



Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 40 October 6, 1994 Pages 1481-1512

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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. The following appointments were filed September 12-30:

**Coordinating Council on Early Childhood
Development Services**

Joan Wagnon, 1606 Boswell, Topeka 66604. Succeeds Kathleen Sebelius. Appointed by the House Minority Leader.

**Kansas Commission on Children,
Youth and Families**

Charles E. Simmons, Acting Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. Succeeds Gary Stotts, resigned.

**Delta Dental Plan of Kansas, Inc.
Board of Directors**

Melany Barnes, 104 N. Mt. Carmel Way, #128, Wichita 67203. Term expires June 30, 1996. Succeeds Richard Malm.

**Governor's Interagency Coordinating Committee
on Substance Abuse**

Charles E. Simmons, Acting Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. Succeeds Gary Stotts, resigned.

**Advisory Committee on Juvenile
Offender Programs**

Charles E. Simmons, Acting Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. Succeeds Gary Stotts, resigned.

**Kansas Migrant Farmworkers
Coordinating Council**

Arturo Robles, Department of Health and Environment, Bureau of Local and Rural Health Systems, 6th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. New position.

**Kansas Commission on National and
Community Service**

Lorraine Claassen, 213 Westin Square, Apt. XXX213, Lawrence 66049. Term expires March 24, 1995. Succeeds Margaret Hu, resigned.

Kansas Quality Management Council

Charles E. Simmons, Acting Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. Succeeds Gary Stotts, resigned.

Real Estate Appraisal Board

Robert Niehues, Jr., Box C-32, Corning 66417. Term expires June 30, 1997. Succeeds Bernard J. Ruysser.

Acting Secretary of Revenue

Susan Duffy, Department of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. Serves at the pleasure of the Governor. Succeeds Nancy Parrish, resigned.

State Board of Technical Professions

Richard D. Sternadori, 1660 Lawndale St., El Dorado 67402. Term expires June 30, 1996. Succeeds Doug Stuhlsatz, resigned.

Joe H. Vanderweide, 1703 Pinecrest, Garden City 67846. Term expires June 30, 1998. Succeeds Carl Ossmann.

Kansas Water Authority

Alan B. Crane, Route 2, Box 110, Larned 67550. Term expires May 31, 1998. Succeeds Larry Panning.

Bill Graves
Secretary of State

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Topeka, KS 66612-1594
(913) 296-2236



Kansas Register Office:
235-N, State Capitol
(913) 296-3489

State of Kansas

Secretary of State

Usury Rate for October

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of October 1, 1994 through October 31, 1994, is 10.50 percent.

Bill Graves
Secretary of State

Doc. No. 015428

State of Kansas

Historic Sites Board of Review

Notice of Hearing

The Grants Review Committee of the Kansas Historic Sites of Review will conduct a hearing at 1 p.m. Friday, October 21, in the second floor auditorium of the Memorial Building (Center for Historical Research), 120 S.W. 10th, Topeka, to receive public comments on the applications filed with the Historic Preservation Office for federal fiscal year 1995 survey and planning grants. Comments may be addressed to the committee orally or in writing.

The following organizations, entities, institutions, etc., have submitted applications:

- City of Lawrence (CLG), North Lawrence Survey and Land Use Guidelines, 1996
Kansas Statewide Historic Preservation Conference Creation
- City of Salina (CLG), Update of 1983 Salina Heritage Conservation Plan
- City of White Cloud, White Cloud Historic District Nomination
- City of Wichita (CLG), Dunbar Intensive Survey
- Dickinson County Historical Society, Statewide Preservation Conference
- Finney County Historical Society, Garden City Survey IV
- Johnson County Museum System, Johnson County Survey V
- Museum of Anthropology, University of Kansas, Archeological Survey of Five Creek
- Museum of Anthropology, University of Kansas, Douglas County Archeological Survey

The committee also will receive general comments about the types of survey and planning projects that should be funded in Kansas. Funding for the grants is provided by the National Park Service, a division of the United States Department of the Interior, and is administered by the Kansas State Historical Society.

Ramon Powers
Executive Director

Doc. No. 015431

State of Kansas

Social and Rehabilitation Services

Public Notice

The Department of Social and Rehabilitation Services changed the methodology used for disproportionate share hospitals effective July 1, 1994. This change was required by federal legislation. Public hospitals shall be paid no more in disproportionate share funds than twice the sum of the cost of the uninsured plus the difference between their Kansas Medicaid utilization rate. Medicaid shall include Medicare days paid by Medicaid.

Copies of these changes to the Medicaid State Plan will be made available in area SRS offices upon expressed interest by calling Tina Hayes at (913) 296-3981. Comments may be sent to Tina Hayes at the office of Income Support and Medical Services Commission, Docking State Office Building, Room 628-South, 915 S.W. Harrison, Topeka 66612-1570. Comments may be reviewed by the public at the same office. Copies may also be obtained at that address.

Robert Epps
Commissioner

Doc. No. 015436

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for civil engineering services for the design and construction administration of the repair of the embankment of Crawford State Lake Dam in Crawford County. The project will include relocation of a waterline, environmental mitigation for loss of broadhead skink habitat, lessening the downstream slope of the embankment to 2.5 to 1 and repair of the erosion at the toe of the emergency spillway. The estimated construction cost of these repairs is \$300,000.

An original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Deputy Director of Planning and Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367. Any questions or expressions of interest should be directed to Gary Grimes on or before October 21.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 015430

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 10 through October 23:

Date	Room	Time	Committee	Agenda
October 10	123-S	10:00 a.m.	Joint Committee on State Building	Project review. Agencies to be announced.
October 11	123-S	9:00 a.m.	Construction	
October 11	519-S	9:00 a.m.	Legislative Post Audit Committee	Legislative matters.
October 13	519-S	10:00 a.m.	Health Care Reform Legislative	Agenda not available.
October 14	519-S	9:00 a.m.	Oversight Committee	
October 13		1:30 p.m.	Kansas Council on Privatization	Subcommittee meetings.
	123-S		Targeted Opportunities	
	527-S		Cost Accounting	
	531-N		Public Employees	
	526-S		Procurement	
October 14	123-S	8:00 a.m.	Kansas Council on Privatization	Public hearings—all persons interested in making a presentation to the council should contact Kansas, Inc. at (913) 296-1460. Comments should not exceed 10-15 minutes.
October 14	514-S	10:00 a.m.	Telecommunications Strategic Planning Committee	Discussion and possible recommendations on responses to RFP. If time permits, a presentation by Larry Pankratz on wireless communications.
October 17	123-S	9:00 a.m.	Joint Committee on Economic Development	17th: Presentations on federal and Kansas business finance assistance programs.
October 18	123-S	9:00 a.m.		18th: Presentations on business finance initiatives in other states and recommendations to the committee on initiatives for its consideration. Committee discussion and directions to staff.
October 17	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
October 18	514-S	9:00 a.m.		
October 18	519-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
October 19	519-S	9:00 a.m.		
October 19	514-S	10:00 a.m.	Interim Study Group on Special Advisory Commissions	Agenda not available.
October 20	514-S	9:00 a.m.		
October 19	123-S	1:30 p.m.	Legislative Coordinating Council	Legislative matters.
October 20	123-S	10:00 a.m.	Legislative Budget Committee	20th: a.m.-Health and Environment wastewater treatment fees.
October 21	123-S	9:00 a.m.		p.m.-DARE/GREAT Program funding.
				21st: Hearing on shifting the Medicaid program of the Dept. of SRS to a capitated managed care system.

Emil Lutz
Director of Legislative
Administrative Services

State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet at 11 a.m. Wednesday, October 12, in the board room at the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Deana Novak
Administrative Officer

Doc. No. 015433

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 10-10-94 through 10-16-94

Term	Rate
0-90 days	4.68%
3 months	5.10%
6 months	5.56%
9 months	5.82%
12 months	6.01%
18 months	6.35%
24 months	6.61%
36 months	6.92%
48 months	7.16%

Sally Thompson
State Treasurer

Doc. No. 015432

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Tuesday, October 18, 1994

30723

Statewide—Spices and miscellaneous groceries
99915 (Rebid)

University of Kansas Medical Center—Dining room
booths and tables

00068

Kansas State University—Biological safety cabinets

00069

Kansas State University—Gooseneck trailers

00074

Department of Transportation—Standby power
system, Chanute

00102

University of Kansas—Optical scanner

Wednesday, October 19, 1994

00082

Department of Social and Rehabilitation Services—
Laser cartridge recycling supplies

00083

Department of Transportation—Preassembled radio
equipment shelter, various locations

00091

Kansas Highway Patrol—Body armor

Thursday, October 20, 1994

A-7180, 7181, 7182 (Revised)

Topeka State Hospital—Accessibility upgrades,
Eastman, Woodward and Brigham Buildings

00086

Kansas Bureau of Investigation—Consulting services
for (Astra) system

00090

Department of Transportation—Bituminous plant
mix, Salina

00092

University of Kansas—High speed copier

00100

Wichita State University—Inserter

00104

Kansas State University—Detacher/stacker/imprinter

00105

Lansing Correctional Facility—CCD video
equipment

Friday, October 21, 1994

30724

Statewide—Frozen foods

Tuesday, October 25, 1994

A-7302

University of Kansas—Campus electrical items,
various locations

Wednesday, October 26, 1994

A-7251

Department of Transportation—Accessibility
improvements, Norton

Request for Proposals

Wednesday, October 26, 1994

30725

The Department of Administration is seeking
financing proposals to provide funds for state agency
purchases of equipment and finance such purchases
over timeframes of up to 72 months

Thursday, October 27, 1994

30709

Operation of College Bookstore for Kansas State
University-Salina

Jack R. Shipman
Director of Purchases

Doc. No. 015449

State of Kansas

Advisory Committee on Juvenile
Offender Programs

Notice of Meeting

The Advisory Committee on Juvenile Offender Programs will meet at 12:30 p.m. Thursday, October 6, at the Office of Judicial Administration, third floor conference room, Kansas Judicial Center, 301 S.W. 10th, Topeka. For additional information, contact Mark Matese at (913) 296-2023.

Carolyn Risley Hill
Commissioner of Youth and
Adult Services

Doc. No. 015437

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
Oct. 7	Care and Treatment	9:30 a.m.	Room 259
Oct. 12	Municipal Court Manual	9:00 a.m.	Room 259
Oct. 21	Family Law	9:30 a.m.	3rd Floor, Fatzer Courtroom
Oct. 21	PIK	9:30 a.m.	Room 259
Oct. 28	Probate Law	9:30 a.m.	Room 259
Nov. 3	Care and Treatment	9:30 a.m.	2nd Floor, Court of Appeals Courtroom
Nov. 3	Civil Code	9:00 a.m.	Room 259
Nov. 4	Judicial Council	9:00 a.m.	Room 259
Nov. 18	PIK	9:30 a.m.	Room 259

Justice Kay McFarland
Chair

Doc. No. 015453

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Wednesday, November 9, in the board room of the State Education Building, 120 S.E. 10th, Topeka, to consider proposed changes in regulations numbered K.A.R. 91-12-22, 91-12-23, 91-12-25, 91-12-29, 91-12-34, 91-12-35, 91-12-41, 91-12-42, 91-12-51, 91-12-54, 91-12-55, 91-12-56, 91-12-60 and 91-12-74.

The following is a summary of the substance of each proposed regulation and a summary of its anticipated economic impact. All of the proposed substantive changes are based upon federal requirements.

1. K.A.R. 91-12-22. This regulation contains definitions of the terms used in Article 12. Most of the proposed revisions are editorial in nature. The definitions of "educational placement" and "supplemental aids and services" have been added. These definitions are cur-

rently in the State Plan for Special Education. The definitions of "autism," "serious emotional disturbance," and "other health impaired" are revised to conform with federal regulations. "Mental retardation" is revised to be in conformity with the most current definition from the American Association on Mental Deficiency which focuses on limitations in two or more adaptive skill areas. There will be no economic impact upon the State Department of Education or upon private business or individuals. Responses from the field on the change in definition of "behavior disorders" to "serious emotional disturbance" indicate the change in definition could significantly ease the burden of school districts to serve students with social maladjustment in special education programs unless those students have an identified serious emotional disturbance. Twelve directors of special education representing approximately 50 percent of the students served in the area of behavior disorders indicated that there would be 1 to 5 percent fewer students served in this categorical area if the definition is changed to conform with the federal regulations. This could result in a cost reduction of from \$220,000 to \$1,110,000.

2. K.A.R. 91-12-23. This regulation concerns state approval of special education programs. Sections (a)(8) and (9) are being eliminated since they are provided for in K.A.R. 91-12-23(c). Also, section (b) is stricken to eliminate the separate process for obtaining a waiver to utilize an innovative delivery model. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

3. K.A.R. 91-12-25. This regulation concerns interrelated service units. The proposed revision will eliminate approval of interrelated service units as separate entities. These programs will be approved under current regulation. This proposed revision will eliminate additional paperwork for staff in the field and at the State Department of Education. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals. However, a significant amount of time will be saved by districts *not* being required to submit paperwork for approval of interrelated service units. This time can be spent on providing services or performing other necessary duties.

4. K.A.R. 91-12-29. The proposed revocation of this regulation would eliminate the requirement that other agencies submit to the State Department of Education federal project proposals for review. This requirement is not required by federal law. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals; however, a significant amount of time will be saved by school district staff that currently submit project proposals.

5. K.A.R. 91-12-34. The proposed revocation of this regulation would eliminate the requirement that local education agencies submit local comprehensive plans to the State Department of Education. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business

or individuals. However, local staff will not spend their time preparing a local comprehensive plan. This time can be spent more productively.

6. **K.A.R. 91-12-35.** This regulation concerns least restrictive environment. The proposed revision deletes the current language and substitutes the federal regulatory language of the least restrictive environment requirement. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals. Also, since no additional requirement is being imposed upon districts, there should be no economic impact upon districts. However, this regulatory change should help school districts in the interpretation of "least restrictive environment."

7. **K.A.R. 91-12-41.** This regulation concerns individualized education programs. Most of the proposed revisions are editorial in nature and bring the regulation into conformity with the federal Individuals with Disabilities Education Act. There will be no economic impact upon the State Department of Education or upon private business or individuals. The changes may require districts, if they are not already doing so, to change their procedures to assure the monitoring of the progress of each exceptional child and to revise the IEP, as needed, to assure reasonable educational progress. Failure to monitor progress could result in due process hearings and litigation. Districts currently are required to review IEPs annually, so this should not impose a new burden on districts.

8. **K.A.R. 91-12-42.** This regulation concerns placement and review. The proposed revisions would eliminate procedures that are contained in another regulation. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals. However, the proposed changes will save staff time because districts will not be required to conduct post-school surveys.

9. **K.A.R. 91-12-51.** This regulation concerns early childhood special education. The proposed revisions would eliminate duplication of personnel regulations and add a citation from the federal regulations for the least restrictive environment for early childhood special education. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

10. **K.A.R. 91-12-54.** This regulation concerns mental retardation. The proposed revision changes the criteria for identification of children with mental retardation and eliminates the levels of educable and trainable mental retardation. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals. A survey of special education directors indicated that this change was consistent with current practice and no new programs would need to be added as a result of the change. Based upon this survey, no economic impact is expected for school districts.

11. **K.A.R. 91-12-55.** The proposed changes to this regulation include editorial changes, changing the term "be-

havior disorders" to "serious emotional disturbance" and "the need for a mental health consultation" to "determination of the need for evaluation." There will be no economic impact upon the State Department of Education or upon private business or individuals. However, the change to a more descriptive category of "serious emotional disturbance" is perceived by the field to be very helpful in defining more precisely which students qualify for services. This could result in a cost reduction of from \$220,000 to \$1,110,000 based on a possible reduction of from 1 to 5 percent fewer students.

12. **K.A.R. 91-12-56.** The proposed change to this regulation changes the title from "physically and other health impaired" to "physical or other health impairment" and changes criteria for identifying children with autism to criteria used in the Individuals with Disabilities Education Act. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

13. **K.A.R. 91-12-60.** The proposed revision adds the related services of assistive technology devices and services, rehabilitation counseling services, and school psychological services. These services are in the definitions in another regulation but were inadvertently left out of this regulation. Districts currently receive reimbursement for these services; therefore, there will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

14. **K.A.R. 91-12-74.** The proposed regulation specifies the procedures for each local education agency to use to receive federal special education funds. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

A copy of each of the proposed regulations and complete economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Lanny Gaston at (913) 296-3906 or (TDD) (913) 296-8172.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the above address. The hearing shall be conducted in compliance with the public hearing procedures of the board.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 015448

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, October 17, 1994

50054

Flat-bed laser cutter and accessories

William H. Sesler
Director of Purchasing

Doc. No. 015446

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. November 1 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, unless otherwise noticed. This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations shall give notice to the commission 10 days prior to the scheduled hearing date.

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

Applications set for November 1, 1994

Application for Certificate of Convenience and Necessity:

Croft Trucking, Inc.) Docket No. 191,072 M
123 N. Madison)
Anthony, KS 67003) MC ID No. 150839

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

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

David Hays, dba) Docket No. 183,554 M
Hays Farms Cartage)
67 N.E. 850 Road)
Clinton, MO 64735) MC ID No. 146065

Applicant's Attorney: None

Grain,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Carol McQuiggin, dba) Docket No. 181,548 M
B & C Trucking)
Route 2)
Lewis, KS 67552) MC ID No. 101703

Applicant's Attorney: None

Grain, farm products,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Dale Naylor, dba) Docket No. 191,074 M
Naylor Transport)
Route 1, Box 65)
Balko, OK 73931) MC ID No. 150841

Applicant's Attorney: None

Grain, hay, livestock,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

David A. Trowbridge,) Docket No. 191,073 M
Sr., dba)
D & L Mobile Home Movers)
1047 N. 635 Road)
Baldwin City, KS 66006) MC ID No. 150840

Applicant's Attorney: None

Mobile homes,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Broc Yakel, dba) Docket No. 191,071 M
Broc Yakel Trucking)
515 Tampa)
Lakin, KS 67860) MC ID No. 150838

Applicant's Attorney: None

Grain, hay,

Between all points and places in Kearny, Finney, Haskell, Grant, Stanton, Hamilton, Greeley, Wichita and Scott counties, Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 015447

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 3 p.m. Wednesday, November 9, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed permanent regulations of the Insurance Department. Copies of the full text of the regulations and the economic impact statements may be obtained by writing to the Commissioner of Insurance, 420 S.W. 9th, Topeka 66612. The following is a summary of the regulations and the economic impact statements:

K.A.R. 40-1-40: This regulation applies to managing general agents as authorized by the managing general agents act, K.S.A. 40-2,129 et seq., as amended by 1994 Senate Bill No. 491, and is being relocated from K.A.R. 40-3-48. The reason for this change, or relocation of an existing regulation, is to reflect the amendments made by subsection (d)(5) of 1994 Senate Bill No. 491 to remove third party administrators subject to the specific requirements of K.S.A. 40-3810 from the regulatory requirements of the managing general agents law. Also, relocation of the provisions of K.A.R. 40-3-48 to Article 1 of Chapter 40 of the Kansas Administrative Regulations will result in the application of the managing general agents regulation to all kinds or types of insurers. The history portion of K.A.R. 40-1-40 has been updated to reflect the applicable change in the authorizing statute.

The relocation of this regulation will have no economic impact on the Insurance Department, insurers or the insuring public.

K.A.R. 40-3-48: This regulation, applicable to managing general agents associated with fire and casualty insurers, is being revoked and replaced with K.A.R. 40-1-40, which is identical to K.A.R. 40-3-48. Specific information regarding this change is set forth in the explanation of K.A.R. 40-1-40.

The relocation of this regulation will have no economic impact on the Insurance Department, insurers or the insuring public.

K.A.R. 40-4-35: Two changes are being proposed to this regulation regarding Medicare supplement insurance standards. The basic portions of the existing regulation were adopted by reference to the July 1991 edition of the National Association of Insurance Commissioners' model regulation. The changes proposed at this time will permit disabled individuals within six months of their 65th birthday to participate in an open enrollment for the regular standardized Medicare supplement insurance programs and to continue the otherwise applicable six months pre-existing condition provisions usually associated with the regular standardized Medicare supplement insurance programs for these disabled individuals.

These amended provisions will provide a significant benefit to individuals who became eligible for Medicare benefits prior to the age of 65 who at the time of their

65th birthday wish to become eligible for the regular standardized Medicare supplement insurance programs, otherwise known as Medicare Part B coverage.

The changes proposed to K.A.R. 40-4-35 will have a fiscal impact on consumers, insurers and the Insurance Department, but is subject to such a multitude of individual variations that a precise economic impact cannot be quantified.

K.A.R. 40-7-20a: The proposed amendments to the agents and brokers continuing education requirements set forth in this regulation result from the revisions included in 1994 House Bill No. 2692 and certain other minor revisions based on the administration of this regulation by the department and, in some situations, the involvement of the industry.

Adoption of the proposed changes to K.A.R. 40-7-20a will have no significant economic impact on consumers, insurance agents, brokers, insurers or the Insurance Department.

K.A.R. 40-7-21: This regulation, applicable to the examination fees for insurance agents, has been updated to reflect the costs of agent examinations provided for in the department's current contract with the Insurance Testing Corporation.

Adoption of these revised agent examination fees will have a slight economic impact on agent applicants who must pass the agent examination. Otherwise, there will be no direct economic impact on consumers, insurers or the Insurance Department.

K.A.R. 40-9-118: This regulation applies to advertising requirements for life insurance products. The proposed amendment will require life insurance advertisements which are designed to produce leads for agent solicitations to include a disclosure provision indicating that an agent may contact the individual for the purpose of selling a life insurance product.

This amendment will have no measurable economic impact on consumers, insurers or the Insurance Department.

All interested parties may submit written comments prior to the hearing to the Commissioner of Insurance at the address above. The period of time between the date of publication of this notice and the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Bob Hayes at (913) 296-7805.

Ron Todd
Commissioner of Insurance

Doc. No. 015435

State of Kansas

Department of Transportation

Notice of Public Auction

At Site: Immediately west of I-35 along north side of Frontage Road at its connection to U.S. 56 and 175th Street (Gardner Interchange).

Alternate Site: If weather conditions are bad, the auction will be held in the KDOT shop located west of sale site.

The Kansas Secretary of Transportation will offer for sale at public auction at 10 a.m. November 16 the following tract of land located in Johnson County, Kansas, described as follows:

A tract of land in the west 608.77 feet of the southwest quarter of section 20, township 14 south, range 23 east, City of Gardner, Johnson County, Kansas, described as follows: Commencing at the southwest corner of the southwest quarter of said section 20; thence north 1 degree 40 minutes 00 seconds West, along the west line of said quarter section, a distance of 608.40 feet to a point on the north right of way line of U.S. Highway 56 as now located; thence north 87 degrees 58 minutes 00 seconds East, along said right of way line, a distance of 95.00 feet to the point of beginning; thence north 1 degree 40 minutes 00 seconds West a distance of 300.00 feet; thence north 88 degrees 20 minutes 00 seconds East a distance of 425.00 feet; thence south 1 degree 40 minutes 00 seconds East a distance of 369.93 feet to the north right of way line of U.S. Highway 56 as now located; thence north 79 degrees 57 minutes 00 seconds west, along said right of way line, a distance of 347.03 feet; thence south 87 degrees 58 minutes 00 seconds west, along said right of way line, a distance of 85.20 feet to the point of beginning. Containing 3.2 acres or 139,265 square feet, more or less.

The above tract of land is subject to easements of record.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Terms of the Sale: Money order, certified or cashier's check for full price on day of sale. Check made payable to "Secretary of Transportation." The purchaser will receive a general warranty deed.

Option: Certified or cashier's check for 10 percent of the purchase price the day of the sale. The balance of the purchase price will be paid by certified or cashier's check on or before December 16, 1994. When balance is paid on or before said date, a general warranty deed will be given to the successful bidder. If the balance of the purchase price is not paid on or before said date, the 10 percent down payment will be forfeited to the seller.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information contact Beverly Lee, Bureau of Right of Way, Kansas Department of Transportation, (913) 296-6933.

Michael L. Johnston
Secretary of Transportation

Doc. No. 015443

State of Kansas

Attorney General

Opinion No. 94-120

Statutes; Administrative Rules and Regulations and Procedure—Rules and Regulations—Definitions; Rule and Regulation; Appraisal Directives Issued by the Director of Property Valuation. Senator Don Sallee, 1st District, Troy, September 20, 1994.

While some directives adopted by the Director of Property Valuation to prescribe appraisal standards meet the definition of rules and regulations under the filing act, K.S.A. 77-415 *et seq.*, promulgation pursuant to the filing act is not necessary to give such directives the force and effect of law when applied to county taxing officials. Cited herein: K.S.A. 1993 Supp. 77-415; K.S.A. 77-425; K.S.A. 1993 Supp. 79-505; K.S.A. 79-1401; 79-1403; K.S.A. 1993 Supp. 79-1404; K.S.A. 79-1456. JLM

Opinion No. 94-121

Counties and County Officers—County Commissioners; Powers and Duties—Powers of Board of County Commissioners; Examination of Personnel Records by Individual Commissioner. Fred W. Johnson, Labette County Counselor, Oswego, September 20, 1994.

An individual county commissioner is not given statutory authority to unilaterally exercise the powers of the commission and examine personnel records, which otherwise are not open for public inspection. However, the board of county commissioners may inspect county personnel records if appropriate actions are taken as a board at an open meeting. Cited herein: K.S.A. 19-103; 19-208; 19-212; 45-216; 45-221, as amended by L. 1994, ch. 89, § 5, ch. 101, § 2, ch. 107, § 8, and ch. 138, § 28. NKF

Opinion No. 94-122

Taxation—Judicial Foreclosure and Sale of Real Estate by County—Joinder of Issues; Redemption Before Day of Sale; Application of L. 1994, Ch. 267, § 2. Lee Hornbaker, Special Counsel for Geary County, Junction City, September 20, 1994.

The repeal of a statute by implication is not favored by the courts. If two enactments can be read together to give effect to both, that should be done. It is therefore our opinion that Section 2 of Chapter 267 of the 1994 Session Laws (authorizing county treasurers to accept partial payment of delinquent real property taxes) does not override or repeal the requirement of K.S.A. 79-2803 that real property be redeemed in full before the day of the judicial foreclosure sale in order to stay foreclosure proceedings. Cited herein: K.S.A. 1993 Supp. 79-2401a; 79-2801; K.S.A. 79-2803. JLM

Opinion No. 94-123

Corporations—Cemetery Corporations—Permanent Maintenance Fund; Requirements; Advance Deposits; Offset. John Wine, General Counsel, Secretary of State's Office, Topeka, September 20, 1994.

Under cemetery corporation statutes, no moneys, other than income from the trust established pursuant to K.S.A. 17-1311, as amended by L. 1994, ch. 229, § 4, may be paid over to the cemetery corporation by the trustee, except upon written permission of the Secretary

of State. Income from the trust includes only those funds constituting a return earned on investment of the permanent maintenance fund. A cemetery corporation may not, without written permission of the Secretary of State, be granted the use of donations, bequests, or funds in excess of statutory requirements deposited to the permanent maintenance fund. Cited herein: K.S.A. 17-1301; K.S.A. 1993 Supp. 17-1311, as amended by L. 1994, ch. 229, § 4; 17-1312, as amended by L. 1994, ch. 229, § 5; K.S.A. 17-1312a. RDS

Opinion No. 94-124

Cities and Municipalities—Ordinances of Cities; Initiative and Referendum Ordinances—Restriction on Land Use.

Cities and Municipalities—Cemeteries; Reinvestment of Title—Prevention of Other Uses. Forrest A. Lowry, Ottawa City Attorney, Ottawa, September 20, 1994.

A proposed ordinance which would preclude the governing body from using certain property for any use except use as a burial ground is administrative in nature and, therefore, cannot be the subject of initiative. Furthermore, if the land has been set aside for use as a cemetery or burial ground but has not yet been used for the interment of human bodies, K.S.A. 12-1441 cannot be applied to prevent the governing body from using the property for a use other than as a burial ground or a cemetery. We express no opinion as to whether the bond issue or other legal provisions may preclude use of the property for other than cemetery purpose. Cited herein: K.S.A. 12-1441; 12-3013; 14-1007a; 14-1007b. MF

Opinion No. 94-125

Cities and Municipalities—Miscellaneous Provisions—City and County Service for Programs for the Elderly; Procedure for Submitting Tax Levy Propositions to Voters. Representative Don C. Smith, 116th District, Dodge City, September 20, 1994.

The board of county commissioners may not levy a tax under K.S.A. 12-1680 for elderly services programs by adopting a resolution without submitting the question to the voters. However, the board of county commissioners may on its own motion submit the question of the proposed tax levy for voters' approval or rejection without petition. Cited herein: K.S.A. 12-1680. NKF

Opinion No. 94-126

Cities and Municipalities—Code for Municipal Courts; Proceedings After Arrest and Prior to Trial—Municipal Court Diversion; Previous Participation in Diversion of an Alcohol Related Offense. Terry J. Malone, Dodge City City Attorney, Dodge City, September 20, 1994.

A city attorney is prohibited from entering into a diversion agreement on a complaint alleging an alcohol related offense if the defendant has previously participated in a diversion of an alcohol related offense regardless of whether that prior diversion has been certified by the Division of Vehicles of the State Department of Revenue. Furthermore, the prohibition against offering diversion applies to a defendant who was granted diversion from an alcohol related offense within the preceding five years. Cited herein: K.S.A. 12-4415; K.S.A. 1993 Supp. 22-2908. MF

Opinion No. 94-127

Labor and Industries—Payment of Compensation—Withholding of Wages; Personnel Policy of County Treasurer. Sandra L. Jacquot, Shawnee County Counselor, Topeka, September 20, 1994.

A personnel policy giving employees an option to reimburse cash shortages in lieu of incurring disciplinary action is in violation of K.S.A. 44-319. Cited herein: K.S.A. 44-313; 44-319; K.A.R. 49-20-1. NKF

Opinion No. 94-128

Banks and Banking; Trust Companies—Banking Code; Organization—Prohibiting Interstate Branch Banking; Approval of Relocation of Main Office by Banking Board. Bill Grant, General Counsel, State Banking Department, Topeka, September 1, 1994.

When a national bank relocates its main office from Kansas to another state pursuant to 12 U.S.C. § 30, the national bank may retain the branches located in Kansas. Furthermore, the national bank does not have to seek the State Banking Board's approval to relocate its main office from another state to Kansas. Cited herein: K.S.A. 1993 Supp. 9-532; K.S.A. 9-813; 12 U.S.C. § 30; 12 U.S.C. § 36; Art. 1, § 8. MJS

Opinion No. 94-129

Corporations—Agricultural Corporations—Limitations; Exceptions; Penalties. Representative Henry M. Helgerson, Jr., 86th District, Wichita, September 21, 1994.

The feedlot exception to the proscription against the corporate ownership of farmland, found in K.S.A. 17-5904 as amended by L. 1994, ch. 130, § 4, may include an incidental breeding operation. In order to qualify as incidental, the breeding operation may not serve as the sole and/or principal source of feeder pigs that the feedlot will feed and take to slaughter. Cited herein: K.S.A. 1993 Supp. 17-5903, as amended by L. 1994, ch. 130, § 3; 17-5904, as amended by L. 1994, ch. 130, § 4; K.S.A. 47-1501. GE

Opinion No. 94-130

State Departments—Public Officers and Employees—State Moneys; Powers and Duties of Pooled Money Investment Board. Sally Thompson, State Treasurer, Topeka, September 27, 1994.

The Pooled Money Investment Board (PMIB) is authorized pursuant to K.S.A. 1993 Supp. 75-4209, as amended by L. 1994, ch. 105, to enter into a liquidity agreement with the Kansas Department of Transportation (KDOT) whereby the PMIB would act as "liquidity provider" in connection with a proposed adjustable tender highway revenue bond issue of KDOT. The PMIB has statutory authority to invest in KDOT bonds as an investment of eligible state moneys pursuant to K.S.A. 1993 Supp. 75-4209(a)(2)(C) as amended by L. 1994, ch. 105, § 4. Cited herein: K.S.A. 1993 Supp. 75-4209, as amended by L. 1994, ch. 105, § 4. REF

Robert T. Stephan
Attorney General

Doc. No. 015444

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, 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-EG-94-13/15

Tentative permits have been prepared for the permitting of three salt-solution mining wells to be drilled within the state of Kansas, for the applicant described below.

Description: The wells listed below are designed for the production of salt by solution mining activities. All wells will be located in Reno County, Kansas, to be operated by North American Salt Company, 1800 Carey Blvd., Hutchinson, KS 67501.

Well Number and Permit Number	Well Location
Well Number 116 KS Permit No. KS-03-155-192	NW NW NE 20-23-5W 4960' fsl and 2115' fel of SE/4
Well Number 122 KS Permit No. KS-03-155-193	NW NW NE 20-23-5W 4660' fsl and 1990' fel of SE/4
Well Number 123 KS Permit No. KS-03-155-194	NE NW NE 20-23-5W 4660' fsl and 1665' fel of SE/4

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 November 4 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-EG-94-13/15) 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 (28-46-21 for UIC). 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 283, 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. 015452

State of Kansas

Department of Health
and EnvironmentNotice Concerning Variance Request From
Hazardous Waste Regulations

The Kansas Department of Health and Environment is providing public notice that on June 20, 1994, Charloma Inc., located on North Highway 169 in Cherryvale, submitted a request for renewal of a variance from specific hazardous waste regulations. The current request expired on October 29, 1992. The request for a variance has been submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4 and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Charloma Inc. generates spent acetone which is used in various cleaning operations. The spent acetone is stored until it can be reclaimed and later reused. Charloma Inc. proposes to store this waste approximately 40 feet from the property line instead of the required 50 feet. The variance is requested due to the size of the property and because other areas of the site are unsuitable due to low and swampy conditions.

KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between August 25, 1994 to September 24, 1994. No public comments were received.

Therefore, in accordance with K.A.R. 28-31-13(b), KDHE announces its decision to approve this request for a variance and not to include any special conditions. The variance shall become effective on October 6, 1994, and shall remain in effect until October 6, 2001.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015440

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, October 13, in the conference room on the second floor of the Memorial Building, 120 S.W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist and
Secretary, State Records Board

Doc. No. 015442

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 Central Concrete to operate a portable ready-mix concrete plant initially located at Kingman.

Written materials, including the permit application and information relating to the application submitted by Central Concrete, 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 November 7 by contacting David Butler, District Air Quality Representative, KDHE Southcentral District Office, Wichita, (316) 337-6042. This material also can be reviewed at the KDHE office, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Eugene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's 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 November 7.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015439

(Published in the Kansas Register, October 6, 1994.)

Summary Notice of Bond Sale
City of Chanute, Kansas
\$2,200,000

General Obligation Solid Waste
Disposal Bonds, Series 1994-A

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated October 3, 1994, sealed bids will be received by the clerk of the city of Chanute, Kansas (the issuer), on behalf of the governing body at Memorial Building, 1st and Lincoln, P.O. Box 907, Chanute, KS 66720, until 4 p.m. C.D.T. on October 17, 1994, for the purchase of \$2,200,000 principal amount of General Obligation Solid Waste Disposal Bonds, Series 1994-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 1994, and will become due on November 1 in the years as follows:

Year	Principal Amount
1995	\$175,000
1996	185,000
1997	195,000
1998	200,000
1999	215,000
2000	225,000
2001	235,000
2002	245,000
2003	260,000
2004	265,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on May 1 and November 1 in each year, beginning on May 1, 1995.

Redemption

At the option of the issuer, the bonds may be called, in whole or in part, for redemption and payment prior to maturity on November 1, 1995, or thereafter.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$44,000 (2 percent of the principal amount of the bonds).

Issuer Bid

The treasurer of the issuer intends to submit a bid to purchase the bonds as an investment of the Municipal Equipment Reserve Fund of the issuer.

(continued)

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 1, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$33,482,286. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$4,495,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk.

Dated October 3, 1994.

City of Chanute, Kansas

Doc. No. 015454

(Published in the Kansas Register, October 6, 1994.)

**Summary Notice of Bond Sale
Unified School District No. 385
Butler County, Kansas (Andover)
\$15,000,000**

**General Obligation School Building Bonds
Series 1994**

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated September 19, 1994, sealed bids will be received by the clerk of Unified School District No. 385, Butler County, Kansas (Andover) (the issuer), on behalf of the governing body at P.O. Box 248, Andover, KS 67002, until 7 p.m. C.D.T. on October 17, 1994, for the purchase of \$15,000,000 principal amount of General Obligation School Building Bonds, Series 1994. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 15, 1994, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$ 145,000
1998	305,000
1999	380,000
2000	435,000

2001	485,000
2002	535,000
2003	585,000
2004	635,000
2005	690,000
2006	745,000
2007	805,000
2008	870,000
2009	940,000
2010	1,015,000
2011	1,100,000
2012	1,185,000
2013	1,280,000
2014	1,380,000
2015	1,485,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on March 1 and September 1 in each year, beginning on March 1, 1996.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$300,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 15, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$60,037,553. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$18,920,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 733-5017, or from the financial advisor, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 262-4955.

Dated September 19, 1994.

Unified School District No. 385
Butler County, Kansas (Andover)

Doc. No. 015455

(Published in the Kansas Register, October 6, 1994.)

**Summary Notice of Bond Sale
City of Hays, Kansas**

\$965,000

**General Obligation
Internal Improvement Bonds
Series 1994-A**

(Non-AMT and Bank Qualified)

\$325,000

**General Obligation
Airport Improvement Bonds
Series 1994-B**

**(Subject to Alternative Minimum Tax
and Not Bank Qualified)**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated October 13, 1994, sealed bids will be received by the clerk of the city of Hays, Kansas (the issuer), on behalf of the governing body at 1507 Main, Hays, KS 67601, until 3 p.m. C.D.T. on October 13, 1994, for the purchase of \$965,000 principal amount of General Obligation Internal Improvement Bonds, Series 1994-A, and \$325,000 principal amount of General Obligation Airport Improvement Bonds, Series 1994-B (the Series 1994-A Bonds and the Series 1994-B Bonds being collectively referred to as the "bonds"). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 15, 1994, and will become due on September 1 in the years as follows:

Series 1994-A Bonds

Year	Principal Amount
1996	\$ 30,000
1997	80,000
1998	85,000
1999	95,000
2000	95,000
2001	105,000
2002	110,000
2003	115,000
2004	120,000
2005	130,000

Series 1994-B Bonds

Year	Principal Amount
1996	\$ 10,000
1997	25,000
1998	30,000
1999	30,000
2000	35,000
2001	35,000
2002	35,000

2003	40,000
2004	40,000
2005	45,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on March 1 and September 1 in each year, beginning on March 1, 1996.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid for a series of bonds shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of such series of bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about October 27, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$93,709,905. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold and outstanding temporary notes, is \$12,818,612.09.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Interest on the Series 1994-A Bonds is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. The Series 1994-A Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Interest on the Series 1994-B Bonds is an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. The Series 1994-B Bonds have not been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code.

Reference is made to the preliminary official statement for further discussion of federal and Kansas income tax matters relating to the interest on the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, Carol Sue Grabbe, 107 Main, Hays, KS 67601, (913) 628-7300; or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated September 29, 1994.

City of Hays, Kansas

Doc. No. 015438

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, October 17, in the State Conservation Commission's conference room, Suite 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Donna Meader at (913) 296-3600. If special accommodations are needed, contact the agency three days in advance of meeting date.

Kenneth F. Kern
Executive Director

Doc. No. 015426

(Published in the Kansas Register, October 6, 1994.)

Statutory Notice of Bond Sale
City of Overland Park, Kansas
\$7,530,000

Internal Improvement Bonds
Series 1994-B

(General obligations payable from
unlimited ad valorem taxes)

Sealed Bids

Bids, submitted in a *sealed* envelope marked "Bid for Series 1994-B Bonds," will be received by the undersigned, Director of Finance, Budget and Administration of the city of Overland Park, Kansas, at City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 1 p.m. C.D.T. on Monday, October 17, 1994, for the purchase of the city's \$7,530,000 principal amount of Internal Improvement Bonds, Series 1994-B. All bids will be publicly opened and acted upon by the city council of the city at a regular meeting of the city council scheduled for 7:30 p.m. Monday, October 17, 1994. No oral, telephone, telefax or auction bids will be considered. No bid of less than the par value of the Series 1994-B Bonds and accrued interest thereon to the date of delivery of the Series 1994-B Bonds will be considered.

Bond Details

The Series 1994-B Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated November 1, 1994, will be issued in the principal amount of \$7,530,000 and will become due serially on September 1 in each of the years as follows:

Maturity Schedule

Maturity September 1	Principal Amount
1995	\$580,000
1996	540,000
1997	810,000
1998	930,000
1999	900,000
2000	755,000
2001	755,000
2002	755,000
2003	755,000
2004	750,000

The Series 1994-B Bonds will bear interest from their date at rates to be determined when the Series 1994-B Bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1995.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check in the amount of \$150,600 must accompany each bid for the Series 1994-B Bonds.

Costs

The city will pay the cost of printing the Series 1994-B Bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the Series 1994-B Bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Delivery and Payment

The Series 1994-B Bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their award at such bank or trust company in the continental United States as may be specified by the successful bidders and is acceptable to the city.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the Series 1994-B Bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 1993, is \$1,221,359,339. The total general obligation bonded indebtedness, including temporary notes, of the city as of the date of the Series 1994-B Bonds, including the Series 1994-B Bonds and the city's \$900,000 Federally Taxable Internal Improvement Bonds, Series 1994-A, sold simultaneously with the Series 1994-B Bonds, is \$53,385,000. Temporary notes in the principal amount of \$5,680,000 will be retired out of the proceeds of the Series 1994-A Bonds, the Series 1994-B Bonds and other available funds of the city.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the city will be mailed to all interested parties. Additional information regarding the Series 1994-B Bonds may be obtained from the financial advisor, Evensen Dodge Inc., 222 S. 9th, Suite 3800, Minneapolis, MN 55402, (612) 338-3535; and the city of Overland Park, Kansas, 8500 Santa Fe Drive, Overland Park, KS 66212, (913) 381-5252, Attention: David Scott. Arrangements may be made with the financial advisor, Evensen Dodge Inc., to deliver a sealed bid for the Series 1994-B Bonds to the city.

City of Overland Park, Kansas
By: Kristy Cannon
Director of Finance, Budget
and Administration
City Hall
Overland Park, KS 66212
(913) 381-5252

Doc. No. 015451

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 25,000 cubic yard detention dam, Site C-127 in Jackson County, will be received by the Delaware Watershed Joint District No. 10 at the district office, 125 W. 4th, Holton 66436, until 2 p.m. October 27, and then opened. A copy of the invitation for bids and plans and specifications may be reviewed at the district office, (913) 364-4309, or obtained from King Engineering, Inc., 125 W. 4th (upstairs), Holton. A \$25 deposit is required for each set of plans.

Kenneth F. Kern
Executive Director

Doc. No. 015441

(Published in the Kansas Register, October 6, 1994.)

Statutory Notice of Bond Sale
City of Overland Park, Kansas
\$900,000

Federally Taxable Internal Improvement Bonds
Series 1994-A

(General obligations payable from
unlimited ad valorem taxes)

Sealed Bids

Bids, submitted in a sealed envelope marked "Bid for Series 1994-A Bonds," will be received by the undersigned, Director of Finance, Budget and Administration of the city of Overland Park, Kansas, at City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 1 p.m. C.D.T. on Monday, October 17, 1994, for the purchase of the city's \$900,000 principal amount of Federally Taxable Internal Improvement Bonds, Series 1994-A. All bids will be publicly opened and acted upon by the city council of the city at a regular meeting of the city council scheduled for 7:30 p.m. Monday, October 17, 1994. No oral, telephone, telefax or auction bids will be considered. No bid of less than the par value of the Series 1994-A Bonds and accrued interest thereon to the date of delivery of the Series 1994-A Bonds will be considered.

Bond Details

The Series 1994-A Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated November 1, 1994, will be issued in the principal amount of \$900,000 and will become due serially on September 1 in each of the years as follows:

Maturity Schedule

Maturity September 1	Principal Amount
1995	\$390,000
1996	390,000
1997	120,000

The Series 1994-A Bonds will bear interest from their date at rates to be determined when the Series 1994-A Bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1995.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check in the amount of \$18,000 must accompany each bid for the Series 1994-A Bonds.

Costs

The city will pay the cost of printing the Series 1994-A Bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the Series 1994-A Bonds and the exclusion of the interest thereon from Kansas gross income taxes. The interest on the Series 1994-A Bonds is includable in gross income for federal income tax purposes.

Delivery and Payment

The Series 1994-A Bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their award at such bank or trust company in the continental United States as may be specified by the successful bidder and which is acceptable to the city.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the Series 1994-A Bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 1993, is \$1,221,359,339. The total general obligation bonded indebtedness, including temporary notes, of the city as of the date of the Series 1994-A Bonds, including the Series 1994-A Bonds and the city's \$7,530,000 Internal Improvement Bonds, Series 1994-B, sold simultaneously with the Series 1994-A Bonds, is \$53,385,000. Temporary notes of the city in the principal amount of \$5,680,000 will be retired out of the proceeds of the Series 1994-A Bonds, the Series 1994-B Bonds and other available funds of the city.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the city will be mailed to all interested parties. Additional information regarding the Series 1994-A Bonds may be obtained from the financial advisor, Evensen Dodge Inc., 222 S. 9th, Suite 3800, Minneapolis, MN 55402, (612) 338-3535; and the city of Overland Park, Kansas, 8500 Santa Fe Drive, Overland Park, KS 66212, (913) 381-5252, Attention: David Scott. Arrangements may be made with the financial advisor, Evensen Dodge Inc., to deliver a sealed bid for the Series 1994-A Bonds to the city.

City of Overland Park, Kansas
By: Kristy Cannon
Director of Finance, Budget
and Administration
City Hall
Overland Park, KS 66212
(913) 381-5252

Doc. No. 015450

State of Kansas

Board of Nursing

Permanent Administrative
RegulationsArticle 3.—REQUIREMENTS FOR LICENSURE
AND STANDARDS OF PRACTICE

60-3-102. Duplicate of license. When a license has been lost or destroyed, a duplicate may be issued by the board upon payment of a fee. The fee may be waived if the license has been stolen. (Authorized by K.S.A. 65-1129, implementing K.S.A. 1993 Supp. 74-1106; effective Jan. 1, 1966; amended Jan. 1, 1972; modified, L. 1975, Ch. 302, Sec. 11, May 1, 1975; amended Nov. 21, 1994.)

Article 16.—INTRAVENOUS FLUID THERAPY FOR
LICENSED PRACTICAL NURSE

60-16-101. Definitions. (a) "Administration of intravenous fluid therapy" means the therapeutic infusion or injection of substances through the venous system, which includes, but is not limited to the following nursing activities:

- (1) initiating;
- (2) monitoring;
- (3) discontinuing;
- (4) maintaining;
- (5) regulating;
- (6) adjusting;
- (7) documenting;
- (8) assessing;
- (9) intervening; and
- (10) evaluating.

(b) "Competency examination" means a written examination and demonstration of mastery of clinical components of intravenous fluid therapy. (Authorized by and implementing L. 1994, Chap. 218, § 1; effective Nov. 21, 1994.)

60-16-102. Scope of practice for licensed practical nurse and intravenous fluid therapy. (a) A licensed practical nurse under the supervision of a registered professional nurse may engage in a limited scope of intravenous fluid treatment, including:

- (1) monitoring intravenous infusions;
- (2) maintaining the calculated flow rate of intravenous infusions;
- (3) discontinuing intravenous infusions and removal of peripheral lines;
- (4) changing intravenous dressings;
- (5) observing and reporting subjective and objective signs of adverse reactions to intravenous administration; and
- (6) documenting observations and procedures performed.

(b) Any licensed practical nurse who has met one of the requirements under L. 1994, Chap. 218, § 1, subsection (c), may perform, in addition to the functions set out in subsection (a) of this regulation, the following procedures relating to the expanded administration of intravenous fluid therapy under the supervision of a registered professional nurse:

- (1) calculating the rate of intravenous fluid infusions;
- (2) adding parenteral solutions to existing patent intravenous lines;
- (3) changing intravenous tubing;
- (4) inserting intravenous fluid therapy cannulas:
 - (A) which do not exceed three inches in length; and
 - (B) in peripheral sites only;
- (5) adding designated premixed medications to existing patent intravenous lines via intravenous piggy-back, either by continuous or intermittent methods;
- (6) maintaining the patency of intravenous lines with heparin or normal saline;
- (7) administering continuous intravenous drip analgesics and antibiotics; and
- (8) performing the following procedures in acute care settings:

(A) mixing intravenous medications after passing a course approved by the specific institution's pharmacy and nurse administrator; and

(B) administering by direct intravenous push analgesics, antibiotics, antiemetics, and diuretics.

(c) Aspects of intravenous fluid treatment which shall not be administered by the licensed practical nurse shall include:

- (1) blood and blood products;
- (2) investigational medications;
- (3) Anesthetics, anti-anxiety agents, biological therapy, hemostatics, immunosuppressants, muscle relaxants, human plasma fractions, oxytocics, sedatives, tocolytics, thrombolytics, anticonvulsants, cardiovascular preparations and antineoplastics agents;
- (4) initiating total parenteral nutrition;
- (5) intravenous fluid therapy in the home health setting with the exception of the approved scope of practice authorized in subsection (a);
- (6) intravenous fluid therapy to any patient under the age of 12 or less than 80 pounds with the exception of the approved scope of practice authorized in subsection (a); and

(7) titration of medications.

(d) Although this regulation limits the scope of licensed practical nurse practice with respect to intravenous fluid therapy, it shall not restrict a licensed practical nurse's authority to care for patients receiving such therapy. (Authorized by and implementing L. 1994, Chap. 218, § 1; effective Nov. 21, 1994.)

60-16-103. Course approval procedure. (a) A person desiring to obtain approval for an intravenous fluid therapy course shall submit a proposal to the board.

(b) The proposal shall contain:

- (1) the objective of the course;
- (2) the qualifications of the faculty of the course;
- (3) the curriculum;
- (4) the maximum faculty-student ratio in the clinical component;
- (5) the number of classroom and clinical practice hours under the supervision of a registered professional nurse;

(6) a description of the educational facilities which will be utilized;

(7) the mechanism through which the provider will determine that each licensed practical nurse seeking to take the course meets the admission requirements; and

(8) the methods of student evaluation which shall be used including the examination.

(c) After initial approval, any change in the course shall be provided to the board for approval before the change is implemented.

(d) Continuing nursing education.

(1) When an intravenous fluid therapy course is approved, the provider may request a single offering providership if the application meets the requirements in K.A.R. 60-9-107(e).

(2) There shall be no cost to the provider for the initial single offering providership.

(3) The single offering providership shall be effective for two years and may be renewed by the provider by paying a single continuing nursing education offering fee as referenced in K.A.R. 60-4-103(a)(5).

(4) There shall be 42 contact hours awarded for the course.

(e) If a course does not meet or continue to meet the criteria for approval established by the board, or if there is a material misrepresentation of any fact with the information submitted to the board by a provider, approval may be withheld, made conditional, limited, or withdrawn by the board after giving the provider notice and an opportunity to be heard. (Authorized by and implementing L. 1994, Chap. 218, § 1; effective Nov. 21, 1994.)

60-16-104. Standards for course; competency examination. (a) The purpose of the intravenous fluid therapy course shall be to prepare licensed practical nurses to perform activities as defined in K.A.R. 60-16-102 (b). The course shall be designed to teach knowledge, skills, and competency in administration of intravenous fluid therapy which shall qualify licensed practical nurses to perform this procedure safely.

(b) The course shall:

(1) consist of at least 40 classroom hours of instruction;

(2) require a minimum of eight hours of clinical practice not to include testing time; and

(3) take place in a laboratory and clinical setting with patients under the supervision of faculty.

(c) To be eligible to enroll in an intravenous fluid therapy course, the individual shall be a nurse with a current license. If the individual is a licensed practical nurse, the individual shall also have one year of clinical experience.

(d) Faculty qualifications.

(1) Each faculty member shall:

(A) be currently licensed to practice as a registered professional nurse in Kansas;

(B) have a minimum of three years of clinical experience which includes intravenous fluid therapy; and

(C) demonstrate competency in intravenous fluid therapy.

(2) Each non-nurse lecturer shall have professional preparation and qualifications for the specific subject area in which that individual lectures.

(e) Clinical facility.

(1) Each classroom shall contain sufficient space, equipment and teaching aids to meet the course objectives.

(2) The facility in which clinical practice and the competency examination is conducted shall allow students and faculty access to the intravenous fluid therapy equipment and intravenous fluid therapy recipients, and to the pertinent records for purpose of documentation.

(3) There shall be a signed written agreement between the provider and a cooperating health care facility which specifies the roles, responsibilities and liabilities of each party. This written agreement shall not be required if the only health care facility to be used is also the provider.

(f) An intravenous fluid therapy curriculum shall include the following information:

(1) the Kansas nurse practice act, including current rules and the regulations;

(2) the intravenous fluid therapy policies and procedures of the clinical agency where clinical instruction is given;

(3) the structure of the circulatory system including site and function of the veins used for venipuncture;

(4) the relationship between intravenous fluid treatment administration and the body's homeostatic and regulatory functions, with attention to the clinical manifestations of fluid and electrolyte imbalance and cellular physiology;

(5) the principles of infection control in intravenous fluid therapy administration;

(6) the various types of equipment used in intravenous fluid therapy administration with content related to criteria for use of each piece of equipment and means of trouble-shooting for malfunctions;

(7) the principles of compatibility and incompatibility of drugs and solutions;

(8) the nursing management of special intravenous fluid therapy administration procedures that are commonly used in the clinical setting, including heparin lock;

(9) the procedures for venipuncture including:

(A) psychological preparation;

(B) site selections;

(C) skin preparation;

(D) puncture;

(E) anchor;

(F) collection of equipment; and

(G) documentation;

(10) maintenance of an intravenous fluid therapy administration system to include:

(A) discontinuing intravenous fluid therapy administration;

(B) monitoring infusion;

(C) changing containers and tubing; and

(D) care of site;

(11) nursing management of the patient receiving the drug therapy including:

(A) actions;

(B) interactions;

(C) adverse reactions;

(D) methods of administration; and

(E) assessment;

(12) the signs and symptoms of local and systemic complications in the delivery of fluids and medications

(continued)

and the preventive and treatment measures for those complications; and

(13) how to calculate fluid and drug administration rates;

(g) Competency examination standards.

(1) The examination shall be constructed based on a test plan which shall contain the components as listed in subsection (f) of this regulation.

(2) The test plan shall be reviewed by the advisory committee and approved by the board.

(3) The student shall achieve a passing grade at the 85% level on a final competency examination.

(h) Records.

(1) The faculty shall complete the final record sheet which shall include competencies and scores.

(2) The provider conducting the intravenous fluid therapy course shall:

(A) award a certificate to each licensed nurse documenting successful completion;

(B) provide to each licensed nurse a copy of the final record;

(C) submit to the board within 60 days the name and license number of each individual who has successfully completed the course and the date of completion;

(D) maintain the records of each individual who has successfully completed the program for a period of at least five years; and

(E) submit to the board an annual report for the period of July 1 through June 30 of the respective year which includes the total number of applicants taking the intravenous fluid therapy course or competency examination and the number passing and failing the course or examination. (Authorized by and implementing L. 1994, Chap. 218, § 1; effective Nov. 21, 1994.)

60-16-105. Advisory committee. (a) There shall be a committee established to assist in the review and revision of rules and regulations governing licensed practical nurses and intravenous fluid therapy.

(b) The committee shall include at least the following members:

(1) two board members, one who shall chair the committee; and

(2) five non-board members who shall be:

(A) a licensed practical nurse who practices intravenous fluid therapy;

(B) a registered professional nurse executive;

(C) a provider of an intravenous fluid therapy educational course who is a registered professional nurse;

(D) a nurse certified in intravenous fluid therapy by the intravenous nurse association; and

(E) an academic educator who is a registered professional nurse. (Authorized by and implementing L. 1994, Chap. 218, § 1; effective Nov. 21, 1994.)

Patsy L. Johnson, R.N., M.N.
Executive Administrator

Doc. No. 015434

State of Kansas

Department of Administration

Permanent Administrative
Regulations

Article 5.—COMPENSATION

1-5-15. Salary of employee upon demotion. (a) Each employee who is demoted, in accordance with other sections of these rules, whether voluntarily or for disciplinary reasons, shall be paid at the same step of the range for the lower class as the step on which the employee was being paid in the higher class, or at any higher step so long as there is a decrease in rate of compensation. Upon approval of the director, any employee accepting a voluntary demotion may be paid at a step of the new range which does not result in decrease in rate if:

(1) the position must be filled expeditiously for effective government;

(2) the employee has exceptional qualifications for the new position;

(3) the action is in the best interest of state service;

(4) the action is in lieu of a layoff;

(5) the employee is returning to work in accordance with the state "return to work" program; or

(6) the employee is accepting an accommodation in accordance with the Americans with disabilities act, 42 U.S.C., § 12101 et seq., and any amendments thereto.

(b) The voluntary demotion shall not be within the same organizational unit except in the case of:

(1) a voluntary demotion taken in lieu of a layoff;

(2) return to work in accordance with the state "return to work" program;

(3) an accommodation in accordance with the Americans with disabilities act, 42 U.S.C., § 12101 et seq., and any amendments thereto.

(c) Nothing in this regulation shall prevent a demotion being made to a step in the range lower than permitted by this regulation, if agreed upon in writing by the employee and appointing authority. However, a promotional employee who is demoted pursuant to K.A.R. 1-10-8(b) shall be paid no less than the same step of the range for the lower class as the step that the employee was on immediately prior to the promotion.

(d) The pay increase anniversary date for any employee demoted for disciplinary reasons shall be governed by the time-on-step requirement of the step to which appointed. The pay increase anniversary date for any employee who takes a voluntary demotion shall be unchanged if the employee did not receive a salary step increase on the date of the demotion.

(e) An employee who takes a voluntary demotion may also receive a salary step increase on the same date if eligible for such an increase.

(f) The provisions of K.A.R. 1-5-10, rather than this regulation, shall apply when a former permanent employee who was separated from the service for more than 30 days is reinstated to a class with a lower salary range. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29, K.S.A. 75-2938; implementing K.S.A. 75-2938; effective May 1, 1979; amended, E-81-14, June

12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended March 20, 1989; amended Jan. 6, 1992; amended Dec. 27, 1993; amended Nov. 21, 1994.)

1-5-29. Longevity bonus pay. (a) Each classified employee, excluding any such employee who is on an emergency or a temporary appointment, who has at least 10 years of state service credit on their service anniversary date shall be eligible for longevity bonus pay. For the purposes of this regulation, service anniversary date shall be the date on which the employee began employment under the Kansas civil service act. Service credit shall be determined in the same manner as length of service as defined in K.A.R. 1-2-46. State service for longevity bonus pay purposes shall not be recalculated. Employees shall be credited for service performed prior to June 18, 1994 based on their state service credit on June 17, 1994.

(b) Unless an exception is approved by the director, longevity pay shall only be issued when a documented performance review has occurred in the 12 months immediately preceding the employee's service anniversary date.

(c) The longevity bonus payment for each eligible employee shall be computed by multiplying \$40 by the number of full years of state service, not to exceed 25 years.

(d) Longevity bonus pay shall increase the regular rate applying to overtime pay for hours worked during the 12 months preceding the service anniversary date, and shall be considered in calculating the payment for annual compensatory time to an employee upon termination as provided in K.A.R. 1-5-24. (Authorized by and implementing K.S.A. 75-5541, as amended by L. 1994, ch. 352, § 4; effective, T-1-7-27-89, July 27, 1989; effective Nov. 20, 1989; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

Article 6.—RECRUITING AND STAFFING

1-6-21. Certification to permanent positions. (a) (1) When an appointing authority submits a request to the division for a list of eligibles to fill a permanent position by original appointment or promotional appointment, the appointing authority shall be provided by the director with a list of the names of available persons who have the top five scores on the appropriate list.

(2) If an agency has more than one vacancy in the same class, the list of names certified by the director as "eligible for appointment" shall include the available persons on the certification who have:

(A) up to the top 10 scores for two to five vacancies; or

(B) up to the top 15 scores for six or more vacancies.

(3) Additional names may be certified as "eligible for appointment" by the director if it appears that those original names certified as "eligible for appointment" may no longer be interested in employment in the class.

(4) As approved by the secretary of administration, the process for the certification of names from the list of eligible persons may be altered by the director in order

to provide qualified candidates for appointment to a specific class.

(b) The director may refuse to certify an eligible for reasons specified in K.S.A. 75-2940(1), K.A.R. 1-6-7, and K.A.R. 1-6-16(h).

(c) No error made in the certification of eligibles from an employment list shall invalidate appointments already made from that list. A determination shall be made by the director as to whether errors in the certification of eligibles will invalidate a certification from which appointments have not been made.

(d) Appointments made from a certification shall be made from only those persons certified by the director as "eligible for appointment" pursuant to subsection (a) of this regulation.

(e) Each eligible certified as "eligible for appointment" on a certification shall be given equal consideration by the agency when applying additional job-related selection criteria. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29; implementing K.S.A. 75-2943, as amended by L. 1994, ch. 185, § 1; effective May 1, 1979; amended May 1, 1983; amended May 1, 1985; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

1-6-22a. Training appointments. (a) Certain classes of positions may be designated by the director as training classes to which direct appointments may be made by appointing authorities. These direct appointments shall not be subject to a probationary period. Persons employed in training classes of positions shall not attain permanent status.

(b) The appointing authority may dismiss a direct appointment trainee at any time pursuant to the same provisions afforded probationary employees in K.A.R. 1-10-8(a) except as follows:

(1) If the appointment was a promotion from a classified position in which an employee held permanent status, the provisions regarding dismissal or demotion of probationary employees in K.A.R. 1-10-8(b) shall be applied.

(2) If an employee appointed by demotion or transfer is terminated for reasons other than misconduct or delinquency, the employee shall be accorded the right to a position in the class in which the employee held permanent status.

(c) The period served by an employee on a training appointment shall not be counted as part of the probationary period in case of subsequent appointment to a permanent position, nor shall it count toward the six month requirement in K.A.R. 1-6-1(c) and any amendments thereto.

(d) Upon meeting the minimum qualifications for the applicable regular class, and a satisfactory performance of the job duties, responsibilities and training requirements of the position, each employee in a training class shall be appointed to the applicable regular class as a probationary employee and serve a probationary period as established by K.A.R. 1-7-4. The training period served for a training class established pursuant to this regulation shall not be less than six months nor more than 24 months from the date of the appointment. The

(continued)

training period served may be less than six months if the statutory training requirements can be met in less than six months. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29; implementing K.S.A. 1993 Supp. 75-2935, as amended by L. 1994, ch. 293, § 28; effective Dec. 27, 1993; amended Nov. 21, 1994.)

Article 8.—TRAINING AND CAREER DEVELOPMENT

1-8-2. Orientation. (a) Establishment and maintenance of a program of orientation for new employees shall be the responsibility of the director, in cooperation with agency administrators.

(b) Supervisors shall orient each employee new to a position to provide the employee with information on job responsibilities, employee benefits, and aspects of the workplace pertinent to an employee's need to successfully execute the responsibilities of the position.

(c) Each agency shall ensure that all employees receive training regarding the state's management philosophy, including quality management principles and practices, agency vision and goals, and other specific aspects of the state's management philosophy. Each employee shall be provided with orientation regarding the specific duties and responsibilities of the employee's position and the way in which that position helps to achieve the agency vision and goals.

(d) Any agency may supplement the orientation information required above with specific agency materials. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29, and L. 1994, ch. 91, § 1; implementing L. 1994, ch. 91, § 1; effective May 1, 1979; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

1-8-5. Supplemental management training programs. Each agency shall be encouraged to develop or provide supplemental management training programs for managers and potential managers. Guidelines for such programs shall be developed by the director. Where appropriate, such programs may be developed and conducted by the director on a state-wide basis where a centralized effort is more effective. Each management training program shall be consistent with the vision, principles and practices that are contained in the orientation and supervisory training programs authorized by K.A.R. 1-8-1 and 1-8-6. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29, and L. 1994, ch. 91, § 1; implementing L. 1994, ch. 91, § 1; effective May 1, 1979; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

1-8-6. Supervisory training programs. (a) A program shall be developed and maintained by the director to provide supervisory training for each employee appointed to a supervisory position and each employee currently working in a supervisory position in any agency. The program shall provide supervisory continuing education training for each employee who is currently a supervisor.

(b) Any agency may develop its own supervisory training programs which shall include periodic supervisory continuing education training and shall be consistent with guidelines developed by the director. Each

agency that has its own supervisory training program shall submit a copy of the program to the director. Any agency that does not have a supervisory training program may request a copy of the director's program.

(c) No employee shall be granted permanent status in a supervisory position to which appointed or promoted until the employee has successfully completed a supervisory training program. Each person appointed or promoted into a supervisory position shall complete the prescribed program within six months of the date of appointment or promotion. This time period for training may be extended to 12 months from the date of appointment or promotion if the training cannot be completed within six months. If a person has received prior supervisory training consistent with guidelines established by the director, the appointing authority may exempt the employee from supervisory training, subject to approval of the exemption by the director.

(d) Each supervisor who has completed the initial supervisory training, or who was exempted from the initial supervisory training, shall complete a supervisory continuing education training every three years as long as the supervisor remains in a supervisory position. Each person remaining in a supervisory position shall complete a prescribed continuing education program no later than six months after the three-year anniversary date of completing the initial supervisory training program or subsequent continuing education programs. This time period for continuing education training may be extended to 12 months from the three-year anniversary date of completing the training if it cannot be completed within six months. There shall be no exemptions for any person in a supervisory position from the required continuing education training.

(e) A supervisor shall be defined in accordance with K.A.R. 1-2-84. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29, and L. 1994, ch. 91, § 1; implementing K.S.A. 75-3746 and L. 1994, ch. 91, § 1; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS

1-9-22. Job injury leave. (a) Any classified or unclassified employee who sustains a qualifying job injury, as determined by the employee's appointing authority, shall be eligible for job injury leave in accordance with this regulation.

(b) (1) "Qualifying job injury" means an injury which:

(A) renders the employee unable to perform the employee's regular job duties;

(B) arose out of and in the course of employment with the state; and

(C) (i) was sustained as a result of a shooting, stabbing or aggravated battery, as defined in K.S.A. 21-3414, by another against the employee;

(ii) was sustained as a result of a confrontation with a patient or client in a mental health or mental retardation facility or ward wherein the client either inflicts great bodily harm, causes disfigurement, or causes bodily harm with a deadly weapon or in any manner

whereby great bodily harm, disfigurement, dismemberment, or death can be inflicted; or

(iii) additionally for law enforcement officers, was sustained while in fresh pursuit of a person or while operating under the provisions of K.S.A. 8-1506. Qualifying job injuries shall not include injuries sustained as a result of the intentional actions of a co-worker.

(2) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime or who is reasonably suspected of having committed a crime.

(c) Job injury leave shall not exceed six total months away from work. While an employee is on an approved job injury leave, the employing state agency shall continue to pay the employee's regular compensation. If the employee is awarded worker's compensation, such state agency shall pay the employee compensation in an amount which, together with worker's compensation pay, equals the regular salary of the employee. The employee shall not lose accrued sick leave or vacation leave credits. Nothing herein shall be construed as providing voluntary or gratuitous compensation payments in addition to temporary total disability compensation payments pursuant to the worker's compensation laws.

(d) The appointing authority may require an employee on approved job injury leave to return to duty of a limited nature if the employee is physically able to perform the duty as determined by a physician selected by the appointing authority or selected by a representative of the state compensation self-insurance fund. However, any limited duty allowed shall not, in combination with time away from work on job injury leave, exceed the total six months allowed for job injury leave. If the employee remains unable to return to full duty, the agency head shall take such action as deemed to be in the best interest of the state.

(e) When an employee is on approved job injury leave, the appointing authority may require the employee to be examined by a physician selected by the appointing authority to determine the capability of the employee to return to full or limited duty.

(f) Employees on approved job injury leave shall be prohibited from being gainfully employed by any other employer.

(g) The requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. Such a waiver or modification may be granted only upon a finding by the director that:

(1) granting the requested waiver or modification would not be in conflict with any statutes pertaining to leave; and

(2) failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the job injury leave. (Authorized by K.S.A. 75-3747, as amended by L. 1994, ch. 248, § 29; implementing K.S.A. 75-3746; effective, T-86-17, June 17, 1985; effective May 1, 1986; amended Nov. 21, 1994.)

1-9-23. Shared leave. (a) (1) Each classified employee, excluding those who are on emergency, intermittent, or temporary appointment, and each unclassi-

fied employee, excluding those on emergency, intermittent, or temporary appointment, or on a temporary appointment made pursuant to K.S.A. 75-2935(1)(i), may be eligible to receive or donate shared leave as provided in this regulation.

(2) Shared leave may be granted to an employee if the employee or a family member as defined in K.A.R. 1-9-5(e)(2):

(A) is experiencing a serious, extreme, or life-threatening illness, injury, impairment or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or terminate employment; and

(B) keeps the employee from performing regular work duties.

(b) (1) An employee shall be eligible to receive shared leave if:

(A) the employee has exhausted all paid leave including annual leave, sick leave, and compensatory time credits; and

(B) the employee has six months of continuous service.

(2) An employee shall be eligible to donate annual leave or sick leave to another employee if:

(A) the donation of annual leave does not cause the accumulated annual leave balance of the donating employee to be less than 80 hours; and

(B) the donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours.

(c) (1) Each employee wishing to use or donate shared leave shall request to use or donate in the form and at such time as prescribed by the appointing authority, as required by K.A.R. 1-9-3(a).

(2) When requesting shared leave, or at any time during the use of shared leave, any employee may be required by the appointing authority or the director to provide a physician's statement or other medical evidence necessary to establish that the illness, injury, impairment or physical or mental condition is serious, extreme or life-threatening and keeps the employee from performing regular work duties. If the shared leave is being used for a family member, the employee may also be required to show evidence that the family member's serious, extreme or life-threatening illness, injury, impairment or physical or mental condition keeps the employee from performing regular work duties. If the employee fails to provide evidence as required, the use of shared leave may be denied or terminated by the appointing authority.

(3) (A) If the appointing authority determines the employee meets the initial eligibility requirements in paragraph (b)(1), and if applicable, determines that the employee would be caring for an individual who meets the definition of a family member, a leave share review committee shall be established as prescribed by the director. The leave share review committee shall review shared leave requests and provide a recommendation to the appointing authority.

(B) Shared leave may be denied if it is determined that the requesting employee has a history of leave abuse.

(continued)

Common illness or minor injury that is not serious, extreme or life-threatening shall be excluded from eligibility for shared leave.

(C) If the employee receives worker's compensation, long-term disability payments, or both, shared leave used each payroll period shall be that amount which, together with the payment of worker's compensation, long-term disability, or both, equals but does not exceed the regular salary for the employee.

(D) The appointing authority may grant all or a portion of the time requested. The decision by the appointing authority to approve or deny the request shall be final and not subject to appeal to the civil service board.

(d) Employees shall not be notified of the need for shared leave until the request for shared leave has been approved by the appointing authority. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of the shared leave program.

(e) (1) Shared leave may be used only for the duration of the current serious, extreme or life-threatening illness, injury, impairment or physical or mental condition for which it was collected. When an employee is granted shared leave due to the employee's illness or injury, the maximum duration of the shared leave shall be six months from the date the employee began using the shared leave. After six months, if the employee does not meet the conditions for long-term disability payments, shared leave may be extended for up to an additional six months. When the shared leave is granted due to the illness or injury of a family member, the maximum duration of the shared leave shall be 12 months from the date the employee began using the shared leave. Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.

(2) Shared leave may be applied retroactively for a period not to exceed 30 calendar days. The director shall be given written notification of each instance in which shared leave is applied retroactively.

(3) The employee shall no longer be eligible to receive shared leave for that particular occurrence if:

(A) the serious, extreme or life-threatening illness, injury, impairment of physical or mental condition improves so that it is no longer serious, extreme or life-threatening and the employee is no longer prevented from performing regular work duties;

(B) the recipient terminates or retires; or

(C) the employee can no longer show evidence that the family member's illness, injury, impairment or physical or mental condition is serious, extreme or life-threatening and keeps the employee from performing regular work duties.

The employee shall be determined to no longer be prevented from performing regular work duties when the physician states the employee is able to return to work or when the employee has returned to work for 20 continuous working days.

(4) Any unused portion of the shared leave shall be prorated among all donating employees based on the original amount and type of donated leave. Shared leave shall not be returned to donating employees in incre-

ments of less than one full hour or to any person who has left state service.

(f) (1) Shared leave shall be paid according to the receiving employee's regular rate of pay by the receiving employee's agency. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

(2) Shared leave shall be donated in full-hour increments.

(g) The requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. Such a waiver or modification may be granted only upon a finding by the director that:

(1) all the criteria of L. 1994, ch. 240, § 1 have been met; and

(2) failure to grant the requested waiver or modification would create a manifest injustice or undue hardship on the employee requesting the shared leave or on a family member of that employee. (Authorized by K.S.A. 75-3706, 75-3747 as amended by L. 1994, ch. 248, § 29 and L. 1994, ch. 240, § 1; implementing K.S.A. 75-2925, 75-3707, 75-3746, and L. 1994, ch. 240, § 1; effective, T-1-7-23-92, July 23, 1992; effective Sept. 14, 1992; amended July 26, 1993; amended, T-1-9-19-94, Sept. 19, 1994; amended Nov. 21, 1994.)

Article 63.—QUALITY MANAGEMENT

1-63-1. State quality management initiative. (a) The state quality management initiative shall focus on customer satisfaction, continuous improvement, and employee involvement.

(b) In order to continually strive towards achieving the highest quality in all aspects of state government, state agencies, employees, administrators, officers and quality teams shall adhere to the state quality program's guiding principles. The four guiding principles shall be:

(1) identify customers and meet their needs and expectations;

(2) involve employees at all levels in problem solving and decision making;

(3) enable employees to change and succeed through appropriate education and training; and

(4) improve processes and remove barriers to create and reinforce continuous improvement.

(c) Each state agency shall prepare an implementation strategy containing proposed activities and quality goals in accordance with the statewide quality management implementation strategy established by the secretary of administration. These strategies shall be submitted to the secretary of administration for approval. (Authorized by and implementing L. 1994, ch. 91, § 1; effective, T-1-9-19-94, Sept. 19, 1994; effective Nov. 21, 1994.)

1-63-2. Quality initiative leadership. (a) The state quality management initiative shall be led by the secretary of administration and shall include:

(1) promoting and assisting the development of implementation strategies by each agency; and

(2) developing and coordinating appropriate training programs for state officers and employees.

(b) The quality management advisory council shall consist of each state agency cabinet secretary and shall

advise the secretary of administration on state quality management initiative policy issues.

(c) A state quality management initiative administrative and training office shall be staffed by the division of personnel services. Quality management materials and programs for the state quality program shall be developed and coordinated by the administrative and training office with the approval of the secretary of administration.

(d) The state quality program planning and guidance committee, defined in the statewide quality management implementation strategy, shall assist the administrative and training office in the execution of its administrative and training responsibilities. (Authorized by and implementing L. 1994, ch. 91, § 1; effective, T-1-9-19-94, Sept. 19, 1994; effective Nov. 21, 1994.)

Gloria M. Timmer
Secretary of Administration

Doc. No. 015429

INDEX TO ADMINISTRATIVE REGULATIONS

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1-6-21	Amended	V. 13, p. 1461
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1-8-5	Amended	V. 13, p. 1461
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**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

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117-8-1	Amended	V. 12, p. 531



**Statement of Ownership,
Management and
Circulation**
(Required by 39 U.S.C. 3685)

1A. Title of Publication Kansas Register		1B. PUBLICATION NO. 0 6 6 2 - 1 9 0				2. Date of Filing Sept. 21, 1994
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5. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher (Not printer) Kansas Secretary of State, 2nd Floor, State Capitol, Topeka, KS 66612-1594						
6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)						
Publisher (Name and Complete Mailing Address) Bill Graves, Secretary of State 2nd Floor, State Capitol, Topeka, KS 66612-1594						
Editor (Name and Complete Mailing Address) Nancy R. Reddy, Secretary of State's Office Room 235-N, State Capitol, Topeka, KS 66612-1594						
Managing Editor (Name and Complete Mailing Address)						

7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)

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(1) Has Not Changed During Preceding 12 Months

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1. Sales through dealers and carriers, street vendors and counter sales	29	31
2. Mail Subscription (Paid and/or requested)	960	953
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)	989	984
D. Free Distribution by Mail, Carrier or Other Means (Samples, Complimentary, and Other Free Copies)	488	486
E. Total Distribution (Sum of C and D)	1477	1470
F. Copies Not Distributed		
1. Office use, left over, unaccounted, spoiled after printing	223	230
2. Return from News Agents	0	0
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	1700	1700

11. I certify that the statements made by me above are correct and complete

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