S.A. 72-963; effective July 1, 1989; amended June 1, 1993.)

91-12-27. Approval of developmental preschools.

(a) Requests for approval as a developmental preschool shall be submitted to the state department of education.

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

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

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

(c) Each developmental preschool shall obtain Kansas state department of education approval before applying for federal education funds or entering into contracts or agreements with local education agencies. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended June 1, 1993.)

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, each 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 before issuing a report.

(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 acceptance 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 actions specified in the report, together with justification for the request; or

(C) a written notice of appeal. 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. A decision on the request shall be made by the committee 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 two (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. On-site compliance reviews of each local education agency shall be conducted periodically by the special education administration section. 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. A final report shall be sent to the local education agency by the special education administration section not more than 12 weeks after conclusion of the on-site review.

(c) Appeals.

(1) Any local education agency or complainant may appeal any final compliance report prepared by the special education administration section by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 10 calendar days from the date of the final report was sent by the special education administration section. Each 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 15 calendar days from the date of receipt of the notice of appeal, and a decision shall be rendered within 5 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 by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by a local education agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the local education agency shall be notified of the action that will be taken to assure compliance as determined by the state department of education. 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.

(3) 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; amended May 1, 1988; amended July 1, 1989; amended July 1, 1990; amended June 1, 1993.)

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

(b) The procedures for placing Kansas residents into the Kansas state school for the blind and the Kansas state school for the deaf shall meet the following requirements.

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

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

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

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

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

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

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

(c) If a student transfers from a state school or state institution to a school district, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded to the receiving school district.

(d) If a state school determines that its program is not appropriate for a student and it can no longer maintain the student in its program, the state school shall give the district of residence of the student at least 15 days notice of such determination. (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and K.S.A. 72-970; effective May 1, 1983; amended May 1, 1986; amended June 1, 1993.)

91-12-33. Information activities. Each local education agency, at least once each year, shall provide information to the public concerning the needs of exceptional children, the educational rights of these children, and the availability of special education services, including referral procedures referenced in K.A.R. 91-12-40(c)(3). (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended June 1, 1993.)

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

(2) Each district maintaining a program less than full-time as defined in K.S.A. 72-1106, and any amendments to that statute, shall be reimbursed on a prorated basis.

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

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

(b) Transportation.

(1) Pupil transportation.

(A) Reimbursement for the actual expense of transporting any exceptional child to special education services provided in the school building normally attended by the child shall be claimed as general education transportation reimbursement.

(B) Any additional cost incurred in transporting any exceptional child to another facility where that child

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receives special education services shall be reimbursed as prescribed in K.S.A. 72-978. Reimbursement for the actual costs of providing transportation to other facilities for the purpose of diagnosis or evaluation may be claimed.

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

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

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

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

(c) Expenses incurred to provide room and board or nonmedical care, or both, to any exceptional child shall be at no cost to the parents of the child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides. (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and K.S.A. 1991 Supp. 72-978; effective May 1, 1983; amended May 1, 1984; amended June 1, 1993.)

91-12-40. Child find, screening and evaluation.

(a) Child find. Each local education agency shall implement on-going procedures, including screening, preassessment and comprehensive evaluation, to identify children with disabilities, age birth through 21 years, within its jurisdiction. Public notice of these procedures shall be given at least annually.

(b) Screening. (1) Screening is the first phase in the identification of exceptional children and shall not be used as a basis for placement or programming.

(2) Each local education agency shall develop and implement written screening procedures to identify children ages birth through 21 years who may need special education.

(3) Screening procedures for children under the age of five years shall be made available at least monthly and shall use age-appropriate instruments, measures, and techniques 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; and

(C) developmental screening which does not depend entirely on interview information, group tests, or intelligence testing. This screening shall include: communication skills; gross and fine motor skills; cognition; social and emotional adjustment; and self-help skills.

(4) Screening procedures for children ages five through 21 years shall include:

(A) Mandatory hearing and vision screening; and

(B) age-appropriate assessments designed to identify possible physical, intellectual, social and emotional language or perceptual deviations.

(c) Preassessment. (1) No child enrolled in regular education shall be evaluated or identified as exceptional until a building level team has:

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

(B) documented that the child's potential for learning has not been achieved in that regular education environment; and

(C) completed a record of the dates the preassessment team met, the names and positions of preassessment team members, and the team recommendations.

(2) If the parent of a child requests a comprehensive evaluation of the child before the preassessment is completed, the preassessment may continue, but the comprehensive evaluation shall be initiated no more than 45 school days from the date of the request for evaluation:

(3) A referral for a comprehensive evaluation shall be made whenever screening or preassessment indicates a child may be exceptional. In addition, the 90 day notice from an infant and toddler program under Part H of the federal Individuals with Disabilities Education Act shall constitute a referral for a comprehensive evaluation.

(d) Comprehensive evaluation. No child shall be placed in special education prior to the completion of a comprehensive 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 conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability, and at least one person qualified to conduct individual diagnostic examination of children. 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) Each 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) Each 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 licensed by the Kansas behavioral sciences regulatory board and reported to the Kansas state department of education.

(6) Each student shall be assessed in all areas related to the suspected exceptionality including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, educational performance, communicative status, motor abilities, and vocational skills. 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 a pre-assessment, and through examination of the child's records or conferences with parents and teachers, 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 written referral. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993.)

91-12-41. Individualized education program. (a) An individualized education program (IEP) shall be developed for each child in need of special education services. The IEP shall be developed prior to placement in a special education program. This requirement shall not preclude temporarily placing an exceptional child in a special education program as part of the evaluation process before the individualized education program is finalized, if:

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

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

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

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

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

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

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

(2) the child's teacher or teachers as follows:

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

(B) For a handicapped child who is being considered for placement in special education, the teacher shall be the child's regular classroom teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both;

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

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

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

(5) for a student who is being evaluated for the first time, a member of the evaluation team or a person who is knowledgeable about the evaluation procedures used with the student and who is familiar with the results of the evaluation; and

(6) for students age 14 years and older whose need for transition services is being considered, the student and transition services personnel including:

(A) a representative of the public agency responsible for providing or supervising the provision of transition services; and

(B) if appropriate, a representative of each of the participating agencies providing the transition services included in the student's individualized education program.

(c) Parents shall be notified of the individualized education program meeting at least 10 days prior to the meeting to ensure that they will have the opportunity to participate in developing the IEP. The notice shall indicate the date, time, location and purpose of the meeting and who will be in attendance. A reasonable attempt shall be made to schedule the meeting at a mutually agreed on time and place. Provision for interpreters or other facilitators shall be made for par-

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ents who are deaf or whose principal language is other than English.

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

(e) A copy of the individualized education program shall be provided to each parent.

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

(1) A statement of the child's present level of educational performance. The statement shall include, as appropriate, health, vision, hearing, social and emotional status, general intelligence, educational performance, communicative status, motor abilities and vocational skills;

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

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

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

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

(6) a description of the extent to which the child will participate in regular classroom instruction and other academic and non-academic environments with non-exceptional children of the same age; and

(7) the projected date for the initiation of the prescribed services and anticipated duration of the services, including a description of any extended school year services to be provided; and

(8) for students age 14 and older, a statement of needed transition services. This statement shall include, if appropriate, the interagency responsibilities if a state or local agency, other than the public agency responsible for the student's education, is responsible for providing or paying for needed transition services.

(g) For any exceptional child who is not yet receiving special education, the individualized education program shall be developed not later than 30 days from the date when it is determined that the child requires special education. These children shall remain in their current placement until the individualized education program is completed and parental permission is obtained or due process proceedings, including appeals, are completed.

(h) If a local education agency, through a contractual agreement, refers or places any child in another accredited special education program, the local education agency shall conduct the initial individualized education program conference and shall arrange for a representative of the receiving agency to participate. If a representative of the receiving agency cannot attend the meeting, the sending agency shall ensure participation by the receiving agency through other methods, including individual or conference telephone calls. The sending agency, however, shall ensure its involvement, and the involvement of the child's parent, in any decision about the child's individualized education program. Both the child's parent and the sending local education agency shall agree to any proposed changes in the IEP before those changes are implemented. After the child enters the accredited or approved program, any meetings to review and revise the child's individualized education program may be initiated and conducted by the accredited or approved program personnel.

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

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

(2) ensure that a representative of the parochial or other private school attends each individualized education program conference. If the representative cannot attend, other methods to ensure participation shall be used, including individual or conference telephone calls.

(j) After the child enters a parochial or private school, any meetings to review and revise the child's individualized education program may be initiated and conducted by the parochial or private school.

(k) When an accredited, approved, parochial or private school initiates and conducts a child's individualized education program, responsibility for compliance with state or federal law or regulation regarding the child's special education shall remain with the local education agency.

(l) If any child is placed in a school district or state institution by court order, and the child is determined by the receiving agency to be exceptional, the receiving agency shall be responsible for developing and implementing an IEP for the child. If an exceptional child from a public school program is admitted to a state institution and the child has an IEP, the IEP shall be forwarded to the state institution for implementation and revision, as needed. Conversely, if it is determined by a state institution that an exceptional child will be returned to the community, the receiving district shall be responsible for implementation and revision of the IEP of the child. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended July 1, 1990; amended June 1, 1993.)

91-12-44. Procedural due process. (a) The board of education of each school district shall:

(1) Draft and adopt special education due process procedures which are in compliance with requirements of K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes; and

(2) be responsible for all due process proceedings in the school district.

(b) The secretary of social and rehabilitation services shall:

(1) Draft and adopt special education due process procedures which are in compliance with requirements of K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes; and

(2) be responsible for all due process proceedings in any state institution.

(c) Before taking any special education action in regard to any child, each local education agency shall:

(1) Attempt to determine who is the lawful custodian of the child;

(2) if the lawful custodian of the child cannot be determined or cannot be found, cause proper proceedings to be instituted, pursuant to the Kansas code for care of children, to determine whether the child is in need of care;

(3) if the child is in the custody of the secretary of social and rehabilitation services and the parent is unknown or unavailable, notify the appropriate area office of the department of social and rehabilitation services; and

(4) mail or personally deliver to the lawful custodian the written notice required by K.S.A. 72-972, and any amendments to this statute.

(d) If special education action is proposed in regard to any person who is 18 years of age or older and the person has not been legally adjudicated to be an incapacitated person nor under the jurisdiction of a court as a child in need of care, due process shall be granted only to the person. (Authorized by K.S.A. 72-963; implementing K.S.A. 72-963 and 72-972; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990; amended June 1, 1993.)

91-12-47. Local education agency due process hearing. (a) The request for a due process hearing shall be made, in writing, to the local board of education or to the secretary of social and rehabilitation services, as appropriate. If a request for a due process hearing is received, the local education agency or the secretary, within five days, shall notify the commissioner of education or his designee of the date the request for the hearing was received.

(b) When a request for a due process hearing is received, the statutory provisions in article 9 of chapter 72 of Kansas statutes annotated shall become operative and shall be followed.

(c) Responsibilities of the hearing officer prior to the hearing. The hearing officer shall be responsible for assuring that due process is afforded both parties to the hearing. The hearing officer shall:

(1) Verify, through personal or telephone contact, that the parent understands the parent has the right to have an independent evaluation of the child performed, and has the right to have access to school reports, files, and records relating to any proposed special education action;

(2) verify, through personal or telephone contact, that both the parent of the child and school officials understand the rights of parties in a due process hearing as specified in K.S.A. 1991 Supp. 72-973;

(3) make arrangements for an interpreter, if necessary. At all stages of the due process procedures, parents or children who are deaf, or who have a hearing impairment or other sensory disability, and non-English speaking parents or children shall be provided with an interpreter at public expense;

(4) at least 10 days prior to the hearing, notify each party, in writing, of the provisions of K.S.A. 1991 Supp. 72-973(a)(7);

(5) at least five days prior to the hearing, notify the parties, in writing, of the time and place of the hearing, which shall be at a time and place reasonably convenient to the parent;

(6) if necessary, request the clerk of the district court to issue subpoenas for the attendance of witnesses or the production of relevant records, or both;

(7) ascertain whether the exceptional child will attend or participate in the hearing. If any special education action is proposed for a person 18 years of age or older, and the person has not been adjudicated to be an incapacitated person, that person shall have the right to attend the hearing. If any special education action is proposed for a child, the parent of the child shall have the right to determine whether the child shall attend or participate in the hearing. The decision of the parent of the child shall be made a part of the record of the hearing;

(8) ascertain whether the hearing is to be open or closed as prescribed in K.S.A. 1991 Supp. 72-973(a). This determination shall be made a part of the record of the hearing; and

(9) preside at the hearing and conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony.

(d) A record of the hearing shall be made by mechanical or electronic recording or by an official court reporter.

(e) Decision of the hearing officer.

(1) The hearing officer or officers shall render a written decision in regard to the matter or matters considered at the hearing not later than 45 days after the receipt of the request for a hearing. The decision shall be rendered not more than 10 days after conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include findings of fact, conclusions of law, and reasons for these findings and conclusions.

(2) The decision shall be sent, by restricted mail, to each of the parties or to their respective representatives, within 24 hours after the decision is rendered.

(3) After deletion of all personally identifiable information, a copy of the decision, including the date the decision was rendered and a record of any extensions granted, shall be provided to the state advisory council for special education. (Authorized by and implement-

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ing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended June 1, 1993.)

91-12-51. Early childhood special education. (a) Instructional personnel. (1) Each teacher of an early childhood special education program which serves children who have varying categories of disabilities shall be endorsed for early childhood special education.

(2) Each teacher of an early childhood special education program which serves children who have the same category of disability shall:

(A) Be endorsed for early childhood special education and be provided assistance by a teacher who is endorsed in the category of disability being served and by appropriate related service personnel, as necessary; or

(B) be endorsed for the category of disability being served and have experience, a practicum, or training with preschool age children.

(b) Approvable service delivery models. In addition to the service delivery models authorized in K.A.R. 91-12-23, children ages five and under may be served in any of the following models:

(1) An integrated special classroom serving both disabled and nondisabled children. Children with disabilities shall constitute no more than two-thirds of the class enrollment;

(2) community-based early childhood programs provided by the local education agency which include special education and related services; or

(3) home-based and center-based models combined, in any proportion, to comprise a full program.

(c) Least restrictive environment. Each local education agency shall meet the requirements of K.A.R. 91-12-35 with respect to least restrictive environment. In addition, if a local education agency does not operate early childhood education programs for nondisabled children under age five, regular education for purposes of least restrictive environment for early childhood special education shall include settings where the child would be found if not disabled. The settings shall include, but not be limited to, home, child care, head start, and public and private early childhood education programs.

(d) Class size and caseload limitations for early childhood special education programs shall be as prescribed 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 for Programs for Early Childhood Special Education

CENTER-BASED PROGRAM

	Professional	Paraprofessionals	Maximum Class Size	Maximum Caseload Disabled
Integrated Classroom				
1 ECSE		1	12 (5 disabled)	10
1 ECSE		2	12 (8 disabled)	16
1 ECSE & SE Team*		2	18 (12 disabled)	24
Special Classroom				
1 ECSE		0	4	8
1 ECSE		1	8	16

1 ECSE & 1 SE Team*	1	12	24
HOME-BASED PROGRAM			
Special Teacher		Paraprofessional	Maximum Caseload
1		0	16
1		1	20
1		2	24
1		3	28

*An Early Childhood Special Education (ECSE) and Special Education (SE) team is a team of at least two professionals who are in a classroom full time and are jointly responsible for implementing special education for the children in that classroom. Appropriate professionals include those with special education endorsements, including early childhood special education or special education categorical endorsements, and other special education professionals, including speech/language clinicians, occupational therapists, and physical therapists. (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; amended May 1, 1988; amended July 1, 1990; amended Sept. 2, 1991; amended June 1, 1993.)

91-12-53. Language, speech and hearing impaired. (a) The competency of persons assigned by each local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendments to that statute, shall be reviewed by the state department of education and the state department of health and environment.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying children with speech, language and hearing impairments, shall include an assessment of articulation, language, fluency, voice, and auditory acuity and perception.

(c) Monitoring hearing aids.

(1) Each local education agency shall maintain a list of all children for whom the agency is responsible to educate who wear hearing aids.

(2) Each local education agency shall adopt procedures for the regular and frequent monitoring of the functioning of all hearing aids. Those procedures shall meet the following requirements.

(A) The aids shall be checked not less than once each week.

(B) Personnel shall be designated and trained to provide the listening check in each school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.

(C) Until a child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.

(D) Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.

(d) Paraprofessionals. Language or speech clinicians shall develop a monitoring system for checking the

reliability of the services performed by each paraprofessional assigned to assist them.

(e) Audiological diagnostic services. For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:

(1) hearing screening;

(2) pure tone and bone condition testing, with contralateral masking;

(3) speech discrimination and speech reception audiometry;

(4) site-of-lesion battery; and

(5) hearing aid evaluation or consultation, or both.

(f) Facilities. Speech, language and hearing facilities shall meet the same requirements as outlined in K.A.R. 91-12-38.

If diagnostic audiological services are offered, a specially constructed, sound-treated suite, providing adequate attenuation of outside noise, shall be used.

(g) Class size and caseload.

(1) The maximum class size and caseload for speech and language programs shall be as prescribed in Table IV.

TABLE IV
Class Size and Caseload for Speech and Language Programs

	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group (through indirect service.)	Individual or small group. 3 students per session.	Individual or small group. 5 students per session.	10 students per speech or language clinician. 15 students per speech language clinician with a paraprofessional.
TIME PER WEEK	as needed	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASELOAD MAXIMUMS	No limit	25-55 students.	15-25 students.	15 students with paraprofessional.

(2) The maximum class size for programs for children with hearing impairments shall be as prescribed in Table V.

TABLE V
Class Size and Caseload for Programs for Hearing Impaired

Program Level	Administrative Plan	Number of Students
All levels	Consultative	As appropriate.
All levels	Itinerant	15
All levels	Resource room	As appropriate.
Preschool	Home-based	20
Preschool or Primary	Special class	4
Intermediate or Secondary	Special class	Increase to 6 with one or more paraprofessionals 8 Increase to 11 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993.)

91-12-54. Mental retardation. (a) Screening and identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. The adaptive behavior shall be assessed in more than one environment. This assessment shall be for the purpose of identifying children who are mentally retarded.

(b) Class size and caseload limitations for educable mentally retarded and trainable mentally retarded students shall be as prescribed in Table X.

TABLE X
Class Size and Caseload Limitation for Programs for EMR and TMR

Program Level	Administrative Plan	Maximum Class Size and Caseload
EMR Primary	All programs	12
EMR Intermediate		Increased to 15 with one or more paraprofessionals 15
EMR Secondary		Increased to 18 with one or more paraprofessionals 15
TMR Primary	All programs	Increased to 20 with one or more paraprofessionals 8
TMR Intermediate		Increased to 11 with one or more paraprofessionals 10
TMR Secondary		Increased to 13 with one or more paraprofessionals 12

(continued)

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993.)

91-12-55. Behavior disorders. (a) Comprehensive evaluation. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with behavior disorders:

(1) Specialized procedures which include a behavior rating scale and that are designed to identify children with behavior disorders. Such procedures may include student and parent interviews, a family history, personality rating scales and inventories, and projective tests;

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher. In the case of a pre-school age or a child who is out-of-school, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure; and

(3) procedures for determining the need for a mental health consultation. If a need for consultation is indicated, such consultation shall be provided at public expense.

(b) In addition to meeting the requirements of K.A.R. 91-12-23, children hospitalized for the treatment of behavior disorders shall receive instruction for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with behavior disorders shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with behavior disorders shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(c) Class size and caseload limitations for behavior disorders shall be as prescribed in Table VI.

TABLE VI
Class Size and Caseload for Programs for Behavior Disorders

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than 1/4 time to be spent with students.
	Itinerant teacher	15—Increase to 18 with one or more paraprofessionals.
	Resource room	12—No more than 8 at any one time. Increase to 16 with one or more paraprofessionals.

Special Classroom	8—Increase to 10 with a paraprofessional.
Special purpose schools (departmentalized by curricular content area)	No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993.)

91-12-59. Visually impaired. (a) Screening and identification. In addition to the requirements of K.A.R. 91-12-40, when visual impairment is the suspected disability, the child's parent shall provide any recommended treatment or correction or both resulting from an eye examination by an eye specialist prior to the comprehensive evaluation.

(b) Class size or caseloads. The class size or caseload of each teacher of the visually handicapped children shall be established from the individualized education programs of the identified students served by that teacher.

(c) Mandatory state reporting. All legally blind children age birth to 21 years shall be reported, as soon as identified, to the superintendent of the state school for the blind. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended June 1, 1993.)

91-12-61. Paraprofessionals in special education. (a) No special education paraprofessional shall:

(1) Be solely responsible for a special education instructional or related service;

(2) be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments;

(3) be responsible for selecting, programming or prescribing educational activities or materials for the students without the supervision and guidance of the teacher;

(4) be solely responsible for preparing lesson plans or initiating original concept instruction;

(5) be assigned to implement the individual education program for severely disabled students without direct supervision and involvement from the professional;

(6) be employed in lieu of certified special education personnel;

(7) be used as a substitute teacher, unless the paraprofessional possesses the appropriate Kansas certification;

(8) be enrolled as an elementary or secondary school student; or

(9) perform nursing procedures or administer medications without appropriate supervision from an approved health care professional.

(b) Assignment.

(1) A paraprofessional may be assigned to assist in a general education program when one or more students with exceptionalities are included in that program; provided that the paraprofessional is assigned to and supervised by a special teacher who meets the requirements in K.A.R. 91-12-22 (uu) (1) through (4).

(2) No more than three paraprofessionals, whether full time or part time, shall be assigned to a single professional. No paraprofessional shall be assigned to more than two professionals.

(3) Except for paraprofessionals providing supervised occupational, physical or speech therapy, any paraprofessional assigned to a professional may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and the paraprofessional at least twice each week. The paraprofessional providing supervised occupational or physical therapy must receive direct supervision by a professional occupational or physical therapist twice each month. If the professional is not present each day, the paraprofessional shall be assigned to, and supervised by, a designated principal or teacher.

(4) Each paraprofessional who is assigned to a learning work site that is off school property shall be assigned to and supervised by a special teacher.

(A) The special teacher shall work with the paraprofessional and the student a minimum of twice a week.

(B) A designated person at the off-school property location shall monitor the paraprofessional when the special teacher is not present.

(c) Approval of paraprofessional programs.

(1) Inservice program standards. Each local education agency shall file with the department of education at the beginning of each school year, a plan for inservice training for special education instructional paraprofessionals. At the conclusion of each school year, a report shall be filed that verifies and describes the training that occurred during the school year.

(2) Each inservice training program shall include:

(A) An orientation session at the beginning of each school year or when a paraprofessional is employed during the school year; and

(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed. Each special education instructional paraprofessional shall receive no less than 20 clock hours of inservice training per school year.

(d) Each instructional paraprofessional shall possess a paraprofessional I, II, or III permit.

(1) The requirements for a paraprofessional I permit shall be participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. The local education agency may choose to substitute all or part of the above requirements with an equivalent amount of appropriate college coursework taken during the school year. Each paraprofessional, without prior training and experience as an instructional paraprofessional, shall be approved and

shall receive a paraprofessional I permit after participation in 20 clock hours of inservice training.

(2) The requirements for a paraprofessional II permit shall be:

(A) Two years experience as an instructional paraprofessional;

(B) (i) completion of 30 semester college hours of approved academic work;

(ii) an equivalent 450 clock hours of approved inservice training; or

(iii) a combination of (i or ii) totaling 450 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(3) The requirements for a paraprofessional III permit shall be:

(A) Three years experience as an instructional paraprofessional;

(B) (i) completion of 60 semester college hours of approved academic work;

(ii) an associate degree from an approved training program for instructional paraprofessionals;

(iii) a certificate from an approved training program for instructional paraprofessionals from a vocational technical school;

(iv) an equivalent 900 clock hours of approved inservice training; or

(v) a combination of (i-iv) totaling 900 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended July 1, 1990; amended June 29, 1992; amended June 1, 1993.)

91-12-64. Special education instructional media centers. (a) Special education instructional media centers services shall be confined to children who:

(1) Have been identified as exceptional; or

(2) who are in the process of being identified as exceptional.

(b) State approval of a special education instructional media center professional shall require:

(1) A valid Kansas teaching certificate; and

(2) current endorsement in one or more areas of exceptionality.

(c) Special education reimbursement shall be authorized for paraprofessional personnel who provide services for exceptional students, and who are under the supervision of an approved special education instructional media center specialist.

(d) Accurate records of special education instructional materials center acquisitions, loans and other activities shall be kept.

(e) Each special education instructional materials center shall develop and implement procedures for collecting subjective evaluation data relative to client satisfaction. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-963; K.S.A. 72-965; effective May 1, 1983; amended July 1, 1990; amended June 1, 1993.)

(continued)

91-12-65. Transition services. (a) Each local education agency shall adopt procedures for assuring the provision of transition services to students with disabilities. Such procedures shall include:

(1) An assessment of the individual student's needs, taking into account the student's preferences and interests;

(2) a process for insuring that the student's transition service needs are specifically identified in the student's IEP no later than age 14, and annually thereafter;

(3) a process for identifying interagency responsibilities or linkages, or both, prior to the student exiting school; and

(4) a process to insure that, prior to graduation, agreed upon services are delivered to the student. In the case where a participating agency, other than the educational agency fails to provide agreed upon services, the educational agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended July 1, 1990; amended June 1, 1993.)

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 013308

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1992 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-6-2	Amended	V. 11, p. 278
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 11, p. 1019
1-9-13	Amended	V. 11, p. 1020
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
1-9-23	New	V. 11, p. 1194, 1257
1-16-18	Amended	V. 12, p. 6, 54
1-16-18a	Amended	V. 12, p. 7, 55
1-45-14	Amended	V. 11, p. 1195
1-46-1	Amended	V. 11, p. 1195
1-46-3	Amended	V. 11, p. 1195

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 11, p. 1895
4-4-923	Amended	V. 11, p. 1895
4-4-924	Amended	V. 11, p. 1895
4-4-931	Amended	V. 11, p. 1896
4-4-932	Amended	V. 11, p. 1896
4-4-933	Amended	V. 11, p. 1896
4-4-934	Amended	V. 11, p. 1897
4-4-935	Amended	V. 11, p. 1897
4-4-956	New	V. 11, p. 1897
4-7-716	Amended	V. 11, p. 555
4-7-719	Amended	V. 11, p. 63
4-8-14a	Amended	V. 11, p. 1898
4-8-27	Amended	V. 11, p. 555
4-8-28	New	V. 11, p. 1898
4-8-33	New	V. 11, p. 1898
4-8-40	Amended	V. 11, p. 1898
4-8-41	New	V. 11, p. 555
4-10-1	Amended	V. 11, p. 1898
4-13-36	Amended	V. 11, p. 1899
4-13-38	Amended	V. 11, p. 1899

4-13-41	Amended	V. 11, p. 1900
4-13-42	Amended	V. 11, p. 1900
4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901
4-16-300 through 4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
4-17-300 through 4-17-305	New	V. 11, p. 557, 558

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-42-1	Amended	V. 11, p. 361
5-42-3	Amended	V. 11, p. 361
5-45-1 through 5-45-4	Amended	V. 11, p. 361-363
5-45-6	Amended	V. 11, p. 363
5-45-7	Amended	V. 11, p. 363
5-45-12	Amended	V. 11, p. 363
5-45-13	Amended	V. 11, p. 364
5-45-14 through 5-45-17	New	V. 11, p. 364, 365

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-10-5	Amended	V. 11, p. 1929
14-10-10	Amended	V. 11, p. 1930
14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940

14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-21	Amended	V. 11, p. 1903
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1 through 17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	New	V. 11, p. 1371

AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

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19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714
19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721
19-63-3	Amended	V. 11, p. 721
19-63-4	Amended	V. 11, p. 722
19-63-6	New	V. 11, p. 722

AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION

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21-34-1 through 21-34-21	New	V. 11, p. 357-360
21-34-1 through 21-34-21	New	V. 11, p. 504-507
21-60-1 through 21-60-23	New	V. 11, p. 1084-1091, 1153-1160

21-80-1 through 10
 21-80-10 New V. 11, p. 1764-1766

AGENCY 22: STATE FIRE MARSHAL

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22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-6 through 12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-2-2	Revoked	V. 11, p. 1742
25-2-5	Revoked	V. 11, p. 1742
25-4-1	Amended	V. 11, p. 1643, 1702
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1 through 14	New	V. 11, p. 1041-1043

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-1-2	Amended	V. 12, p. 315
28-14-2	Amended	V. 11, p. 1797
28-15-11	Amended	V. 11, p. 1231
28-15-12	New	V. 12, p. 57
28-15-13	Amended	V. 11, p. 1232
28-15-14	Amended	V. 11, p. 1233
28-15-15	Revoked	V. 11, p. 1236
28-15-15a	New	V. 11, p. 1236
28-15-20	Amended	V. 11, p. 1237
28-16-29	Revoked	V. 11, p. 1260
28-16-30 through 36	New	V. 11, p. 1260, 1261
28-17-6	Amended	V. 11, p. 1543, 1584
28-17-12	Amended	V. 11, p. 1543, 1584
28-17-20	Amended	V. 11, p. 1543, 1584
28-19-17	Amended	V. 11, p. 608
28-19-17a through 17l	Amended	V. 11, p. 608, 609

28-19-17m through 17q	New	V. 11, p. 609, 610
28-19-19	Amended	V. 11, p. 610
28-19-73	Amended	V. 11, p. 612
28-24-1	New	V. 11, p. 1798
28-24-2	New	V. 11, p. 1798
28-24-4 through 16	New	V. 11, p. 1798-1800
28-29-28 through 36	New	V. 11, p. 614-620, 758-764
28-29-84	New	V. 12, p. 435, 487
28-29-85	New	V. 12, P. 436, 488
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-38-18 through 23	Amended	V. 12, p. 437, 438
28-38-29	New	V. 12, p. 439
28-53-1	Amended	V. 11, p. 846
28-53-2	Amended	V. 11, p. 846
28-59-7	Amended	V. 11, p. 1643
28-61-1 through 10	New	V. 11, p. 1743-1748

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30-4-52	Amended	V. 11, p. 1749
30-4-55	Amended	V. 11, p. 1750
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 12, p. 386
30-4-90	Amended	V. 12, p. 264
30-4-101	Amended	V. 11, p. 1011, 1045
30-4-109	Amended	V. 11, p. 1263
30-4-112	Amended	V. 11, p. 1263
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 12, p. 387
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 11, p. 1751
30-5-80	New	V. 11, p. 989
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 11, p. 1752
30-5-100a	Amended	V. 11, p. 1752
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-151	Amended	V. 12, p. 266
30-5-159	Amended	V. 11, p. 1753
30-5-160	Amended	V. 11, p. 1753
30-5-161	Amended	V. 11, p. 1753
30-5-169	Amended	V. 11, p. 1753
30-5-171	Revoked	V. 11, p. 1753
30-5-173	New	V. 11, p. 1753
30-5-173a	New	V. 11, p. 1753
30-6-52	Amended	V. 11, p. 1753
30-6-53	Amended	V. 11, p. 1754
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 12, p. 395
30-6-72	Amended	V. 11, p. 1012, 1046
30-6-73	Amended	V. 11, p. 1265
30-6-86	Amended	V. 11, p. 1756
30-6-103	Amended	V. 11, p. 1757
30-6-106	Amended	V. 11, p. 1757
30-6-109	Amended	V. 11, p. 1268
30-6-112	Amended	V. 11, p. 1269
30-6-113	Amended	V. 12, p. 396
30-6-150	Amended	V. 12, p. 398
30-7-100 through 104	New	V. 11, p. 990-992

30-7-100	Amended	V. 12, p. 398
30-9-13	Revoked	V. 11, p. 992
30-9-18 through 22	Revoked	V. 11, p. 992
30-10-1a	Amended	V. 11, p. 1481
30-10-1b	Amended	V. 11, p. 1483
30-10-1c	Amended	V. 11, p. 1484
30-10-2	Amended	V. 11, p. 1484
30-10-3	Revoked	V. 11, p. 1485
30-10-4	Revoked	V. 11, p. 1485
30-10-6	Amended	V. 11, p. 1761
30-10-7	Amended	V. 11, p. 1761
30-10-8	Revoked	V. 11, p. 1485
30-10-11	Amended	V. 11, p. 1762
30-10-15a	Amended	V. 11, p. 1485
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 11, p. 1487
30-10-18	Amended	V. 11, p. 1488
30-10-19	Amended	V. 11, p. 1490
30-10-20	Amended	V. 11, p. 1490
30-10-23a	Amended	V. 11, p. 1490
30-10-23b	Amended	V. 11, p. 1491
30-10-23c	Amended	V. 11, p. 1491
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30-10-200	Amended	V. 11, p. 207
30-10-210	Amended	V. 11, p. 209
30-10-212	Amended	V. 11, p. 210
30-10-214	Amended	V. 11, p. 1270
30-10-217	Amended	V. 11, p. 210
30-10-219	Amended	V. 11, p. 211

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36-13-36	Revoked	V. 11, p. 663
36-13-37	Amended	V. 11, p. 663
36-13-38	New	V. 11, p. 664
36-13-39	New	V. 11, p. 664
36-37-1 through 6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310

AGENCY 40: KANSAS INSURANCE DEPARTMENT

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40-2-12	Amended	V. 11, p. 1801
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 11, p. 1803
40-4-37a	New	V. 11, p. 1804
40-4-37b	New	V. 11, p. 1804
40-4-37c	New	V. 11, p. 1804
40-4-37d	New	V. 11, p. 1968
40-4-37e	New	V. 11, p. 1804
40-4-37f	New	V. 11, p. 1805
40-4-37g	New	V. 11, p. 1805
40-4-37h	New	V. 11, p. 1805
40-4-37i	New	V. 11, p. 1806
40-4-37j	New	V. 11, p. 1807
40-4-37k	New	V. 11, p. 1808
40-4-37l	New	V. 11, p. 1809
40-4-37m	New	V. 11, p. 1810
40-4-37n	New	V. 11, p. 1810
40-4-37o	New	V. 11, p. 1810
40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 11, p. 1811
40-7-7	Amended	V. 11, p. 1968
40-7-7a	New	V. 11, p. 1812
40-7-13	Amended	V. 11, p. 1969

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40-7-19	Amended	V. 11, p. 1812
40-7-20a	Amended	V. 11, p. 1969
40-8-7	Amended	V. 11, p. 1971
40-9-118	Amended	V. 11, p. 1812
40-14-10	New	V. 11, p. 1971

AGENCY 44: DEPARTMENT OF CORRECTIONS

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44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
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44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-18-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328

44-13-401a	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 218
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

AGENCY 54: KANSAS STATE LIBRARY

Reg. No.	Action	Register
54-1-23	New	V. 11, p. 1894

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 12, p. 489
60-4-103	Amended	V. 12, p. 489
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 12, p. 489
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 12, p. 349
60-9-107	New	V. 11, p. 83
60-11-103	Amended	V. 12, p. 350
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-105	New	V. 11, p. 85
60-13-101	Amended	V. 12, p. 489
60-13-113	New	V. 11, p. 85

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1	through	
65-4-5	New	V. 11, p. 470, 471
65-5-1	through	
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474

65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1	through	
65-8-4	New	V. 11, p. 474, 475
65-9-1	through	
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 12, p. 10
66-6-3	Revoked	V. 12, p. 10
66-6-4	Amended	V. 12, p. 10
66-6-6	Amended	V. 12, p. 11
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 11
66-6-9	Amended	V. 12, p. 11
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1	Amended	V. 11, p. 409
66-8-2	through	
66-8-5	Amended	V. 12, p. 11, 12
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 12
66-9-2	Amended	V. 12, p. 12
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 12
66-9-5	New	V. 12, p. 12
66-10-1	Amended	V. 12, p. 13
66-10-2	Revoked	V. 12, p. 13
66-10-3	Amended	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Revoked	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 13
66-10-11	Amended	V. 12, p. 14
66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 12, p. 14
66-11-3	Amended	V. 12, p. 14
66-12-1	New	V. 11, p. 412
66-13-1	Amended	V. 12, p. 14

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-12	Amended	V. 11, p. 1611
68-7-12a	New	V. 12, p. 186
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 12, p. 187
68-14-1	through	
68-14-7	New	V. 11, p. 665, 666
68-20-18	Amended	V. 12, p. 187

68-20-19 Amended V. 12, p. 188

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-2	Amended	V. 11, p. 1749
69-3-11	Amended	V. 11, p. 1749
69-6-5	Amended	V. 11, p. 1749
69-7-1	Revoked	V. 11, p. 1800
69-7-2	Revoked	V. 11, p. 1800
69-7-3	Revoked	V. 11, p. 1800
69-7-4	Revoked	V. 11, p. 1800
69-7-5	Revoked	V. 11, p. 1800
69-7-7	Revoked	V. 11, p. 1800
69-7-14	Revoked	V. 11, p. 1800
69-7-16	Revoked	V. 11, p. 1800
69-7-22	Revoked	V. 11, p. 1800
69-7-23	Revoked	V. 11, p. 1800
69-7-25	Revoked	V. 11, p. 1800
69-7-26	Revoked	V. 11, p. 1800
69-7-27	Revoked	V. 11, p. 1800
69-11-1	Amended	V. 11, p. 1749

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-16	New	V. 12, p. 439
71-1-17	New	V. 12, p. 439
71-3-3	Amended	V. 12, p. 532

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 229
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 11, p. 849
74-5-203	Amended	V. 11, p. 849

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-4-1	Amended	V. 12, p. 439
82-4-3	Amended	V. 12, p. 440
82-4-6d	Amended	V. 12, p. 441
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 12, p. 442
82-4-27a	Amended	V. 12, p. 442
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812
82-4-29	Amended	V. 12, p. 443
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 12, p. 443
82-4-37	Amended	V. 12, p. 443
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 12, p. 443

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	New	V. 11, p. 1832

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676

88-19-4	Amended	V. 11, p. 1676
88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677
88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677
88-22-1		
through		
88-22-10	New	V. 12, p. 93, 94

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-23	Amended	V. 11, p. 765
91-12-61	Amended	V. 11, p. 766

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-49-5	New	V. 11, p. 1084
100-60-3	Revoked	V. 11, p. 2007
100-60-4	Amended	V. 11, p. 2007
100-60-5	Amended	V. 11, p. 2007
100-60-6	Amended	V. 11, p. 2007
100-60-8		
through		
100-60-14	Amended	V. 11, p. 2008, 2009

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-5-1		
through		
102-5-12	New	V. 12, p. 189-194

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 9
105-5-6	Amended	V. 12, p. 9
105-5-7	Amended	V. 12, p. 9
105-5-8	Amended	V. 12, p. 9

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-9-5	New	V. 11, p. 133

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1		
through		
110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1		
through		
110-5-6	New	V. 11, p. 1370, 1371, 1703, 1704

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586

111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-2-21	New	V. 11, p. 1471
111-2-22	New	V. 11, p. 1972
111-2-23	New	V. 12, p. 113
111-2-24	New	V. 12, p. 520
111-3-1	Amended	V. 10, p. 1210
111-3-9	Revoked	V. 11, p. 1793
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 11, p. 1149
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6		
through		
111-4-15	Revoked	V. 12, p. 113
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 11, p. 1472
111-4-101	Amended	V. 11, p. 976
111-4-102	Amended	V. 11, p. 976
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 11, p. 1793
111-4-105	Amended	V. 11, p. 977
111-4-106	Amended	V. 11, p. 1472
111-4-106a	Amended	V. 11, p. 1149
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 11, p. 978
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 11, p. 978
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986

(continued)

111-4-221 through 111-4-224	Revoked	V. 10, p. 1585	111-4-388 through 111-4-400	New	V. 11, p. 478-481	111-6-1	Amended	V. 12, p. 527
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585	111-4-392 Amended 111-4-394 through 111-4-400	Amended	V. 12, p. 520	111-6-3	Amended	V. 12, p. 527
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-401 through 111-4-404	Amended	V. 12, p. 521, 522	111-6-4	Amended	V. 10, p. 1413
111-4-237 through 111-4-240	Revoked	V. 11, p. 413	111-4-405 through 111-4-413	New	V. 11, p. 980, 981	111-6-5	Amended	V. 10, p. 14
111-4-241 through 111-4-244	New	V. 9, p. 1812	111-4-411 through 111-4-412	Amended	V. 11, p. 1473, 1474	111-6-6	Amended	V. 11, p. 1973
111-4-245 through 111-4-248	New	V. 10, p. 200	111-4-413 through 111-4-414	Amended	V. 11, p. 1474	111-6-7	Amended	V. 11, p. 1477
111-4-249 through 111-4-256	Revoked	V. 12, p. 113, 114	111-4-415 through 111-4-428	Amended	V. 11, p. 1475	111-6-8	Amended	V. 11, p. 1478
111-4-257 through 111-4-286	Revoked	V. 11, p. 413, 414	111-4-429 through 111-4-432	New	V. 11, p. 981-983	111-6-9	Amended	V. 10, p. 1217
111-4-287 through 111-4-300	New	V. 10, p. 883-886	111-4-433 through 111-4-436	Amended	V. 11, p. 1150	111-6-12	Amended	V. 8, p. 242
111-4-291 through 111-4-300	Revoked	V. 12, p. 114	111-4-437 through 111-4-444	New	V. 11, p. 1118	111-6-13	Amended	V. 8, p. 299
111-4-301 through 111-4-307	New	V. 10, p. 1015, 1016	111-4-445 through 111-4-453	New	V. 11, p. 1151	111-6-17	Revoked	V. 10, p. 1475
111-4-301 through 111-4-306	Amended	V. 11, p. 979	111-4-454 through 111-4-457	New	V. 11, p. 1475-1477	111-7-1	through	
111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215	111-4-458 through 111-4-461	New	V. 11, p. 1794-1796	111-7-10	New	V. 7, p. 1192, 1193
111-4-308 through 111-4-311	Amended	V. 10, p. 1472	111-4-462 through 111-4-465	New	V. 11, p. 1944	111-7-11	Amended	V. 8, p. 212
111-4-312 through 111-4-318	Amended	V. 10, p. 1472	111-4-466 through 111-4-473	New	V. 11, p. 1972, 1973	111-7-12	Amended	V. 10, p. 1475
111-4-321 through 111-4-322	Revoked	V. 12, p. 114	111-4-474 through 111-4-488	New	V. 12, p. 115	111-7-11	through	
111-4-331 through 111-4-328	New	V. 10, p. 1411-1413	111-4-489 through 111-4-496	Amended	V. 12, p. 316, 317	111-7-32	New	V. 7, p. 1194-1196
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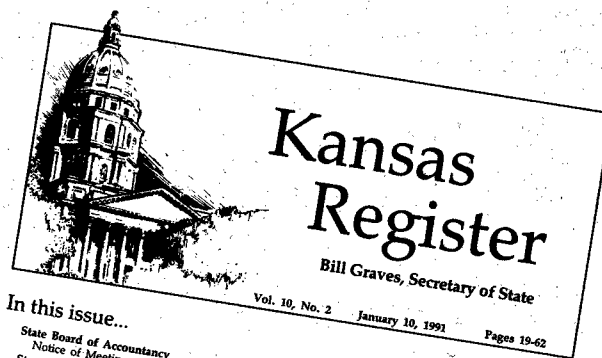
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