

# Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 44    November 3, 1994    Pages 1621-1666

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 7 through November 20:

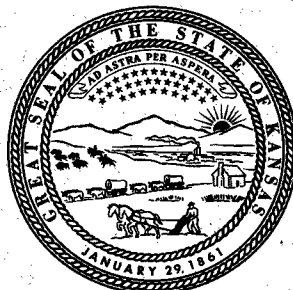
Date	Room	Time	Committee	Agenda
November 9	519-S	10:00 a.m.	Health Care Reform Legislative	Agenda not available.
November 10	519-S	9:00 a.m.	Oversight Committee	
November 9	514-S	10:00 a.m.	Joint Committee on Pensions,	Review KPERS matters; committee deliberations and instructions to staff for final report.
November 10	514-S	9:00 a.m.	Investments and Benefits	
November 14	Holidome	8:30 a.m.	Legislative Educational	<u>14th:</u> LEPC Postsecondary Educational Conference at the Holidome in Topeka. <u>15th:</u> Review of final report and other matters.
November 15	514-S	9:00 a.m.	Planning Committee	
November 14	On Tour	9:00 a.m.	Blue Highways	<u>14th:</u> Tour of Labette County Boot Camp and public forum at Independence. <u>15th:</u> Public forum at Emporia.
November 15	On Tour	9:00 a.m.	The Thin Blue Line (Committee on Crime)	
November 14	519-S	9:00 a.m.	Joint Committee on Economic Development	a.m. - Conferees on microloans, SBDC Program, and venture capital tax credits. p.m. - Committee discussion and recommendations for reports and possible legislation.
November 15	519-S	10:00 a.m.	Telecommunications Strategic Planning Committee	Consultant to meet with committee to discuss work plan.

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**PUBLISHED BY**  
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 Secretary of State  
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 300 S.W. 10th Ave.  
 Topeka, KS 66612-1594  
 (913) 296-2236



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

November 14	531-N	9:00 a.m.	Health Care Fund Stabilization Oversight Committee	Report of the actuary-Wakely & Associates, Inc., on the status of the fund; comments from the Insurance Dept. on the fund; revenue of 1994 legislation affecting the fund.
November 15	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearing on claims filed to date.
November 15	313-S	1:30 p.m.		
November 16	531-N	9:00 a.m.	Joint Committee on Computers and Telecommunications	Agenda not available.
November 16	527-S	10:00 a.m.		
November 16	526-S	10:00 a.m.	Special Committee on Judiciary	Conclusions and recommendations. Other to be announced.
November 17	526-S	9:00 a.m.		
November 17	521-S	10:00 a.m.	Legislative Budget Committee	<u>17th</u> : Staff reports on SGF receipts and revenues estimates, and on school finance estimates; committee attend LCC meeting; committee review of its report and bill drafts on homestead tax refunds; conferees on Health and Environment's wastewater treatment fees; committee instructions to staff on other topics considered during the 1994 interim. <u>18th</u> : Lottery and Racing Commission finances; State Parole Board operations. Any items not considered on the 17th and committee instructions to staff on other topics considered during the 1994 interim.
November 18	521-S	9:00 a.m.		
November 17	514-S	10:00 a.m.	Joint Committee on Children and Families	Agenda not available.
November 18	514-S	9:00 a.m.		
November 17	519-S	1:30 p.m.	Legislative Coordinating Council	Legislative matters.
November 18	On Tour	9:30 a.m.	Kansas Council on Privatization	Agenda not available.
November 18	519-S	10:00 a.m.	Workers Compensation Fund Oversight Committee	Agenda not available.

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

Division of Services for the Blind  
Advisory Committee

## Notice of Meeting

The Division of Services for the Blind Advisory Committee will meet from 9 a.m. to noon on Friday, December 9, in the Rehabilitation Center for the Blind Conference Room, 2516 W. 6th, Topeka.

Richard A. Schutz  
Director

Doc. No. 015547

## State of Kansas

## University of Kansas Medical Center

## Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Thursday, November 17, 1994

725150

Noninvasive mask ventilation system

725151

X-ray date labels for 1995

Barbara Lockhart  
Purchasing Director

Doc. No. 015542

## 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 11-7-94 through 11-13-94

Term	Rate
0-90 days	4.76%
3 months	5.12%
6 months	5.65%
9 months	5.91%
12 months	6.17%
18 months	6.52%
24 months	6.79%
36 months	7.09%
48 months	7.33%

Sally Thompson  
State Treasurer

Doc. No. 015540

## 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
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	Administrative Procedure	9:30 a.m.	2nd Floor, Court of Appeals Courtroom
Nov. 18	PIK	9:30 a.m.	Room 259
Dec. 2	Family Law	9:30 a.m.	Room 259
Dec. 9	Judicial Council	9:00 a.m.	Room 259
Dec. 16	Administrative Procedure	9:30 a.m.	Room 259
Dec. 16	PIK	9:30 a.m.	2nd Floor, Court of Appeals Courtroom

Justice Kay McFarland  
Chair

Doc. No. 015563

## State of Kansas

## State Banking Board

Notice of Hearing on Proposed  
Administrative Regulations

The State Banking Board will meet at 9 a.m. Monday, December 19, in the conference room of the Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka. The scheduled agenda includes reports by the State Bank Commissioner, a public hearing concerning an amendment to an existing regulation effective upon publication in the Kansas Register, adoption of the proposed amendment, and other necessary items.

The proposed amendment to K.A.R. 17-21-4, entitled filing of application, concerns the filing of an application for interstate banking authority. The proposed amendment alters the number of copies to accompany an application and the number of days in which notice of the proposed application shall be filed with the State Banking Board. There is no economic impact as a result of the amendment to this regulation.

A complete copy of the proposed regulation and the economic impact statement may be obtained by contacting Christine L. Zeller, 3rd Floor, Jayhawk Tower, 700 S.W. Jackson, Topeka 66603, (913) 296-2266. This 30-day notice of hearing is for the purpose of receiving comments concerning the implementation of the regulation. Written comments may be submitted prior to the hearing to Frank D. Dunnick, State Bank Commissioner, at the address listed above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible.

Frank D. Dunnick  
State Bank Commissioner

Doc. No. 015545

## State of Kansas

**Attorney General****Opinion No. 94-131**

**Public Health—Secretary of Health and Environment, Activities; Water Supply and Sewage—Prevention of Water Pollution; Standards; Permits; Exemptions; Orders; Hearings; Appeals; Fees; Right of Ingress and Egress; Confined Feeding Facilities; Separation Requirements. Representative Eugene Shore, 124th District, Johnson, October 11, 1994.**

An existing facility pursuant to K.S.A. 65-171d(k), as amended by L. 1994, Ch. 213, § 1, is eligible for exempt status regardless of whether it has been the subject of formal administrative actions by the Department of Health and Environment. The distance between the nearest habitable structure and the confined feeding facility should be used as the minimum allowable distance when a facility is expanding toward the succeeding habitable structures. A facility which exists prior to the effective date of this act can expand as long as the provisions of K.S.A. 65-171d(k)(3), as amended by L. 1994, Ch. 213, § 1, are observed. Cited herein: K.S.A. 65-171d, as amended by L. 1994, ch. 213, § 1. MJS

**Opinion No. 94-132**

**Public Records, Documents and Information—Records Open to Public—Lists of Names and Addresses Derived From Public Records; Prohibited Uses; Certification.**

**Crimes and Punishments; Kansas Criminal Code; Prohibited Conduct—Crimes Affecting Public Trusts—Unlawful Use of Names Derived From Public Records. Kevin Cure, Cherokee County Attorney, Columbus, October 11, 1994.**

A public official may not deny access to a public record unless the disclosure is prohibited by federal or state law or the record fits one of the exceptions listed in K.S.A. 45-221. Public land records are public records which do not fit any of these exceptions, and are therefore open for inspection. A custodian who relies in good faith on a certification by a requestor that the information obtained from public records will not be used in a prohibited manner is not subject to criminal charges under K.S.A. 21-3914. Therefore, a public official may not deny a requestor access to records, which are otherwise open, when the appropriate certification is submitted pursuant to K.S.A. 45-220, and the official is acting in good faith. Cited herein: K.S.A. 21-3914, as amended by L. 1994, ch. 317, § 1.; K.S.A. 45-217, as amended by L. 1994, ch. 293, § 4; 45-220; 45-221, as amended by L. 1994, chs. 89, 101, 107, 138. NKF

**Opinion No. 94-133**

**Schools—Community Colleges—State Aid and Fiscal Provisions—Subjects and Courses Taught Outside Community College District; Effect on State Aid and Out-District Tuition. Lee A. Droegemueller, Commissioner of Education, Kansas State Board of Education, Topeka, October 14, 1994.**

No out-district tuition may be charged for credit hours in any subject or course all or the principal part of which

is taught at Wichita State University under an agreement entered into by a community college and Wichita State University. Cited herein: K.S.A. 1993 Supp. 71-609, as amended by L. 1994, ch. 179, § 1. RDS

**Opinion No. 94-134**

**Crimes and Punishments; Kansas Criminal Code; Prohibited Conduct—Crimes Against Property—Theft; Breach of Lease—Purchase Agreement and Failure to Return Property. Rodney H. Symmonds, Lyon County Attorney, Emporia, October 14, 1994.**

The statutory presumption created by K.S.A. 21-3702(1)(b) for proving intent to permanently deprive in a theft prosecution is applicable to a "lease-purchase agreement" if the agreement is truly a lease with option to purchase. Whether a particular document evidences a lease with option to purchase or an installment sale with a security interest is a question of fact to be determined on a case-by-case basis. Cited herein: K.S.A. 1993 Supp. 21-3110; 21-3701, as amended by L. 1994, ch. 291, § 26; K.S.A. 21-3702; K.S.A. 1993 Supp. 50-681; 84-2a-103. JLM

**Opinion No. 94-135**

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Claims for Damages Against Health Care Providers; Local Health Department. Robert W. Fairchild, Douglas County Counselor, Lawrence, October 14, 1994.**

Employees of the Lawrence-Douglas County Health Department are covered by the tort claims fund. Cited herein: K.S.A. 65-241; K.S.A. 1993 Supp. 75-6102, as amended by L. 1994, ch. 343, § 1; 75-6115; 75-6117. LJJ

**Opinion No. 94-136**

**Public Health—Solid and Hazardous Waste; Hazardous Waste—Standards Applicable to Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities; Financial Responsibility.**

**Corporations—Corporate Powers—Specified Powers. William L. Anderson, Attorney, Department of Health and Environment, Topeka, October 14, 1994.**

Kansas law recognizes contractual guarantees between parent and wholly owned subsidiary corporations for the purpose of meeting the financial requirements of owners and operators of hazardous waste treatment, storage, and disposal facilities. However, the terms of the guarantee must be identical to the terms of 40 C.F.R. § 264.151(h)(2). Cited herein: K.S.A. 17-6102; 40 C.F.R. §§ 264.147, 264.151, 265.147. LJJ

**Opinion No. 94-137**

**Waters and Watercourses—Obstructions in Streams—Cleaning and Maintaining Banks and Channels by County; Distribution of Proceeds from Sale of Sand Products. Sandra L. Jacquot, Shawnee County Counselor, Topeka, October 14, 1994.**

Absent the facts addressed in K.S.A. 82a-310, a board of county commissioners in possession of sand royalty funds received pursuant to K.S.A. 1993 Supp. 82a-309 is

(continued)

not authorized to disburse those funds to a drainage district. The county may use the funds only for the actual cleaning and maintenance of state streams as provided in the obstruction in streams act. Cited herein: K.S.A. 1993 Supp. 82a-309; K.S.A. 82a-310. NKF

Robert T. Stephan  
Attorney General

Doc. No. 015526

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:

Monday, November 14, 1994

30694 Rebid

State Treasurer's Office—Comparative investment performance review

00245

Department of Administration—Mini cargo vans

00246

Department of Wildlife and Parks—Furnish and install new water line, Cheney State Park

00297

University of Kansas Medical Center—Banners

Tuesday, November 15, 1994

30768

Rainbow Mental Health Facility—Elevator maintenance service

30770

University of Kansas—December (1994) meat products

30772

Statewide—Dairy products

30773

Larned State Hospital—Lab analyzer/reagent agreement

00252

Department of Transportation, Topeka—Core drilling accessories

00290

University of Kansas—Audio-visual equipment

Wednesday, November 16, 1994

30771

Statewide—Canned goods

00263

Department of Corrections—Furnish and install chiller, Wichita

00264

Hutchinson Correctional Facility—Prison transport bus

00265

Department of Transportation—Equipment floor lift, Chanute

Thursday, November 17, 1994

28934 Supp.

University of Kansas Medical Center—Carpet

30763

Statewide—Cardiac table set-up pack (sterile)

30779

Department of Health and Environment—Gas chromatographer/mass spectrometer maintenance services

00270

Wichita State University—Light fixtures

00271

Fort Hays State University—Furnish and install carpet and accessories

00272

Kansas State University—Automatic floor scrubbers

00275

University of Kansas—Backhoe mounted pavement breaker

00276

University of Kansas—Paper, printing and binding: What Kansas Means to Me

00277

Kansas Correctional Industries—Fabrication of components for cell furniture

Friday, November 18, 1994

00284

Pittsburg State University—Scientific equipment

00296

Adjutant General's Department—Emergency response dosimetry

Tuesday, November 22, 1994

A-7146

Emporia State University—Chiller replacement, Twin Towers

Wednesday, November 23, 1994

A-7603

Department of Wildlife and Parks—RV campground improvements, Hillsdale State Park

A-7604

Department of Wildlife and Parks—RV site timber construction, Hillsdale State Park

Wednesday, December 7, 1994

30740

State Treasurer's Office—Money and securities coverage—theft, disappearance and destruction

30743

Kansas Insurance Department—Money and securities, disappearance and destruction

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Request for Proposals

Tuesday, November 22, 1994

30774 RFP

Medical review officer services for the Department of Administration, Division of Personnel Services

Jack R. Shipman  
Director of Purchases

Doc. No. 015557

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 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-AG-94-93

Name and Address of Applicant	Legal Description	Receiving Water
C.B. Showalter C.B. Hog Finisher #1 8803 E. Arlington Road Haven, KS 67432	SW/ 4, Sec. 22, T24S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-H003 Federal Permit No. KS-0091090  
The proposed facility will have capacity for approximately 4,999 swine.

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

Compliance Schedule:

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

Public Notice No. KS-94-67

Name and Address	Waterway	Type of Discharge
Forest View Recycling and Disposal Facility-Kansas City, Kansas c/o Waste Management of Kansas Inc. 3611 N.W. 16th Topeka, KS 66618 Wyandotte County, Kansas Kansas Permit No. I-KS27-P038	Kansas River via storm sewer	Abandoned limestone mine dewatering discharge

Facility Description: This is a permitted municipal solid waste landfill. The city special use permit requires to dewater an abandoned limestone mine located underneath the landfill, to maintain water level lower than landfill. The groundwater that has seeped into the mine from adjacent geological formation is to be pumped to a stormwater retention pond prior to discharge to the Kansas River via a storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Public Notice No. KS-EG-94-17/23

Tentative permits have been prepared for the re-permitting of seven salt-solution mining wells, 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 are located in Reno County, Kansas, and are operated by Cargill, Inc., P.O. Box 1403, Hutchinson, KS 67501.

Well # and Permit #	Well Location
Well Number J-1 KS Permit No. KS-03-155-164	NWNESW 19-23-5W 2378' fsl and 3465' fel of SE/4
Well Number J-2 KS Permit No. KS-03-155-159	SWSENW 19-23-5W 2678' fsl and 3458' fel of SE/4
Well Number J-3 KS Permit No. KS-03-155-160	SWSENW 19-23-5W 2978' fsl and 3481' fel of SE/4
Well Number J-4 KS Permit No. KS-03-155-161	SWSENW 19-23-5W 3278' fsl and 3490' fel of SE/4
Well Number J-5 KS Permit No. KS-03-155-162	NWSENW 19-23-5W 3582' fsl and 3491' fel of SE/4
Well Number J-6 KS Permit No. KS-03-155-163	NWSENW 19-23-5W 3878' fsl and 3488' fel of SE/4
Well Number J-7 KS Permit No. KS-03-155-158	SWNWNW 19-23-5W 4177' fsl and 3484' 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 December 2 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-93, KS-94-67, KS-EG-94-17/23) 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. 015561

## State of Kansas

Department of Health  
and Environment

## Notice to Consulting Engineering Firms

It is the intent of the Department of Health and Environment, pursuant to K.S.A. 75-5801, to select qualified engineering firms permitted by law to practice engineering in the state of Kansas for the design of abandoned coal mine reclamation projects in Southeast Kansas. The Surface Mining Section will interview the best qualified firms and enter into contract negotiations for AML projects.

Examples of work involved in the projects include design of grading plans, drainage control, roadside improvements, shaft closure, disposal of mine wastes and revegetation.

All interested firms should submit three copies of forms SF 254 and SF 255 to the Surface Mining Section Office no later than 5 p.m. Thursday, November 17. Submittals and questions should be addressed to Murray J. Balk, Chief, Surface Mining Section, P.O. Box 1418, Pittsburg 66762, (316) 231-8540.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015548

## State of Kansas

Department of Health  
and Environment

## Request for Proposals

The Kansas Department of Health and Environment, in cooperation with the federal Centers for Disease Control and Prevention, is making available a grant and is requesting proposals from eligible community-based, community service organizations to develop and implement an effective program of outreach designed to reduce the spread of HIV infection among men who have sex with men (MSM) in Kansas. Each qualified organization may submit one proposal. One award of up to \$8,000 will be made for the period February 1 through December 31, 1995. Release of funds is contingent upon the availability of federal funds and on budget approvals of the Kansas Legislature. Funding for this project will be on a one-time, nonrenewable basis.

To receive a copy of an application packet, call Sally Finney Brazier, M.Ed., at (913) 296-6173; write to the Kansas Department of Health and Environment, AIDS Section, 109 S.W. 9th, Suite 605, Topeka 66612-1271, Attn: MSM RFP; or contact Sally Finney Brazier on PC Wonder (listed as Finney).

Sally Finney Brazier  
Director, AIDS Section

Doc. No. 015551

## State of Kansas

## Kansas Sentencing Commission

## Notice of Meeting

The Kansas Sentencing Commission will meet at 1 p.m. Monday, November 7, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Lisa Moots  
Executive Director

Doc. No. 015553

## State of Kansas

## Secretary of State

## Usury Rate for November

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 November 1, 1994 through November 30, 1994, is 10.68 percent.

Bill Graves  
Secretary of State

Doc. No. 015539

## 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 29 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 29, 1994

Application for Certificate of Convenience  
and Necessity:

Capitol City Taxi, Inc.	) Docket No. 191,083 M
4043 N.W. 39th	)
Topeka, KS 66618	) MC ID No. 150850

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

*Passengers and their baggage, and general commodities  
(except household goods, commodities in bulk and  
hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*



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

Commerce Transportation,) Docket No. 191,082 M  
Inc., dba )  
CTI )  
4161 N. Broadway )  
Wichita, KS 67219 ) MC ID No. 150849

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

*Hay, grain, feed, feed ingredients, salt, seeds, fertilizer, building and construction materials, fencing materials and machinery (restricted, however, to transport no hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Francis-Urban Tank Service,) Docket No. 139,555 M  
Inc. )  
214 Main St. )  
Claflin, KS 67525-0316 ) MC ID No. 118362

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

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Rodney L. Koehn ) Docket No. 191,081 M  
611 12th Road S.W. )  
Burlington, KS 66839 ) MC ID No. 150848

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

M & M Fuel Co., Inc. ) Docket No. 163,122 M  
Route 1, 6th and Industrial) Road )  
El Dorado, KS 67042 ) MC ID No. 117902  
TO:  
Mears Fertilizer, Inc., dba ) Docket No. 170,008 M  
M & M Fuel Co. )  
Route 1, 6th and Industrial) Road ) MC ID No. 136812  
El Dorado, KS 67042

Applicant's Attorney: Harvey Sorenson, Foulston Siefken, 700 Fourth Financial Center, Wichita, KS 67202

*Gasoline, diesel fuel, casinghead gas, liquid sulfur, solvents and petroleum chemicals,*

Between points and places in Butler, Sedgwick, Cowley and McPherson counties, Kansas.

Also,

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

*Liquid fertilizer solutions,*

Between points and places in Butler and Sedgwick counties, Kansas.

Also,

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

\*\*\*\*\*

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

Swift Transportation Co., Inc.) Docket No. 113,345 M  
5601 W. Mohave )  
Phoenix, AZ 85031 ) MC ID No. 107190

Applicant's Attorney: Frank Taylor, Jr., 4420 Madison Ave., Kansas City, MO 64111

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Triple F Trucking, Inc. ) Docket No. 185,333 M  
1970 Burlingame Road )  
Emporia, KS 66801 ) MC ID No. 147220

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:**

Jerrold Unruh, dba ) Docket No. 191,084 M  
J. Unruh Trucking )  
Route 1, Box 87 )  
Marienthal, KS 67863 ) MC ID No. 150851

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 24, 3601 W. 29th, Topeka, KS 66614

*Livestock, hay, grain, feed, feed ingredients, seeds, fertilizer, salt, building and construction materials, fencing materials and machinery (restricted to transport no hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Don Carlile  
Administrator  
Transportation Division

Doc. No. 015562

State of Kansas

**Office of Judicial Administration  
Court of Appeals Docket**

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

Kansas Court of Appeals  
Court of Appeals Courtroom, Second Floor, Kansas Judicial Center  
Topeka, Kansas

Monday, November 21, 1994

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

9:30 a.m.

Case No.	Case Name	Attorneys	County
71,349	State of Kansas, Appellee, v. Norman S. Shaffer, Appellant.	County Attorney Attorney General Robb Edmonds	Leavenworth
70,415	State of Kansas, Appellee, v. Smith N. Brickhouse, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson

**Summary Calendar—No Oral Argument**

71,052	State of Kansas, Appellee, v. Stacey K. Blankenship, Appellant.	District Attorney Attorney General Stephen Moss	Johnson
71,051	State of Kansas, Appellee, v. Bobby G. Grissom, Appellant.	District Attorney Attorney General Rebecca Woodman	Johnson

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

11:00 a.m.

70,921	State of Kansas, Appellee, v. Roger S. McCray, Appellant.	District Attorney Attorney General Wendy Rhyne Slayton	Wyandotte
69,992	State of Kansas, Appellee, v. Gerald Norris, Appellant.	District Attorney Attorney General Jean Gilles Phillips	Wyandotte

**Summary Calendar—No Oral Argument**

71,333	State of Kansas, Appellee, v. Ronald L. Carter, Appellant.	District Attorney Attorney General Jean Gilles Phillips	Wyandotte
70,509	State of Kansas, Appellee, v. James H. Lewis, Jr., Appellant.	District Attorney Attorney General Steven Zinn	Wyandotte

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

1:45 p.m.

71,208	State of Kansas, Appellee, v. Lupe R. Gamino Jr., Appellant.	County Attorney Attorney General Hazel Haupt	Riley
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71,356	In the Interest of D.B.S., Appellant, v. Mark Savener, Appellee.	Donna J. Long William M. Malcolm Susan C. Jacobson Paula Savener, pro se	Clay
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**Summary Calendar —No Oral Argument**

71,225	State of Kansas, Appellee, v. Troy D. Collette, Appellant.	County Attorney Attorney General Edward Collister Jr.	Clay
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70,630	State Of Kansas, Appellee, v. Carolyn Herring, Appellant.	District Attorney Attorney General Molly Margaret Korth	Johnson
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71,387	In the Interest of J.W.W.P.	Peter C. Rombold Michael P. McKone County Attorney	Geary
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**Kansas Court of Appeals  
Court of Appeals Courtroom, Third Floor  
Old Sedgwick County Courthouse, 510 N. Main  
Wichita, Kansas**

**Monday, November 21, 1994**

**Before Green, P.J.; Brazil, J.; and James J. Smith,  
District Judge, assigned.**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
71,219	State of Kansas, Appellee, v. George Wayne Gray, Appellant.	County Attorney Attorney General John A. Reynolds	Saline
71,245	City of Wichita, Appellee, v. Michael Rice, Appellant.	Sharon L. Chalker  Thomas W. Young	Sedgwick

**Summary Calendar—No Oral Argument**

72,078	State of Kansas, Appellee, v. Shawn H. Wallace, Appellant.	Debra S. Peterson Attorney General Jessica R. Kunen	Sedgwick
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71,193	State of Kansas, Appellee, v. Howard C. Nease, Appellant.	County Attorney Attorney General Stephen E. Robison	Reno
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**Before Green, P.J.; Gernon, J.; and James J. Smith,  
District Judge, assigned.**

**10:30 a.m.**

71,158	State of Kansas, Appellee, v. Larry G. Tonihka, Appellant.	Debra S. Peterson Attorney General Debra Wilson	Sedgwick
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71,028	State of Kansas, Appellee, v. Terrell F. Myers, Appellant.	Debra S. Peterson Attorney General Thomas Jacquinet	Sedgwick
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**11:30 a.m.**

71,787	In the Matter of the Application of Kathy Martin on behalf of Cassandra Leann Martin for a Writ of Habeas Corpus.	Phillis F. Wendler Richard Hodson	Finney
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(continued)

## Summary Calendar—No Oral Argument

71,699	In the Matter of the Application for Habeas Corpus of Garry L. Sammons.	Garry Sammons, pro se Julie Riddle	Butler
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Before Brazil, P.J.; Gernon, J.; and James J. Smith,  
District Judge, assigned.

1:30 p.m.

71,448	State of Kansas, Appellee, v. Johnny Wayne King, Appellant.	County Attorney Attorney General Benjamin Wood	Kingman
71,629	James Payne, Appellant, v. Parole Board, et al., Appellees.	Michael C. Robinson  John J. Knoll	Reno
70,865	State of Kansas, Appellee, v. Robert J. Van Buren, Appellant.	County Attorney Attorney General Robert M. Miles	Seward

## Summary Calendar—No Oral Argument

71,644	Chester J. Words, Appellant, v. Joan Finney, et al., Appellees.	Andrew B. Fletcher  Julie Riddle	Butler
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**Kansas Court of Appeals**  
Court of Appeals Courtroom, Second Floor, Kansas Judicial Center  
Topeka, Kansas

Tuesday, November 22, 1994

Before Larson, P.J.; Lewis, J.; and John Anderson III,  
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,040 SC	State of Kansas, Appellee, v. Kelly N. Duff, Appellant.	County Attorney Attorney General Timothy Madden Edward Collister Jr.	Saline
71,454 SC	Kelly Duff, Appellee, v. Secretary of Corrections, et al., Appellants.	Edward Collister Jr. Mark Whitney Timothy Madden	Norton
71,091	State of Kansas, Appellee, v. Cory A. Mallory, Appellant.	County Attorney Attorney General Debra Wilson	Shawnee
71,175	State of Kansas, Appellee, v. Terry Denise Revels, Appellant.	County Attorney Attorney General James D. Sweet	Saline

Before Larson, P.J.; Pierron, J.; and John Anderson III,  
District Judge, assigned.

11:00 a.m.

70,487	State of Kansas, Appellee, v. Richard D. Watson, Appellant.	County Attorney Attorney General Debra Wilson	Saline
70,660	State of Kansas, Appellee, v. Dung Ngoc Nguyen, Appellant.	County Attorney Attorney General Wendy Rhyne Slayton	Saline

Summary Calendar—No Oral Argument

71,416	In the Interest of J.C.R.	Marta Fisher Linenberger District Attorney M. Lou Allen Thomas J. Wilder Susanna Coxe	Shawnee
71,183	State of Kansas, Appellee, v. Brian David Bennett, Appellant.	District Attorney Attorney General Michael F. Brunton	Shawnee

Before Pierron, P.J.; Lewis, J.; and John Anderson III,  
District Judge, assigned.

1:30 p.m.

70,916	State of Kansas, Appellee, v. Johnnie Anderson, Appellant.	County Attorney Attorney General Jeffrey Shaw	McPherson
71,048	State of Kansas, Appellee, v. Jack Edward Sawyers, Appellant.	County Attorney Attorney General Stephen Moss	Linn
70,988	State of Kansas, Appellee, v. Michael A. Miller, Appellant.	County Attorney Attorney General Cortland E. Berry	Lyon

Summary Calendar—No Oral Argument

70,873 70,874	State of Kansas, Appellee, v. Michael S. Barnes, Appellant.	County Attorney Attorney General Julie Gorenc	Coffey
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**Kansas Court of Appeals**  
Court of Appeals Courtroom, Third Floor  
Old Sedgwick County Courthouse, 510 N. Main  
Wichita, Kansas

Tuesday, November 22, 1994

Before Gernon, P.J.; Brazil, J.; and John E. Sanders,  
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,456	State of Kansas, Appellee, v. Richard D. Sullivan, Appellant.	County Attorney Attorney General Ross Stubblefield	Lyon
70,957	State of Kansas, Appellee, v. James A. Copeland, Appellant.	Debra S. Peterson Attorney General Michael C. Brown	Sedgwick

Summary Calendar—No Oral Argument

70,042	State of Kansas, Appellee, v. Tony W. Davis, Appellant.	County Attorney Attorney General Hazel Haupt	Lyon
72,299	Melva Chapman, Appellant, v. Beech Aircraft Corp., Appellee.	Brian D. Pistotnik Jeff C. Spahn Jr.	WC Board

(continued)

Before Gernon, P.J.; Green, J.; and John E. Sanders,  
District Judge, assigned.

10:30 a.m.

70,123	State of Kansas, Appellee, v. Bruce A. Wright, Appellant.	Debra S. Peterson Attorney General Julie Gorenc	Sedgwick
71,114	State of Kansas, Appellee, v. Chauncy Wilson, Appellant.	County Attorney Attorney General Reid Nelson	Harvey

Summary Calendar—No Oral Argument

71,133	State of Kansas, Appellee, v. Raymond J. Bernal, Appellant.	County Attorney Attorney General Julie Gorenc	Finney
71,086	State of Kansas, Appellee, v. Curtis Howard Thompson, Appellant.	County Attorney Attorney General Edward Collister Jr.	Saline

Before Brazil, P.J.; Green, J.; and John E. Sanders,  
District Judge, assigned.

1:30 p.m.

69,792	State of Kansas, Appellee, v. Greg Martinez, Appellant.	County Attorney Attorney General Leslie Phelps Hess	Ford
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2:00 p.m.

71,039	State of Kansas, Appellee, v. Curtis R. Lund, Appellant.	County Attorney Attorney General Edward Collister Jr.	Harvey
70,900	State of Kansas, Appellee, v. James Houston Conroy II, Appellant.	County Attorney Attorney General Edward Collister Jr.	Finney

Summary Calendar—No Oral Argument

71,118	State of Kansas, Appellee, v. Max Saiz, Appellant.	County Attorney Attorney General Jessica R. Kunen	Finney
71,906	Emprise Bank, Trustee, Appellee, v. James Seltman, et al., Appellants.	Max E. Estes Jackie Rapstine Craig Kershner James Seltman, pro se Jeff and Pam Seltman, pro se Brian and Louise Seltman, pro se	Rush

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 015543

## State of Kansas

**Kansas Council on Employment  
and Training****Notice of Meeting**

The Kansas Council on Employment and Training will meet from 9 a.m. to noon Tuesday, November 15, at the Jayhawk Tower, Florentine Room, 700 S.W. Jackson, Topeka. The meeting is open to the public.

Joe Dick  
Secretary of Human Resources

Doc. No. 015555

(Published in the Kansas Register, November 3, 1994.)

**Summary Notice of Bond Sale  
City of Arkansas City, Kansas  
\$1,425,000**

**General Obligation Bonds, Series 1994-2  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated November 1, 1994, sealed bids will be received by the clerk of the city of Arkansas City, Kansas (the issuer), on behalf of the governing body at City Hall, 1st and Central, Arkansas City, KS 67005, until 10 a.m. C.S.T. on November 10, 1994, for the purchase of \$1,425,000 principal amount of General Obligation Bonds, Series 1994-2. 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 December 1 in the years as follows:

Year	Principal Amount
1995	\$140,000
1996	140,000
1997	140,000
1998	140,000
1999	140,000
2000	145,000
2001	145,000
2002	145,000
2003	145,000
2004	145,000

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 June 1 and December 1 in each year, beginning on June 1, 1995.

**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 \$28,500 (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 22, 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 \$38,691,871. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, \$7,070,000.

**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 city clerk, (316) 442-0280, or from the financial advisor, George K. Baum & Co., Wichita, Kansas, (316) 264-9351.

Dated November 1, 1994.

City of Arkansas City, Kansas

Doc. No. 015554

(Published in the Kansas Register, November 3, 1994.)

**Statutory Notice of Bond Sale  
City of Roeland Park, Kansas  
\$1,730,000**

**Internal Improvement Bonds  
Series 1994**

**(General obligations payable from  
unlimited ad valorem taxes)**

**Sale Period**

Sealed bids will be received by the undersigned city clerk of the city of Roeland Park, Kansas, on behalf of the governing body at the Roeland Park City Hall, 4600 W. 51st, Roeland Park, KS 66205, until 11 a.m. C.S.T. on Wednesday, November 16, 1994, for the purchase of the city's Internal Improvement Bonds, Series 1994, in the principal amount of \$1,730,000 as hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body at 7:30 p.m. C.S.T. on the same day. No oral or auction bids will be considered. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery of the bonds will be considered.

**Bond Details**

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

(continued)

**\$1,730,000**  
**Internal Improvement Bonds**  
**Series 1994**

Maturity December 1	Principal Amount
1995	\$140,000
1996	145,000
1997	150,000
1998	160,000
1999	165,000
2000	175,000
2001	185,000
2002	190,000
2003	205,000
2004	215,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable semiannually on June 1 and December 1 in each year, commencing June 1, 1995.

#### Delivery and Payment

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their sale at such bank or trust company in the states of Kansas or Missouri as may be specified as may be specified by the successful bidder and is acceptable to the city.

#### Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check in the amount of \$34,600 must accompany each bid for the bonds.

#### Costs

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

#### Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of November 1, 1993, is \$37,861,228. The total general obligation indebtedness, including temporary notes, of the city, as of the date of the bonds, including the bonds, is \$7,096,000. Temporary notes of the city in the principal amount of \$1,741,000 will be retired out of the proceeds of the 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 bonds may be obtained from the city clerk at (913) 722-2600, or from Burke, Williams, Sorensen & Gaar, bond counsel, at (913) 339-6200.

City of Roeland Park, Kansas  
 By: Anthony J. Pluta  
 City Clerk  
 Roeland Park City Hall  
 4600 W. 51st  
 Roeland Park, KS 66205  
 (913) 722-2600

State of Kansas

### Kansas State Library

#### Request for Proposals

The Kansas State Library is issuing a request for proposals for the Kansas Volunteers for Literacy Grant Program. This is the third year of grants to agencies or organizations that use volunteers to help adults learn to read better. The primary focus of this grant is for adults, but children may be a feature of a family literacy component. Grants can be used for anything that relates to a literacy program *except salaries*. Grant amounts generally range between \$5,000 and \$20,000. A match of \$1 for every \$3 received from the grant is required and may be in-kind. The deadline for proposals in December 15. Please send an original and five copies to either of the following addresses:

Kansas Volunteers for Literacy Grant Program  
 P.O. Box 188  
 Kingman, KS 67068

or

Kansas Volunteers for Literacy Grant Program  
 105 Ave. A East  
 Kingman, KS 67068

For more information, call Vikki Stewart at (316) 532-1075, or FAX your request for application to (316) 532-1076.

Duane F. Johnson  
 State Librarian

Doc. No. 015500

(Published in the Kansas Register, November 3, 1994.)

### Statutory Notice of Bond Sale Johnson County, Kansas

**\$3,130,000**

#### Internal Improvement Bonds, Series 1994

(General obligations payable from  
 unlimited ad valorem taxes)  
 and

**\$3,100,000**

#### Library Bonds, Series 1994A

(Special obligations payable from  
 unlimited ad valorem taxes)

#### Sealed Bids

Bids for each series of bonds, submitted in separate sealed envelopes marked either "Series 1994 Bond Bid" or "Series 1994A Bond Bid," will be received by the undersigned, director of the office of financial management of Johnson County, Kansas, at the Johnson County Administration Building, Suite 2500, 111 S. Cherry, Olathe, KS 66061-3441, until 10 a.m. C.S.T. on Thursday, November 10, 1994, for the purchase of the county's \$3,130,000 principal amount of Internal Improvement Bonds, Series 1994, and the county's \$3,100,000 principal amount of Library Bonds, Series 1994A (the Series 1994 Bonds and the Series 1994A Bonds, collectively, the "bonds"), as hereinafter described. All bids will be publicly opened and acted upon by the Board of County

(continued)

Doc. No. 015559



Commissioners of Johnson County, Kansas, immediately thereafter. No oral or auction bids will be considered. No bid of less than the par value of each series of bonds plus accrued interest thereon to the date of delivery of the bonds will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated December 1, 1994, will be issued in the principal amount of \$3,130,000 for the Series 1994 Bonds and \$3,100,000 for the Series 1994A Bonds, and will become due serially on September 1 in each of the years as follows:

**Maturity Schedule  
Series 1994 Bonds**

Maturity September 1	Principal Amount
1995	\$310,000
1996	310,000
1997	310,000
1998	310,000
1999	305,000
2000	305,000
2001	305,000
2002	305,000
2003	305,000
2004	305,000

**Maturity Schedule  
Series 1994A Bonds**

Maturity September 1	Principal Amount
1995	\$155,000
1996	155,000
1997	155,000
1998	155,000
1999	155,000
2000	155,000
2001	155,000
2002	155,000
2003	155,000
2004	155,000
2005	155,000
2006	155,000
2007	155,000
2008	155,000
2009	155,000
2010	155,000
2011	155,000
2012	155,000
2013	155,000
2014	155,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1995.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Delivery and Payment**

The bonds will be delivered to the successful bidder(s) properly prepared, executed and registered without cost

within approximately 45 days after the date of their sale at such bank or trust company in the continental United States as may be specified by the successful bidder(s) and which is acceptable to the county.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check in the amount of \$62,600 must accompany each bid for the Series 1994 Bonds.

A good faith deposit in the form of a certified or cashier's check in the amount of \$62,000 must accompany each bid for the Series 1994A Bonds.

**Costs**

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinions of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the Series 1994 Bonds, the assessed valuation of the taxable tangible property within the county as of January 1, 1994, is \$3,265,965,480. The total general obligation indebtedness, including temporary notes, of the county as of the date of the Series 1994 Bonds, including \$1,130,000 principal amount of the Series 1994 Bonds, is \$31,329,295. \$2,000,000 principal amount of the Series 1994 Bonds is exempt from the general obligation debt limitation and is subject to a special debt limitation pursuant to K.S.A. 3-304. Simultaneously with the issuance of the Series 1994 Bonds, the county is issuing its \$4,448,000 Temporary Notes, Series 1994B. Notes in the principal amount of \$3,658,000, which are subject to the general obligation debt limitation, have not been included in the total general obligation indebtedness set forth above.

For the computation of the debt limitation relating to the Series 1994A Bonds, the assessed valuation of the taxable tangible property within the county except such real and personal property that is located within the city limits of the city of Olathe, Kansas, and the city of Bonner Springs, Kansas, as of January 1, 1994, is \$2,864,515,170. The total library bonded indebtedness of the county as of the date of the Series 1994A Bonds, including the Series 1994A Bonds, is \$19,790,000.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid forms approved by the county will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (612) 223-3000, or the county's director of the office of financial management at (913) 764-8484, extension 5534.

Johnson County, Kansas  
By: Ronald F. Cousino  
Director of the Office of  
Financial Management

Johnson County Administration Building  
Olathe, KS 66061-3441  
(913) 764-8484, extension 5534

Doc. No. 015560

(Published in the Kansas Register, November 3, 1994.)

**Summary Notice of Bond Sale**  
**\$3,965,000**  
**Aggregate Principal Amount**  
**General Obligation Airport Bonds**  
**Series 1994A, Series 1994B and Series 1994C**  
**of the**  
**City of Wichita, Kansas**  
**(General obligation airport bonds payable**  
**from unlimited ad valorem taxes)**

Subject to the terms and conditions of the complete official notice of bond sale, dated October 18, 1994, of the city of Wichita, Kansas, in connection with the city's hereinafter described General Obligation Airport Bonds, sealed, written bids for the purchase of each said series of bonds shall be received at the office of the mayor, first floor, City Hall, 455 N. Main, Wichita, Kansas, until 10:30 a.m. Central Time on Tuesday, November 15, 1994. Each series of bonds shall be sold separately. Bidders may bid on any or all of the series of bonds, but must bid on the entire amount of a series. All bids shall be publicly opened and read aloud on said date and at said time and place. The bids will be considered and the bonds will be awarded by the city council in the city council chambers, City Hall, at 11:30 a.m. November 15, 1994.

No oral or auction bid for the bonds shall be considered; no bid for less than the entire principal amount of a series of bonds shall be considered. Bids will be accepted only on the official bid form which has been prepared for each series of bonds, and which may be obtained from the office of the director of finance. Bids may be submitted by mail or may be delivered in person, but must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted.

**Description of the Bonds**

The bonds shall be issued as fully registered bonds in denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year. The bonds shall bear a dated date of December 1, 1994, and shall bear interest, payable semiannually on March 1 and September 1 of each year, commencing March 1, 1995, at the rates specified by the successful bidder.

**General Obligation Airport Bonds, Series 1994A**

The Series 1994A Bonds will be issued in the aggregate principal amount of \$1,565,000, and shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$160,000	1995
165,000	1996

180,000	1997
190,000	1998
200,000	1999
60,000	2000
65,000	2001
65,000	2002
70,000	2003
75,000	2004
60,000	2005
65,000	2006
65,000	2007
70,000	2008
75,000	2009

**General Obligation Airport Bonds, Series 1994B**  
**(Subject to AMT)**

The Series 1994B Bonds will be issued in the aggregate principal amount of \$1,825,000, and shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$270,000	1995
285,000	1996
305,000	1997
325,000	1998
340,000	1999
25,000	2000
25,000	2001
25,000	2002
25,000	2003
30,000	2004
30,000	2005
30,000	2006
35,000	2007
35,000	2008
40,000	2009

**Taxable General Obligation Airport Bonds, Series 1994C**

The Series 1994C Bonds will be issued in the aggregate principal amount of \$575,000, and shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$20,000	1995
25,000	1996
25,000	1997
25,000	1998
30,000	1999
30,000	2000
35,000	2001
35,000	2002
40,000	2003
40,000	2004
45,000	2005
50,000	2006
55,000	2007
60,000	2008
60,000	2009

**Paying Agent and Bond Registrar; Payment of Principal and Interest**

The Chase Manhattan Bank, N.A., New York, New York, shall serve as bond registrar and paying agent for the bonds. Interest will be payable by check or draft of the paying agent mailed to the registered owners of the bonds. Principal will be payable upon surrender of bonds to the paying agent.

**Redemption**

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

**Delivery**

The bonds, duly printed, executed and registered, shall be delivered at the expense of the city to the successful bidder on or about December 15, 1994. (Reference is made to the official notice of bond sale and the city's preliminary official statement.)

**Legal Opinion**

Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. (Reference is made to the official notice of bond sale and the city's preliminary official statement.)

**Security**

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. (Reference is made to the official notice of bond sale and the city's preliminary official statement.)

**Ratings**

The city's outstanding general obligation bonds issued since 1975 have been rated "Aa" by Moody's Investors Service, Inc. and "AA" by Standard & Poor's Corporation. The city has applied to both of said rating services for ratings on the bonds described herein.

**Financial Matters**

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$1,746,339,714. The total outstanding general obligation bonded indebtedness of the city at December 1, 1994, will be \$289,585,000. This amount does not include the within described bonds, nor any outstanding temporary notes.

**Official Statement**

The city has authorized and directed preparation of a preliminary official statement dated October 18, 1994, in connection with the bonds. Said preliminary official statement is in a form "deemed final" by the city for purposes of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without cost.

**Additional Information**

Copies of the official notice of bond sale, official bid form and preliminary official statement may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Allen Bell, Financial Projects Director, 316/267-4434).

City of Wichita, Kansas  
By Pat Burnett, Deputy City Clerk

Doc. No. 015558

(Published in the Kansas Register, November 3, 1994.)

**Notice of Bond Sale**

\$2,500,000

Coffey County, Kansas

General Obligation Bonds

Series 1994 (Hospital Improvement Bonds)

**Sealed Bids**

Sealed bids for the purchase of \$2,500,000 principal amount of General Obligation Bonds, Series 1994 (Hospital Improvement Bonds), of the county hereinafter described, will be received by the undersigned, county clerk of Coffey County, Kansas, on behalf of the governing body of the county at the Coffey County Courthouse, 110 S. 6th, Burlington, KS 66839, until 11 a.m. Central Time on Thursday, November 17, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 1994, and will become due serially on August 1 in the years as follows:

Year (August 1)	Principal Amount
1995	\$440,000
1996	480,000
1997	500,000
1998	525,000
1999	555,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning on February 1, 1995.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The county will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be in-

(continued)

curred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

#### **Optional Redemption of Bonds Prior to Maturity**

The bonds are not, and will not be, subject to optional redemption.

#### **Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of 30-year treasury bonds published by the weekly *Bond Buyer* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### **Basis of Award**

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

#### **Authorization, Purpose and Security for the Bonds**

The bonds are being authorized and issued to permanently finance the construction of an addition to the county hospital and the equipping and furnishing thereof. The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the county.

#### **Internal Revenue Code of 1986**

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake or cause to be undertaken those

steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income.

The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### **Legal Opinion**

The bonds will be sold subject to the legal opinion of Perry, Hamill & Fillmore, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from federal income taxation. Under present law, interest on the bonds is also excludable from the computation of Kansas adjusted gross income.

#### **Delivery and Payment**

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about December 6, 1994, at such bank or trust company in the contiguous 48 states of the United States as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the bond registrar not later than 4 p.m. Central Time on November 28, 1994. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 4 p.m. Central Time on November 28, 1994, a certificate acceptable to the county's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state

that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more of the par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### 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 an amount equal to 2 percent of the par value of the bonds, payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the county, be returned to the successful bidder or deducted from the purchase price of the bonds. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder, and the county shall have no further obligation to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the county, and the county shall have the right to pursue any consequential damages as a result of such default.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

#### Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Coffey County Courthouse and must be received by the undersigned prior to 11 a.m. Central Time on November 17, 1994.

#### Date and Delivery of Preliminary and Final Official Statement

The county has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement re-

quired by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter(s) and the price or yield at which the underwriter(s) will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the county will provide without cost to the purchaser(s) such reasonable number of printed copies of the final official statement as such underwriter(s) may request, and further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to a syndicate, the county will designate the senior managing underwriter of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The county will deliver to the underwriter(s) on the date of delivery of the bonds a certificate executed by the chairman and the county clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the county's preliminary official statement relating to the bonds may be obtained from the county clerk or the county's financial advisor, B.C. Christopher, a Division of Fahnstock & Co., Inc., Kansas City, Missouri, (816) 932-7033, Attention: William B. Tschudy.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1994 is \$574,197,993. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$12,395,000. In accordance with the financial advisor's agreement with the county, the financial advisor may be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated November 1, 1994.

Vernon Birk  
Coffey County Clerk  
Coffey County Courthouse  
Burlington, KS 66839  
(316) 364-2191

Doc. No. 015541

(Published in the Kansas Register, November 3, 1994.)

**Notice of Bond Sale**  
**\$2,179,000**  
**Riley County, Kansas**  
**General Obligation Bonds**  
**Series 1994-B**  
**(Internal Improvements)**

**Sealed Bids**

Sealed bids for the purchase of \$2,179,000 principal amount of General Obligation Bonds, Series 1994-B (Internal Improvements), of the county hereinafter described, will be received by the undersigned, county clerk of Riley County, Kansas, on behalf of the governing body of the county at the Riley County Courthouse, 110 Courthouse Plaza, Manhattan, Kansas, until 11 a.m. C.S.T. on Thursday, November 10, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof (except one bond in the denomination of \$4,000). The bonds will be dated November 15, 1994, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1995	\$ 89,000
1996	\$110,000
1997	\$110,000
1998	\$110,000
1999	\$110,000
2000	\$110,000
2001	\$110,000
2002	\$110,000
2003	\$110,000
2004	\$110,000
2005	\$110,000
2006	\$110,000
2007	\$110,000
2008	\$110,000
2009	\$110,000
2010	\$110,000
2011	\$110,000
2012	\$110,000
2013	\$110,000
2014	\$110,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on September 1, 1995.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon pres-

entation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The county will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

**Redemption of Bonds Prior to Maturity**

At the option of the county, bonds maturing on September 1, 2005, and thereafter, will be subject to redemption and payment prior to maturity on September 1, 2004, and thereafter in whole on any date or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the county is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 45 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the county's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer*, New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate spec-

ified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial re-offering prices).

#### Basis of Award

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

#### Security for the Bonds

The bonds will be general obligations of the county payable as to both principal and interest, in part from special assessments levied upon specially benefitted property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the county.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that, should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income, with certain other adjustment. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for an environmental tax generally based on corporate alternative minimum taxable income. The

amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations. With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds. The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income.

#### Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about November 30, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar not later than 3 p.m. C.S.T. on November 17, 1994. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 3 p.m. C.S.T. on November 17, 1994, a certificate acceptable to the county's bond counsel to the effect that (i) the successful bidder has made a bona fide public of-

(continued)

fering of the bonds at the initial re-offering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial re-offering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial re-offering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### 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 \$43,580, payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the county, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the county, and the county reserves the right to pursue any consequential damages as a result of such default.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

#### Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Riley County Courthouse and must be received by the undersigned prior to 11 a.m. C.S.T. on Thursday, November 10, 1994.

#### Date and Delivery of Preliminary and Final Official Statement

The county has authorized the preparation and disbursement of a preliminary official statement containing

information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the purchaser and the price or yield at which the purchaser will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the county will provide without cost to the purchaser such reasonable number of printed copies of the final official statement, and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the county will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The county will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the chairperson and the county clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the county's preliminary official statement relating to the bonds may be obtained from the county clerk.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1994 is \$209,780,187. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$10,123,000, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$2,052,000, of which \$2,052,000 will be retired out of the proceeds of the bonds herein offered for sale.

Dated October 20, 1994.

Riley County, Kansas  
Ilene Colbert, County Clerk  
110 Courthouse Plaza  
Manhattan, KS 66502  
(913) 537-6300

Doc. No. 015549



(Published in the Kansas Register, November 3, 1994.)

**Summary Notice of Bond Sale****City of Ottawa, Kansas****\$143,864\*****General Obligation Bonds, Series 1994****(General obligation bonds payable from unlimited ad valorem taxes)****Sealed Bids**

Sealed bids will be received by the city clerk of the city of Ottawa, Kansas, on behalf of the governing body at 123 W. 4th, until 9:30 a.m. Central Time on November 16, 1994, for the purchase of \$143,864\* principal amount of General Obligation 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, except one bond in the denomination of \$3,864\*. The bonds will be dated November 1, 1994, and will become due on March 1 in the years as follows:

Year	Principal Amount*
1996	\$ 3,864
1997	10,000
1998	15,000
1999	15,000
2000	15,000
2001	15,000
2002	15,000
2003	15,000
2004	20,000
2005	20,000

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 \$2,900.

**Delivery**

The city 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 November 30, 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 1993 was \$29,672,173. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,495,284.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information and a preliminary official statement for the bonds may be obtained from Scott D. Bird, city clerk, (913) 242-2190, or from Logan, Riley, Carson & Kaup, L.C., Bond Counsel, 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated October 27, 1994.

City of Ottawa, Kansas  
By Scott D. Bird  
City Clerk  
Ottawa City Hall  
123 W. 4th  
Ottawa, KS 66067  
(913) 242-2190

\* Preliminary, subject to change.

Doc. No. 015552

**State of Kansas****Department of Health  
and Environment****Permanent Administrative  
Regulations****Article 67.—HEALTH CARE DATABASE**

**28-67-1. Definitions.** For purposes of the regulations in this article, the following words, terms and phrases are hereby defined as follows:

(a) "Aggregate data" means data which is obtained by combining like data in a manner which precludes specific identification of an individual.

(b) "Board" means the health care data governing board.

(c) "CHES" means the center for health and environmental statistics.

(d) "Compilation" means the arrangement of data collected by and furnished to the secretary acting under agreement with the secretary for release and dissemination to the public.

(e) "Fee fund" means the health care database fee fund created by K.S.A. 65-6804 and amendments thereto.

(f) "Health care data" means any data relating to health care, health status, including environmental factors, the health care system, costs and outcomes.

(g) "Health care information" means any health data that has been transformed from its raw form into a more general, less-technical form.

(h) "Health care provider" means any person, organization or entity that renders health care services as described in K.S.A. 65-6804 and amendments thereto.

(i) "Individual" means a single human being.

(j) "Patient or client" means an individual who receives any health care service.

(continued)

(k) "Person" means any individual, association, partnership or other entity.

(l) "Primary data collection" means data that were previously unavailable for distribution to the public and are initially collected pursuant to this act.

(m) "Public domain data" means data that were previously collected and available to the public by another source.

(n) "Public health data" means data including epidemiological, health status and community health assessment data.

(o) "Public use data" means data that are available to the general public. This includes data available in electronic or any other form.

(p) "Record identifier" means a unique code generated and assigned to an individual record and used to identify that individual record among databases.

(q) "Secretary" means the secretary of the Kansas department of health and environment.

(r) "State agency" means any regents institution or department under the direction of a cabinet secretary, an elected official or regulatory board.

(s) "Third party payer" means any public or private payer of health care services and includes accident and sickness insurers, health maintenance organizations, health plans and alliances, nonprofit medical and hospital service organizations, and fiscal intermediaries for government-funded programs. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-2. Health care database; information collected.** Information regarding various health factors shall be obtained. The health factors shall include, but not be limited to:

(a) mortality and natality, including accidental causes of death;

(b) morbidity;

(c) health behavior;

(d) disability;

(e) health care costs and financing;

(f) health care human resources;

(g) health service utilization and availability;

(h) environmental contaminants;

(i) demographics;

(j) familial social and economic conditions affecting health status; and

(k) population-based health care outcomes. (Authorized by and implementing K.S.A. 65-6801, as amended by L. 1994, Ch. 90, sec. 2; effective Dec. 19, 1994.)

**28-67-3. Health care data collection and submission.** (a) Data shall be:

(1) collected and submitted under uniform parameters established by the secretary and approved by the board;

(2) obtained from existing data sources in the public and private sector, where available to minimize the imposition and cost of new reporting requirements;

(3) submitted by licensing boards and agencies, credentialing and registering agencies and health care providers on a schedule defined by the secretary and approved by the board;

(4) submitted by third party payers, on a calendar year basis, annually by July 1 of the following calendar year and shall:

(A) be derived from standard billing or data collection documents or their replacements; and

(B) include only information for services rendered in the calendar year; and adjustments made for 180 days after the close of the calendar year; and

(5) submitted in a manner that does not identify individuals except through the use of a record identifier established by the secretary and approved by the board; except for public domain data, where data may be submitted that includes identification of individuals.

(b) Special data collections.

(1) Special primary data collection and extrapolations may be used as an alternative to or to supplement collection of existing health data from health care providers. The use of primary data collection shall be approved by the board to the extent it can be shown that the information being requested is consistent with the act and will meet validity and quality standards established by the secretary and approved by the board.

(2) Data may also be collected by the secretary from third party payers and health care providers for the purposes of population-based health outcomes comparisons.

(c) The secretary may be delegated by the board the authority to carry out any of the responsibilities granted to the board under these regulations. (Authorized by and implementing K.S.A. 65-6805, as amended by L. 1994, Ch. 90, sec. 4; effective Dec. 19, 1994.)

**28-67-4. Health care data release and rerelease.** (a) Data and information received by the secretary and maintained in the health care database shall be used for:

(1) health policy decisions;

(2) health research;

(3) consumer information; and

(4) epidemiological and other public health functions necessary to protect and promote the health of the state.

(b) Public use data.

(1) Public use data shall be developed and compilation of data shall be made available for general distribution which shall not include:

(A) record identifiers;

(B) social security numbers;

(C) patient or client health insurance identification numbers; or

(D) health care provider identifiers.

(2) The board shall review and approve the content and format of these public use data and compilation formats.

(3) The data and compilation shall be made public information and may be released on magnetic media or any other form.

(c) Special studies and analyses.

(1) Special studies and analyses may also be conducted by the secretary to:

(A) assist in health policy decision-making;

(B) fulfill statutory mandates for health policy or public health purposes; or

(C) minimize the duplicate collection of similar data elements.

(2) Prior to the release of any special studies or analyses conducted by the secretary, the board shall review all products generated and approve those not mandated by statute.

(d) Persons or state agencies making requests for data or information from the database other than those from standard reports shall be required to respond to a set of questions developed by the secretary and approved by the board that defines the information needed, description of the project and the intentions for rerelease of the information. Any request which includes record identifiers, social security numbers, patient or client health insurance identification numbers or health care provider identifiers shall be specifically approved by the board. If the request indicates an appropriate use of the data according to the specifications in K.A.R. 28-67-4(a), the data shall be provided to the person making the request. The request shall be denied by the secretary if the request is not consistent with those specifications in K.A.R. 28-67-4(a). A written explanation for the denial shall be filed with the person making the request.

(e) Subject to K.S.A. 65-6804(d), when compilation and special studies are generated by the secretary which identify health care providers, the health care providers shall be provided a copy of the data referencing them and given the opportunity to submit written comments to the secretary. When comments are received by the secretary within 30 days of the postmark on the notification from the secretary, such comments received shall be released with the data.

(f) Data other than those provided in compilation, public domain and public use data, that includes record or health care provider identifiers may be released to persons or state agencies for research purposes. Any request for these data shall comply with K.A.R. 28-67-4(d) and be approved by the board. These data with record or health care provider identifiers shall not be rereleased by the person or state agency in any form with these identifiers that does not comply with K.A.R. 28-67-6 and approval of the board.

(g) Any person or state agency may apply to the secretary for data to be used in a research study. A research protocol shall be submitted which shall include, but not be limited to:

- (1) a description of the proposed study;
- (2) the purpose of the study;
- (3) a description of the data elements needed for the study;
- (4) a description of the information medium or format requested;
- (5) where applicable, a statement indicating whether the study protocol has been reviewed and approved by a human subjects review board;
- (6) a description of data security procedures, including who shall have access to the data; and
- (7) a description of the proposed use and release of the data.

(h) Any person or state agency requesting the data shall agree to the release, confidentiality, and security of data requirements in K.A.R. 28-67-4, K.A.R. 28-67-6 and K.A.R. 28-67-8.

(i) Prior to the release of a subset of data or compilation, a statement instructing the user or reader about

the meaning and significance of the data and the restrictions about redisclosure of the information shall be included.

(j) A data provider may obtain data it has submitted to the database as well as aggregate data. A data provider shall not obtain data submitted by another data provider without approval from that provider. Agreement to grant access to data submitted by another provider shall be filed in writing with the secretary.

(k) Unauthorized use of health care data obtained or collected under K.S.A. 65-6805 and amendments thereto by any person or state agency shall result in termination of system access and no further provision of data.

(l) The board may delegate the secretary the authority to carry out any of the responsibilities granted to the board under these regulations. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-5. Electronic access to public use data.** (a) Persons or state agencies may be granted electronic access to public use data. Definitions of allowable access for data submitted to the database shall be established by the secretary and approved by the board.

(b) All persons or state agencies requesting electronic access to public use data shall complete an application established by the secretary and approved by the board that describes the security procedures to be used to safeguard the data provided according to K.A.R. 28-67-6 and K.A.R. 28-67-8. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-6. Confidentiality of the health care database.** (a) Data or information that in any manner identifies an individual shall not be released. Researchers demonstrating the need for data containing record identifiers or names of health care providers shall be subject to the release, confidentiality and security requirements pursuant to K.A.R. 28-67-4, K.A.R. 28-67-6, and K.A.R. 28-67-8 and approval of the board.

(b) Any information generated from manipulations of data provided by the database shall be subject to release, confidentiality and security requirements pursuant to K.A.R. 28-67-4, K.A.R. 28-67-6 and K.A.R. 28-67-8.

(c) The individual forms, computer tapes or other forms of data collected by and furnished to the database shall not be available to the public. Special reports prepared for any data requester shall not be made public if the report identifies an individual.

(d) Public domain data obtained from the health care database may be made public through compilation and as public use data in a manner that identifies health care providers.

(e) Primary data collected which identify individuals shall be kept confidential and shall not be made public. Individual data associated with patient numbers, social security numbers and patient or client health care coverage identification numbers, or any other data that can identify individuals shall be kept confidential and shall not be made public. Any release of primary data shall be subject to K.A.R. 28-67-4.

(continued)

(f) Primary data collected that identifies health care providers shall be kept confidential and shall not be made public except that public health data which identifies health care providers may be released. Release of these data shall be subject to K.A.R. 28-67-4.

(g) In this subsection, "small number" means any number that is not large enough to ensure that the identity of individuals and health care providers is protected. Any data element category which contains small numbers shall be aggregated using procedures established by the secretary. The procedures shall follow commonly accepted statistical methodology. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-7. Fees established.** (a) Routine compilations produced by the secretary shall be made available to state agencies, health care providers, purchasers, employers, consumers and other interested parties. A fee sufficient to recover the costs of production or duplication may be charged.

(b) Requests for non-routine compilation requiring special analyses shall be billed under contract between the requester and the secretary to include the hourly rate of the analyst or analysts plus all computer, printing and other costs. State agencies asking for data solely for the purposes of analysis may be exempt.

(c) Compilation or data made available on computer tape or other electronic media shall include the cost of the magnetic tape, diskette, or other electronic media.

(d) Providers of data, board members and interested parties shall receive one free copy of the secretary's routine annual and quarterly compilation.

(e) Persons and state agencies requesting electronic access to public use data may be charged a monthly fee for that access.

(f) Providers contributing data to the system may be charged reduced rates for special reports not to exceed seventy-five percent of the fees charged to the public.

(g) The secretary, on behalf of the health care database and as chairperson of the board, shall reserve the right to request a portion of revenues generated from use of data provided to any person that is above the cost of production of products.

(h) All fees collected pursuant to K.A.R. 28-67-7 shall be deposited in the health care database fee fund. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-8. Record security.** (a) All staff engaged in the collection, handling, and dissemination of health care data shall be informed of the responsibility to protect the data and the consequences of failure to do so. When employees are hired, each employee shall be instructed on the current procedures used to assure the security and confidentiality of the data. A copy of the confidentiality policy shall be provided to all personnel and a statement of responsibility for data confidentiality shall be explained as a condition of employment.

(b) Employees shall be held accountable for the appropriate use of individual data and for safeguarding the information in their possession. Confidential data may be used only for purposes reviewed and approved

by the secretary. Any unauthorized use of health care data from the database shall be strictly prohibited and may subject an employee to termination.

(c) Access to the database shall be restricted to those who specifically require access in order to perform their assigned duties. Access policies and staff members needing to access the database shall be established by the secretary.

(d) Supervisors shall be responsible for maintaining the security for data in the area of their responsibility. Persons or state agencies engaged in the collection, handling, and dissemination of health care data shall develop procedures to govern the release of information. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-9. System security.** (a) All health care data shall be maintained on computer systems administered by CHES. A password system shall be used to limit access to computer files. Passwords shall be changed on a schedule determined by CHES staff, and an individual account shall be deleted whenever a staff member terminates employment or is no longer authorized access to the system.

(b) Only CHES staff shall be authorized to load data tapes and install software and file servers. All software shall be checked for computer viruses before being installed.

(c) General access to the central computer area shall be limited to normal work hours only. Access shall be restricted to CHES staff at all other times unless an individual obtains authorization to access the computer area.

(d) Network tape backups shall be stored on-site in a secure fire retardant location. Additional copies of software, documentation, and backups shall be stored at a secure, off-site location.

(e) Non-Kansas department of health and environment staff shall set up a CHES user account in order to access the health care information system. Passwords shall only be issued to non-Kansas department of health and environment users if they are under contract to Kansas department of health and environment or under the terms of a data sharing agreement. Unauthorized use of health care data by any other person or governmental subdivision granted access to the database shall result in termination of system access and no further provision of data.

(f) Network backups shall be done weekly and at the end of each month. Two copies of the monthly backup tape shall be produced. All network files shall be checked for computer viruses before backup. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-10. Eligible contractors.** (a) A contractor may be designated to provide data processing services for the collection of health care information. The contractor may be a public or private organization. Eligible contractors shall provide to the secretary assurances that there are no conflicts of interest.

(b) Persons who shall not be contractors include, but shall not be limited to:

(1) a major purchaser, payer or provider of health care services in Kansas;

(2) a subcontractor of an organization in K.A.R. 28-67-10 (b)(1), except those commissioned to perform only data processing functions;

(3) a subsidiary or affiliate of an organization in K.A.R. 28-67-10 (b)(1) in which a controlling interest is held and may be exercised by that organization either independently or in concert with any other organization in K.A.R. 28-67-10 (b)(1); or

(4) an association of major purchasers, payers or providers of health care services.

(c) State agencies are exempt from the requirement under subsection (b) of this regulation regarding eligibility to contract and may offer a bid if the secretary decides to bid the contract for services.

(d) The contractor may be granted the authority to examine confidential materials and perform other functions authorized by the secretary and approved by the board. The contractor shall comply with all confidentiality and record security requirements pursuant to K.A.R. 28-67-6 and K.A.R. 28-67-8. The release of confidential information by the contractor shall constitute grounds for the secretary to terminate any agreement between the contractor and the secretary. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-11. Cooperative agreements.** (a) Where the need for cooperative agreements and memoranda of understanding facilitate the cost-effectiveness of health care data collection, cooperative agreements and memoranda of understanding may be established by the secretary with organizations described in K.A.R. 28-7-10 (b).

(b) Organizations entering cooperative agreements and establishing memoranda of understanding shall provide the secretary assurances that the data will be collected and utilized for their intended purpose only.

(c) Organizations entering cooperative agreements and establishing memoranda of understanding shall be subject to the confidentiality and record security requirements in K.A.R. 28-67-6 and K.A.R. 28-67-8. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

**28-67-12. Data validation.** (a) All data submitted to the health care database shall be evaluated for accuracy and standardization.

(b) Any inconsistencies and non-standard reporting of data submitted to the database shall be documented and reported to the providers of the data. Data providers shall be given 30 days to reconcile the inaccuracies or inconsistencies identified by the secretary.

(c) Comments provided to the secretary pursuant to K.A.R. 28-67-4 (e) may be used to reconcile any inaccuracies or inconsistencies identified by the data provider. (Authorized by and implementing K.S.A. 65-6804, as amended by L. 1994, Ch. 90, sec. 3; effective Dec. 19, 1994.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 015550

State of Kansas

## Board of Emergency Medical Services

### Permanent Administrative Regulations

#### Article 5.—SUPPLEMENTAL INSTRUCTION

**109-5-1. Continuing education.** (a) Each applicant for certification renewal as a first responder shall have earned at least eight clock hours of documented and approved continuing education as follows.

(1) A minimum of 75% of the required eight hours shall come from category I or II, or both as described in K.A.R. 109-1-1.

(2) A maximum of 25% of the required eight hours may come from category III as described in K.A.R. 109-1-1.

(3) Courses from categories IV, V, VI, and VII, as described in K.A.R. 109-1-1, shall not count toward first responder continuing education credit.

(b) Each applicant for certification renewal as an emergency medical technician shall have earned at least 14 clock hours of documented and approved continuing education as follows.

(1) A minimum of 50% of the required 14 hours shall come from category I or II, or both as described in K.A.R. 109-1-1.

(2) A maximum of 50% of the required 14 hours may come from category III as described in K.A.R. 109-1-1.

(3) A maximum of 10% of the required 14 hours may come from category VII as described in K.A.R. 109-1-1.

(4) Courses from categories IV, V, and VI as described in K.A.R. 109-1-1 shall not count towards emergency medical technician continuing education credit.

(c) Each applicant for certification renewal as an emergency medical technician-intermediate shall have met the requirements for emergency medical technician certification renewal and have earned at least four additional clock hours of documented and approved continuing education from category IV as described in K.A.R. 109-1-1.

(d) Each applicant for certification renewal as an emergency medical technician-defibrillator shall have met the requirements for emergency medical technician certification renewal and have earned at least four additional clock hours of documented and approved continuing education from category V as described in K.A.R. 109-1-1.

(e) Each applicant for certification renewal as a mobile intensive care technician shall have earned at least 30 clock hours of documented and approved continuing education as follows.

(1) A minimum of 40% of the required 30 hours shall come from category I or II, or both as described in K.A.R. 109-1-1.

(2) A maximum of 50% of the required 30 hours may come from category III as described in K.A.R. 109-1-1.

(3) A maximum of 10% of the required 30 hours may come from category IV or V or VII, or a combination of those categories as described in K.A.R. 109-1-1.

(4) Courses from category VI as described in K.A.R. 109-1-1 shall not count toward mobile intensive care technician continuing education credit.

(continued)

(f) Each applicant for certification renewal as an AED provider shall have earned at least 2 clock hours of documented and approved continuing education from category VIII as described in K.A.R. 109-1-1.

(g) Each applicant for certification renewal as an instructor-coordinator shall demonstrate:

(1) that the applicant is:

(A) currently certified as an attendant at or above the level endorsed as an instructor-coordinator;

(B) currently licensed to practice medicine and surgery; or

(C) currently licensed as a licensed professional nurse; and

(2) that the applicant has:

(A) taught 45 contact hours per year of EMS training; or

(B) obtained a minimum of six college semester hours of credit per year from an accredited college or university in a teaching degree program or in a health care speciality; or

(C) attended a minimum of 12 contact hours of education in teaching theory or methodology as approved by the board;

(D) attended an annual instructor-coordinator workshop approved by the board; or

(E) completed a combination of these activities.

(h) Each candidate for approval renewal as a training officer I shall demonstrate:

(1) current certification as:

(A) an emergency medical technician;

(B) an emergency medical technician-intermediate;

(C) an emergency medical technician-defibrillator;

(D) a mobile intensive care technician;

(E) a physician; or

(F) a licensed professional nurse;

(2) current appointment by the appointing authority of:

(A) an emergency medical service;

(B) a fire department;

(C) a municipally operated rescue squad;

(D) an educational institution; or

(E) an organization; and

(3) proof of attendance at an approved training officer I renewal workshop.

(i) Each candidate for approval renewal as a training officer II shall demonstrate:

(1) current certification as:

(A) an emergency medical technician;

(B) an emergency medical technician-intermediate;

(C) an emergency medical technician-defibrillator;

(D) a mobile intensive care technician;

(E) a physician; or

(F) a licensed professional nurse;

(2) current appointment by the appointing authority of:

(A) an emergency medical service;

(B) a fire department;

(C) a municipally operated rescue squad;

(D) an educational institution; or

(E) an organization; and

(3) proof of attendance at an approved training officer II renewal workshop.

(j) The board may require specific continuing education by taking action at a board meeting.

(k) One clock hour of continuing education credit means a minimum of 50 minutes of classroom instruction between instructor and participant.

(l) One academic credit hour shall be equivalent to 15 clock hours for the purpose of continuing education credit. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed.

(m) Acceptable forms of continuing education shall include:

(1) academic medical courses related to the level of certification, whether taken for credit or audited;

(2) seminars, workshops, or mini-courses oriented to the enhancement of emergency medical services practice, values, skills and knowledge;

(3) approved-provider programs;

(4) programs presented by approved single-program providers;

(5) clinical experience which meets criteria established by the board; or

(6) correspondence courses which meet criteria established by the board.

(n) Each attendant, training officer I, training officer II or instructor-coordinator shall be responsible for maintaining their own records of attendance for a minimum of two years. These records may be requested to be submitted to the board by the attendant, training officer I, training officer II or instructor-coordinator as part of the verification process for certification renewal. (Authorized by K.S.A. 65-6110 and implementing K.S.A. 65-6111; effective, T-88-122, May 18, 1987; amended, T-88-24, July 15, 1987; amended May 1, 1988; amended July 17, 1989; amended Feb. 3, 1992; amended Aug. 16, 1993; amended Dec. 19, 1994.)

#### Article 8.—EXAMINATIONS

**109-8-1. Examinations.** (a) The examinations for instructor-coordinator certification and each level of attendant certification shall be the examinations approved by the board on October 4, 1991.

(b) The examination for instructor-coordinator endorsement for emergency medical technician-intermediate initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(c) The examination for instructor-coordinator endorsement for emergency medical technician-defibrillator initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(d) The examination for instructor-coordinator endorsement for mobile intensive care technician initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(e) The examinations for training officer I and training officer II approval shall be the examinations approved by the board on August 6, 1993.

(f) The examination for inter-active television endorsement of instructor-coordinators and training officers shall be the examination approved by the board on August 5, 1994.

(g) Each applicant for certification shall obtain a minimum score of 70% on the written examination and shall

demonstrate competency in activities, authorized by statute, as evaluated by the administrator or the administrator's designee using criteria approved by the board.

(h) All written examinations and each section of the practical examinations may be taken a maximum of three times during the period of eligibility specified in K.S.A. 65-6129 and K.S.A. 65-6129b. (Authorized by and implementing K.S.A. 65-6110, 65-6129 and 65-6129b; effective, T-109-1-19-89, Jan. 19, 1989; effective July 17, 1989; amended Aug. 27, 1990; amended Feb. 3, 1992; amended Dec. 19, 1994.)

#### Article 10.—CURRICULA

**109-10-5. Inter-active television.** (a) Only an instructor-coordinator, training officer I or training officer II who holds current board endorsement to instruct and coordinate classes using inter-active television may be granted approval of training to be delivered over inter-active television.

(b) Each instructor-coordinator, training officer I or training officer II shall submit an application to the administrator which, in addition to the required information according to the K.A.R. 109-5-3, 109-11-1, 109-11-3, 109-11-4, 109-11-5, 109-11-6 or 109-11-7, shall include:

(1) a list of site coordinators to be used for each inter-active television site;

(2) documentation that the site coordinators have or will receive training pertaining to the course organization, classroom management, and technical aspects of operating the inter-active television equipment at the site coordinator's assigned location of responsibility, prior to their functioning as a site coordinator;

(3) an agreement from the school or institution to use the originating classroom and receiving locations for the duration of the training;

(4) a complete list and address of each site location to be used for the training;

(5) procedures to be used for conducting counseling sessions for all students, including those at receiving sites;

(6) a description of out-of-class instructor accessibility by students for initial courses of instruction; and

(7) a description of the procedures to be used for ensuring timely delivery and feedback of written materials at all sites.

(c) Each originating classroom and each receiving site shall have the capability of:

(1) two way voice communications and two way video communications allowing the students and instructor(s) to communicate with each other;

(2) videocassette (VCR) playback or the equivalent;

(3) projection of educational materials without an appreciable loss of reproduction quality at the receiving sites; and

(4) alternative methods of contact with each of the sites.

(d) Any approved class may be monitored by the administrator or the administrator's designee. (Authorized by K.S.A. 1993 Supp. 65-6110; implementing K.S.A. 65-6129; effective Dec. 19, 1994.)

Bob McDanel  
Administrator

Doc. No. 015544

State of Kansas

### Human Rights Commission

#### Permanent Administrative Regulations

#### Article 70.—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS

**21-70-1. Definitions:** (a) "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's use is current or that continuing use is a real and ongoing problem.

(b) "Professional office of health care provider" means a location where a person or entity regulated by the State of Kansas to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" shall only include floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(c) "Public transportation facility" means transportation by bus, rail, aircraft, or any other conveyance that provides the general public with general or special services, including charter services, on a regular and continuing basis.

(d) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

(e) "Service animal" means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(f) "Shopping center or shopping mall" means:

(1) a building housing five or more places of public accommodation; or

(2) a series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more places of public accommodation. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one place of public accommodation, or any floor level designed or intended for use by at least one place of public accommodation.

(g) As used in these regulations, "the act" means the Kansas act against discrimination, K.S.A. 44-1001 et seq., as amended. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T- \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-2. Landlord and tenant responsibilities.** Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation shall be con-

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sidered public accommodations subject to the act. As between the parties, allocation of responsibility for complying with the obligations of the act may be determined by lease or contract. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-3. Activities; denial of participation.** (a) Denial of participation. A public accommodation shall not deny an individual or class of individuals the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of that place on the basis of a disability or disabilities of the individual or class, either directly or through contractual, licensing or other arrangements.

(b) Participation in unequal benefit. A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of the individual or class, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation in a manner that is not equal to that afforded to other individuals directly, or through contractual, licensing, or other arrangements.

(c) Separate benefit. Unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others, a public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of the individual or class, with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, directly, or through contractual, licensing, or other arrangements.

(d) Individual or class of individuals. For purposes of subsections (a) through (c) of this regulation, the term "individual or class of individuals" means the clients or customers of the public accommodation that enter into the contractual, licensing, or other arrangement. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-4. Integrated settings.** (a) Each public accommodation shall afford goods, services, facilities and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) Notwithstanding the existence of separate or different programs or activities provided in accordance with the act, a public accommodation shall not deny an individual with a disability the opportunity to participate in regular programs or activities.

(c) (1) Nothing in this regulation shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under the act that the individual chooses not to accept.

(2) Nothing in the act shall authorize a representative or guardian of an individual with a disability to decline food, water, or medical treatment and services for that individual. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-5. Administrative methods.** A public accommodation shall not, either directly or through contractual or other arrangements, utilize standards, criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination by others who are subject to common administrative control. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-6. Association.** A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-7. Retaliation or coercion.** A public accommodation shall not discriminate against any individual because that individual has opposed any act or practice made unlawful by the act, or because that individual made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-8. Places of public accommodation located in private residences.** (a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence shall not be covered by the act. However, that portion used exclusively in the operation of the place of public accommodation, or that portion used both for the place of public accommodation and for residential purposes, shall be covered by the act and these regulations.

(b) The portion of the residence covered under subsection (a) of this regulation extends to those elements used to enter the place of public accommodation, including:

- (1) the homeowner's front sidewalk, if any;
- (2) the door or entryway;
- (3) the hallways; and
- (4) those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms. (Authorized by K.S.A. 44-1004; implementing K.S.A. 1992 Supp. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-9. Direct threat.** (a) The act and these regulations shall not be interpreted to require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities and accommodations of that public accommodation when that individual poses a direct threat to the health and safety of others.

(b) "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation shall make an individualized assessment,



based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

- (1) the nature, duration, and severity of the risk;
- (2) the probability that the potential injury will actually occur; and
- (3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-10. Maintenance of accessible features.** (a) A public accommodation shall maintain, in operable working condition, those features of facilities and equipment that are required by the act and these regulations to be readily accessible to and usable by persons with disabilities.

(b) These regulations do not prohibit isolated or temporary interruption in service or access due to maintenance or repairs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-11. Safety.** A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements shall be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-12. Charges.** A public accommodation shall not impose a surcharge on an individual with a disability to cover the costs of measures that are required to provide that individual with the nondiscriminatory treatment required by the act or these regulations, including the provision of auxiliary aids, barrier alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-13. Modifications in policies, practices, or procedures.** (a) Each public accommodation shall make reasonable modifications in policies, practices or procedures, when the modifications are necessary to afford goods, services, facilities or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities or accommodations.

(b) Any public accommodation may refer an individual with a disability to another public accommodation if:

- (1) that individual is seeking or requires treatment which is not within the referring public accommodation's area of specialization; and
- (2) in the normal course of its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-14. Service animals.** (a) Each public accommodation shall modify policies, practices or procedures as necessary to permit the use of a service animal by an individual with a disability.

(b) Nothing in the act or these regulations requires a public accommodation to supervise or care for a service animal. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-15. Undue burden: definition and determination.** (a) "Undue burden" means significant difficulty or expense.

(b) In determining whether an action would result in an undue burden, factors to be considered shall include:

- (1) the nature and cost of the action needed under the act;
- (2) the overall financial resources of the site or sites involved in the action considering:
  - (A) the number of persons employed at the site;
  - (B) the effect on expenses and resources;
  - (C) legitimate safety requirements that are necessary for safe operation, including crime prevention measures; and
  - (D) how the action would otherwise impact the operation of the site; and

(3) whether the site or sites in question have a parent corporation or entity, and if so:

- (A) the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to the parent corporation or entity;
- (B) the overall financial resources of any parent corporation or entity;
- (C) the overall size of the parent corporation or entity with respect to the number of its employees;
- (D) the number, type, and location of the parent corporation's or entity's facilities; and
- (E) the type of operation or operations of any parent corporation, including the composition, structure, and functions of its workforce. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-16. Auxiliary aids and services.** (a) Each public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities or accommodations being offered or would result in an undue burden.

(b) The term "auxiliary aids and services" shall include:

- (1) qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally-

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delivered materials available to individuals with hearing impairments;

(2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making visually-delivered materials available to individuals with visual impairments;

(3) acquisition or modification of equipment or devices; and

(4) other similar services and actions.

(c) Each public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-17. Auxiliary aids and services; telecommunication devices for the deaf (TDD's).** (a) Each public accommodation that offers a customer, client, patient or participant the opportunity to make outgoing telephone calls on more than an incidental convenience basis shall make available, upon request, a TDD for the use of an individual who has impaired hearing or a communication disorder.

(b) The act and these regulations do not require a public accommodation to use a TDD for receiving or making telephone calls incident to its operation. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-18. Auxiliary aids and services; closed caption decoders.** Each lodging establishment that provides televisions in five or more guest rooms and hospitals that provide televisions for patient use shall provide, upon request, a means for decoding captions for use by an individual with impaired hearing. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-19. Alternatives to auxiliary aids and services.** (a) If provision of a particular aid or service by a public accommodation would result in a fundamental alteration in the nature of the goods, services, facilities or accommodations being offered, or is an undue burden, the public accommodation shall provide an alternative auxiliary aid or service, if one exists, that would not result in an alteration or undue burden.

(b) The alternative auxiliary aid or service, to the maximum extent possible, shall ensure that individuals with disabilities receive the goods, services, facilities or accommodations offered by the public accommodation. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-20. Definition of readily achievable; determination.** (a) "Readily achievable" means easily accomplished and able to be carried out without much difficulty or expense.

(b) In determining whether an action is readily achievable, factors to be considered shall include:

(1) The nature and cost of the action needed under the act;

(2) the overall financial resources of the site or sites involved in the action, considering:

(A) the number of persons employed at the site;

(B) the effect on expenses and resources;

(C) legitimate safety requirements that are necessary for safe operation, including crime prevention measures; and

(D) how the action would otherwise impact the operation of the site; and

(3) whether the site or sites in question have a parent corporation or entity, and if so:

(A) the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to the parent corporation or entity;

(B) the overall financial resources of any parent corporation or entity;

(C) the overall size of the parent corporation or entity with respect to the number of its employees;

(D) the number, type, and location of the parent corporation's or entity's facilities; and

(E) the type of operation or operations of any parent corporation, including the composition, structure, and functions of its workforce. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-21. Removal of barriers.** (a) Each public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, if removal is readily achievable.

(b) Removal of barriers may include the following actions:

(1) installing ramps;

(2) making curb cuts in sidewalks and entrances;

(3) repositioning shelves;

(4) rearranging tables, chairs, vending machines, display racks, and other furniture;

(5) repositioning telephones;

(6) adding raised markings on elevator control buttons;

(7) installing flashing alarm lights;

(8) widening doors;

(9) installing offset hinges to widen doorways;

(10) eliminating a turnstile or providing an alternative accessible path;

(11) installing accessible door hardware;

(12) installing grab bars in toilet stalls;

(13) rearranging toilet partitions to increase maneuvering space;

(14) insulating lavatory pipes under sinks to prevent burns;

(15) installing a full-length bathroom mirror;

(16) repositioning the paper towel dispenser in a bathroom;

(17) creating designated accessible parking spaces;

(18) installing an accessible paper cup dispenser at an existing inaccessible water fountain;

(19) removing high pile, low density carpeting;

(20) installing vehicle hand controls;

(21) installing a raised toilet seat; and

(22) installing assistive listening systems. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-22. Removal of barriers; priorities.** Each public accommodation shall consider taking measures to comply with the barrier removal requirements of K.A.R. 21-70-21 in accordance with the following order of priorities. (a) The first priority shall be to make measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures may include installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(b) The second priority shall be to take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures may include adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.

(c) The third priority shall be to take measures to provide access to restroom facilities. These measures may include removing obstructing furniture or vending machines, widening doors, installing ramps, providing accessible signage, widening toilet stalls, and installing grab bars.

(d) The final priority shall be to take any other measures necessary to provide access to its goods, services, facilities or accommodations. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-23. Removal of barriers; relationship to alteration requirements.** (a) Except as provided in subsection (b) of this regulation, measures taken to comply with the barrier removal requirements of K.A.R. 21-70-21 shall comply with the applicable requirements in these regulations for the alteration of that element. However, the "path of travel" requirement in K.A.R. 21-70-36 shall not apply to measures taken solely to comply with the barrier removal requirement.

(b) If, as a result of compliance with the alterations requirements specified in subsection (a) of this regulation, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements.

(c) Those readily achievable measures may include providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements. However, no measure shall be taken that would pose a significant risk to the health or safety of individuals with disabilities or others. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-24. Removal of barriers; portable ramps.** If installation of a permanent ramp is not readily achievable, a portable ramp may be used to comply with K.A.R. 21-70-21. To avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features, including nonslip surfaces, railings, anchoring, and strength of materials. (Authorized

by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-25. Removal of barriers; selling or serving space.** The rearrangement of temporary or movable structures, including furniture, equipment, and display racks shall not be considered readily achievable if it results in a significant loss of selling or serving space. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-26. Limitation on barrier removal obligations.** (a) The requirements for barrier removal under these regulations shall not exceed the standards for alteration in K.A.R. 21-70-21.

(b) If relevant standards for alterations are not provided in K.A.R. 21-70-34, the requirements for barrier removal under these regulations shall not be interpreted to exceed the standards for new construction in these regulations.

(c) These regulations shall not apply to transportation services subject to K.A.R. 21-70-32. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-27. Alternatives to barrier removal.** (a) If a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall make its goods, services, facilities or accommodations available through alternative methods, if those methods are readily achievable.

(b) Alternatives to barrier removal may include the following actions:

(1) providing curbside service or home delivery;

(2) retrieving merchandise from inaccessible shelves or racks; or

(3) relocating activities to accessible locations.

(c) If removal of barriers to provide access by persons with mobility impairments to all of the theaters of a multiscreen cinema is not readily achievable, the cinema shall establish a film rotation schedule that provides reasonable access to all films for individuals who use wheelchairs. Reasonable notice shall be provided to the public as to the location and time of accessible showings. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-28. Accessible or special goods.** (a) The act and these regulations shall not be interpreted to require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

(b) Each public accommodation shall order accessible or special goods at the request of an individual with disabilities, if in the normal course of its operation, it makes special orders on request for unstocked goods, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.

(c) Accessible or special goods may include Brailled versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and

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special foods to meet particular dietary needs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-29. Seating in assembly areas; existing facilities.** (a) To the extent that it is readily achievable, assembly areas of a public accommodation shall:

(1) provide a reasonable number of wheelchair seating spaces and seats with removable aisle-side arm rests; and

(2) locate the wheelchair seating spaces so that they:

(A) are dispersed throughout the seating area;

(B) provide lines of sight and choice of admission prices comparable to those for members of the general public;

(C) adjoin an accessible route that also serves as a means of egress in case of emergency; and

(D) permit individuals who use wheelchairs to sit with family members or other companions.

(b) If removal of seats is not readily achievable, each public accommodation with assembly areas shall provide, to the extent that it is readily achievable to do so, a portable chair or other means to permit a family member or other companion to sit with an individual who uses a wheelchair.

(c) The requirement of subsection (a) shall not be interpreted to exceed the standards for alterations in K.A.R. 21-70-34. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-30. Seating in assembly areas; new construction and alterations.** The provision and location of wheelchair seating spaces in newly constructed or altered assembly areas shall be governed by the standards for new construction and alterations in K.A.R. 21-70-34. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-31. Examinations and courses.** (a) Each public accommodation that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer the examinations or courses in a place and manner accessible to persons with disabilities or offer alternative arrangements for access.

(b) Examinations.

(1) Each private entity offering an examination covered by this section shall assure that:

(A) the examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills, except where those skills are the factors that the examination purports to measure;

(B) any examination that is designed for individuals with impaired sensory, manual, or speaking skills is offered at equally convenient locations, as often, and in as timely a manner as are other examinations; and

(c) the examination is administered in facilities that are accessible to individuals with disabilities or alternative arrangements for access are made.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

(3) Each private entity offering an examination covered by this regulation shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that private entity can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this regulation may include:

(A) taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;

(B) Braille or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities;

(C) transcribers for individuals with manual impairments; and

(D) other similar services and actions.

(4) Alternative arrangements for access may include provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements shall provide conditions which are comparable to those provided for non-disabled individuals.

(c) Courses.

(1) Each private entity that offers a course covered by these regulations shall make any modifications to that course necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.

(2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of manner in which the course is conducted or course materials are distributed.

(3) Each private entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the private entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include:

(A) taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;

(B) Braille or large print texts or qualified readers for individuals with visual impairments and learning disabilities;

(C) classroom equipment adapted for use by individuals with manual impairments; and

(D) other similar services and actions.

(4) Courses shall be administered in facilities that are accessible to individuals with disabilities, or alternative arrangements for access shall be made.

(5) Alternative arrangements for access may include offering the course through videotape, cassettes, or prepared notes. Alternative arrangements shall provide conditions which are comparable to those provided for nondisabled individuals. (Authorized by K.S.A. 44-1004; implementing K.S.A. 1992 Supp. 1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-32. Transportation.** (a) Each public accommodation which provides any transportation service shall ensure that each service provided by the public accommodation is available and accessible to people with disabilities. Necessary modifications may include:

- (1) retrofitting with lifts or ramps
- (2) retrofitting with P.A. systems
- (3) retrofitting with visible signage
- (4) using color coding on vehicles and routes

(b) Only those modifications which are readily achievable shall be required. However, good faith efforts shall be made to accomplish readily achievable modifications which make transportation services as accessible as possible. This regulation shall not be considered to require premature replacement of any existing vehicle.

(c) All services shall be provided equally in the most integrated manner possible to all individuals with disabilities including:

- (1) equal fares for all people regardless of accommodation provided;
- (2) equal access to all discounts, specials, programs, passes, and any other event or service in the most integrated setting possible;
- (3) accessibility to all fixed routes and shuttle services operated by units and subdivisions of government, unless an undue hardship would occur; and
- (4) use of accessible vehicles in the existing fleet of vehicles, operating to the maximum extent feasible. When determining whether an activity referred to herein is readily achievable, providing an equivalent accommodation by contractual or other indirect means shall be considered.

(d) Each new vehicle used to transport the general public shall be accessible unless the vehicle is not generally available in an accessible design from factory dealerships or custom chassis or body manufacturers. At a minimum, a nationwide search shall be undertaken for vehicles available in an accessible design before it can be claimed as a defense that it is not possible to obtain them. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-33. Transportation provided by public accommodations.** (a) Each public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, shall be subject to the act and these regulations.

(b) Transportation services shall include various types of shuttle services operated between a transportation facility and other places of public accommodation, including:

- (1) customer shuttle bus services operated by private companies and shopping centers; and
- (2) transportation provided within recreational facilities, including stadiums, zoos, amusement parks, and ski resorts.

(c) Each public accommodation subject to the act and these regulations shall remove transportation barriers in existing vehicles and rail cars used for transporting individuals when removal is readily achievable. However, this provision shall not be applicable to barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-34. New construction; exception for structural impracticability; elevator exemption.** (a) Except as provided in subsection (b) of this regulation, an unlawful discriminatory practice shall include a failure to design and construct facilities for first occupancy after July 1, 1994, that are readily accessible to and useable by individuals with disabilities.

(b) For purposes of the act and this regulation, a facility shall be considered to have been designed and constructed for first occupancy after July 1, 1994, only if:

(1) (A) the last application for a building permit or permit extension for the facility is certified to be complete, by a state, county, or local government after July 1, 1993; or

(B) in those jurisdictions where the government does not certify completion of applications, the last application for a building permit or permit extension for the facility is received by the state, county, or local government after July 1, 1992; and

(2) if the first certificate of occupancy for the facility is issued after July 1, 1994.

(c) (1) If an entity can demonstrate that it is structurally impracticable to fully comply with the requirements of this regulation, compliance shall be required to the extent that it is not structurally impracticable. Full compliance shall be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If providing accessibility to individuals with certain disabilities, such as those who use wheelchairs, would be structurally impracticable, accessibility shall nonetheless be ensured in accordance with this subsection (c) to persons with other types of disabilities, such as those who use crutches or who have sight, hearing, or mental impairments.

(d) Installation of an elevator shall not be required in a facility that is less than three stories high or has less than 3000 square feet per story, unless the facility houses one or more of the following:

(1) a shopping center or shopping mall, or a professional office of a health care provider; or

(2) a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal. In these facilities, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities and other common areas open to the public, shall be on an accessible route from an accessible entrance.

(e) The elevator exemption set forth in subsection (d) shall not obviate or limit in any way the obligation to

(continued)

comply with the other accessibility requirements established in subsection (a) of this regulation. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-35. Alterations.** (a) (1) Any alteration to a place of public accommodation after July 1, 1991, shall be made so as to ensure that to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) An alteration shall be deemed to be undertaken after July 1, 1991, if the physical alteration begins after that date.

(b) For the purposes of this regulation, "alteration" means a change to a place of public accommodation that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations may include remodeling, renovation, rehabilitation, reconstruction, historic restorations, changes or rearrangements in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

(2) Normal maintenance, reroofing, painting or wall-papering, asbestos removal, or changes to mechanical and electrical systems shall not be considered alterations unless they affect the usability of the the building or facility.

(3) If existing elements, spaces or common areas are altered, then each altered element, space or area shall comply with the applicable standards for accessible design in the Americans with disabilities act accessibility guidelines (ADAAG) dated July 26, 1991, which are incorporated herein by reference.

(c) The phrase "to the maximum extent feasible," as used in this regulation, shall apply to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in compliance with this regulation to individuals with certain disabilities, such as those who use wheelchairs, would not be feasible, the facility shall be made accessible to persons with other types of disabilities, such as those who use crutches, or those who have sight, hearing, or other impairments. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-36. New construction and alterations; path of travel.** (a) If an alteration affects or could affect the usability of or access to an area of a facility that contains a primary function, the alteration shall be made so as to ensure that to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones and drinking fountains serving the altered area is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) "Primary function" means a major activity for which the facility is intended. Areas that contain a primary

function may include the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center and offices or other work areas in the public accommodation. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms shall not be considered areas containing a primary function. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-37. Alterations to an area containing a primary function.** (a) Alterations that affect the usability of or access to an area containing a primary function may include:

(1) remodeling merchandise display areas or employee work areas in a department store; and

(2) replacing an inaccessible floor surface in the customer service or employee work areas of a bank.

(b) For the purposes of this regulation, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of an area containing a primary function. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-38. New construction and alterations; path of travel; landlord or tenant.** If a tenant is making alterations as defined in K.A.R. 21-60-16 that would trigger the requirements of K.A.R. 21-70-36, those alterations by the tenant in areas that only the tenant occupies shall not trigger an obligation on the landlord to alter the areas of the facility under the landlord's authority in order to comply with the "path of travel" requirements in K.A.R. 21-70-36, if those areas are not otherwise being altered. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-39. New construction and alterations; definition of path of travel.** (a) The term "path of travel" means a continuous, unobstructed way of pedestrian passage by which the altered area may be approached, entered and exited, and which connects the altered area with:

(1) an exterior approach, including sidewalks, streets, and parking areas;

(2) an entrance to the facility; and

(3) other parts of the facility.

(b) An accessible path of travel may consist of:

(1) walks and sidewalks;

(2) curb ramps and other interior or exterior pedestrian ramps;

(3) clear floor paths through lobbies, corridors, rooms, and other improved areas; or

(4) part or a combination of these elements.

(c) For the purposes of this regulation, the term "path of travel" also shall include the restrooms, telephones, and drinking fountains serving the altered area. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-40. New construction and alterations; path of travel; disproportionality.** (a) The cost of alterations

made to provide an accessible path of travel to the altered areas shall be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(b) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(1) costs associated with providing an accessible entrance and an accessible route to the altered area, including the cost of widening doorways or installing ramps;

(2) costs associated with making restrooms accessible, including installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(3) costs associated with providing accessible telephones, including relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD); and

(4) costs associated with relocating an inaccessible drinking fountain. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-41. New construction and alterations; path of travel; duty to provide accessible features in the event of disproportionality.** (a) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(b) In choosing which accessible elements to provide, consideration shall be given to altering those elements that will provide the greatest access, in the following order:

(1) an accessible entrance;

(2) an accessible route to the altered area;

(3) at least one accessible restroom for each sex or a single unisex restroom;

(4) accessible telephones;

(5) accessible drinking fountains; and

(6) when possible, additional accessible elements, including parking, storage, and alarms. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-42. New construction and alterations; path of travel; series of smaller alterations.** (a) The obligation to provide an accessible path of travel shall not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(b) Cost of alterations. (1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(2) Only alterations undertaken after July 1, 1991, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-43. Alterations; elevator exemption.** (a) Installation of an elevator shall not be required in an altered facility that is less than three stories high or has less than 3,000 square feet per story, except with respect to:

(1) any public accommodation located in a shopping center or a shopping mall;

(2) the professional office of a health care provider; and

(3) any public transportation facility.

(b) The exemption provided in subsection (a) of this regulation shall not obviate or limit in any the obligation to comply with the other accessibility requirements established by the act or these regulations. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-44. Alterations; historic preservation.** (a) Alterations to buildings or facilities that are eligible for listing in the national register of historic places under the national historic preservation act (16 U.S.C. 470 et seq.), or are designated as historic under state or local law, shall comply to the maximum extent feasible with section 4.1.7 of appendix A to 28 CFR Part 36 of the Americans with disabilities act accessibility guidelines dated July 26, 1991.

(b) If it is determined under the procedures set out in section 4.1.7 of appendix A to the Americans with disabilities act accessibility guidelines dated July 26, 1991 that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of K.A.R. 21-70-41. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-45. Standards for new construction and alterations.** New construction and alterations subject to the act and this regulation shall comply with the standards for accessible design published in appendix A to 28 CFR Part 36, the Americans with disabilities act accessibility guidelines (ADAAG), dated July 26, 1991. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-46.** (a) The term "disability" shall not be interpreted to include:

(1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; or

(3) psychoactive substance use disorder resulting from current illegal use of drugs.

(continued)

(b) The phrase "physical or mental impairment" shall not be interpreted to include homosexuality or bisexuality. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-47. Smoking.** This act shall not preclude the prohibition of or the imposition of restrictions on smoking in places of public accommodation. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-48. Health insurance, life insurance and other benefit plans.** (a) Any insurer, hospital, medical service company, health maintenance organization, or any similar entity or agent of an entity that administers benefit plans may underwrite risks, classify risks, or administer risks in a manner based on or not inconsistent with state law.

(b) Any person or organization covered by the act may establish or administer the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks in a manner based on or not inconsistent with state law.

(c) Any person or organization covered by the act may establish, sponsor, observe, or administer the terms of a bona fide benefit plan that is not subject to state laws that regulate insurance.

(d) The activities described in subsections paragraphs (a), (b), and (c) shall be permitted unless these activities are a subterfuge to evade the purposes of the act.

(e) A public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-49. Personal devices and services.** A public accommodation shall not be required to provide its customers, clients, or participants with:

(a) personal devices, such as wheelchairs;

(b) individually prescribed devices, such as prescription eyeglasses or hearing aids; or

(c) services of a personal nature including assistance in eating, toileting, or dressing. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-50. Illegal use of drugs.** The term "illegal use of drugs" shall not include the use of a drug taken under the supervision of a licensed health care professional, or other uses authorized by the controlled substances act, 21 U.S.C. 812, or other provisions of federal or Kansas law. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-51. Illegal use of drugs.** (a) Except as provided in paragraph (c)(2), the act and these regulations shall not be construed as prohibiting discrimination against an individual based on that individual's current illegal use of drugs.

(b) A public accommodation shall not discriminate on the basis of illegal use of drugs against an individual

who is not engaging in current illegal use of drugs and who:

(1) has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(2) is currently participating in a supervised rehabilitation program; or

(3) is erroneously regarded as engaging in such use.

(c) (1) A public accommodation shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) Any drug rehabilitation or treatment program may deny participation to individuals who engage in the illegal use of drugs while they are in the program. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-52. Illegal use of drugs; drug testing.** (a) The act and these regulations shall not prohibit a public accommodation from adopting or administering reasonable policies or procedures that are designed to ensure that an individual who formerly engaged in the illegal use of drugs is not currently engaging in the illegal use of drugs. These policies and procedures may include drug testing.

(b) Nothing in this regulation shall be construed to encourage, prohibit, restrict, or authorize testing for the illegal use of drugs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-53. Relationship to other law.** (a) These regulations shall not be construed to invalidate or limit the remedies, rights and procedures of any other state or local laws that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

(b) Except as otherwise provided in these regulations, these regulations shall not be construed to apply a lesser standard than the standards applied under the Kansas handicapped accessibility standards, K.S.A. 1993 Supp. chapter 58, article 13, or regulations issued by the attorney general or secretary of administration of the state of Kansas pursuant to that act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_, \_\_\_\_\_; effective Dec. 19, 1994.)

**21-70-54. Certification of state laws or local building codes.** (a) For purposes of this regulation:

(1) "assistant attorney general" means the assistant attorney general for civil rights, the United States department of justice (DOJ), or his or her designee;

(2) "certification of equivalency" means a final certification by the assistant attorney general that a code meets or exceeds the minimum requirements of title III of the Americans with disabilities act (ADA), 42 U.S.C. 12181, for accessibility and usability of facilities covered by that title; and

(3) "code" means a state law or local building code or similar ordinance, or part thereof, that establishes accessibility requirements.



(b) If the assistant attorney general certifies that a code meets or exceeds the minimum requirements of title III of the ADA at any proceeding under the act, the DOJ certification of equivalency shall be rebuttable evidence that the state law or local ordinance does meet or exceed the minimum requirements of the act for accessibility and usability of facilities covered by the act.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective, T - \_\_\_\_\_; effective Dec. 19, 1994.)

Michael J. Brungardt  
Executive Director

Doc. No. 015546

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the *Kansas Administrative Regulations*.

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1-5-15	Amended	V. 13, p. 1500
1-5-28	Amended	V. 12, p. 902
1-5-29	Amended	V. 13, p. 1461, 1501
1-6-21	Amended	V. 13, p. 1461, 1501
1-6-22a	Amended	V. 13, p. 1501
1-6-23	Amended	V. 12, p. 1706
1-7-4	Amended	V. 12, p. 1707
1-8-2	Amended	V. 13, p. 1461, 1502
1-8-5	Amended	V. 13, p. 1461, 1502
1-8-6	Amended	V. 13, p. 1462, 1502
1-9-5	Amended	V. 12, p. 902
1-9-6	Amended	V. 12, p. 1708
1-9-13	Amended	V. 12, p. 1709
1-9-21	Amended	V. 12, p. 903
1-9-22	Amended	V. 13, p. 1502
1-9-23	Amended	V. 13, p. 1462, 1503
1-9-24	New	V. 12, p. 1709, 1779
1-10-6	Amended	V. 12, p. 1709
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1-14-6	Amended	V. 12, p. 1817
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1-14-10	Amended	V. 12, p. 1818
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1-16-2	Amended	V. 12, p. 721, 864
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1-16-2k	Amended	V. 12, p. 722, 865
1-16-22	Amended	V. 12, p. 865
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20-2-6	New	V. 12, p. 1488
20-2-7	New	V. 12, p. 1488
20-2-8	New	V. 12, p. 1488
20-2-9	New	V. 12, p. 1488

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-6-18	New	V. 12, p. 976
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-5	Revoked	V. 12, p. 445
22-7-6 through 22-7-12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448

(continued)

Table listing regulations 22-10-3a through 22-22-1, including actions like Revoked, Amended, and New, with corresponding volume and page numbers.

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Table for Agency 23 regulations, listing Reg. No., Action, and Register.

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Table for Agency 25 regulations, listing Reg. No., Action, and Register.

AGENCY 26: DEPARTMENT ON AGING

Table for Agency 26 regulations, listing Reg. No., Action, and Register.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table for Agency 28 regulations, listing Reg. No., Action, and Register.

Main table listing regulations 28-19-31 through 28-46-39, including actions like Amended, Revoked, and New, with corresponding volume and page numbers.

28-46-41	Amended	V. 13, p. 156
28-46-42	Amended	V. 13, p. 156
28-46-43	New	V. 13, p. 156
28-46-44	New	V. 13, p. 156
28-51-100 through 28-51-104	Amended	V. 13, p. 43-45
28-51-108	Amended	V. 13, p. 45
28-51-110	Amended	V. 13, p. 45
28-51-111	Amended	V. 13, p. 46
28-51-112	Amended	V. 13, p. 46
28-59-5	Amended	V. 13, p. 1158
28-59-5a	New	V. 13, p. 1159
28-59-7	Amended	V. 13, p. 1159
28-65-1	Amended	V. 12, p. 1541
28-65-2	Amended	V. 13, p. 1551
28-65-3	Amended	V. 13, p. 1552
28-65-4	Amended	V. 13, p. 1552
28-66-1 through 28-66-4	New	V. 13, p. 46-48

## AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 13, p. 1159
30-4-52	Amended	V. 12, p. 1213
30-4-63	Amended	V. 12, p. 1213
30-4-64	Amended	V. 12, p. 1215
30-4-73	Amended	V. 12, p. 386
30-4-85a	Amended	V. 12, p. 1461, 1486
30-4-90	Amended	V. 13, p. 721
30-4-96	Amended	V. 13, p. 1159
30-4-111	Amended	V. 12, p. 1737, 1781
30-4-112	Amended	V. 12, p. 1216
30-4-113	Amended	V. 13, p. 1160
30-4-122a	Amended	V. 12, p. 1461, 1486
30-4-130	Amended	V. 12, p. 1217
30-5-58	Amended	V. 13, p. 723
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 13, p. 730
30-5-65	Amended	V. 13, p. 730
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 12, p. 1224
30-5-73	Amended	V. 12, p. 1224
30-5-81b	Amended	V. 12, p. 1225
30-5-82a	Amended	V. 13, p. 730
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-109a	Amended	V. 12, p. 1226
30-5-116	Amended	V. 13, p. 730
30-5-116a	Amended	V. 12, p. 1226
30-5-118a	Amended	V. 13, p. 731
30-5-151	Amended	V. 12, p. 266, 579
30-6-52	Amended	V. 13, p. 1160
30-6-56	Amended	V. 13, p. 734
30-6-77	Amended	V. 13, p. 1161
30-6-103	Amended	V. 12, p. 1739
30-6-106	Amended	V. 12, p. 1740, 1784
30-6-109	Amended	V. 13, p. 735
30-6-111	Amended	V. 13, p. 737
30-6-112	Amended	V. 12, p. 1230
30-6-113	Amended	V. 13, p. 1161
30-6-150	Amended	V. 12, p. 1745, 1789
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 13, p. 1163
30-10-1b	Amended	V. 13, p. 1165
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 13, p. 1165
30-10-7	Amended	V. 13, p. 1166
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 13, p. 1167
30-10-19	Amended	V. 12, p. 1756
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-46-10	Amended	V. 12, p. 1231
30-65-1	New	V. 12, p. 1592, 1632
30-65-2	New	V. 12, p. 1593, 1633
30-65-3	New	V. 12, p. 1593, 1633

## AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-11	Revoked	V. 13, p. 91
36-37-1 through 36-37-6	New	V. 12, p. 309, 310

36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310
36-39-1 through 36-39-6	New	V. 12, p. 1088-1090

## AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-5-12	New	V. 12, p. 1568

## AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-5-102	Revoked	V. 13, p. 835
44-6-124	Amended	V. 12, p. 1154
44-6-146	New	V. 12, p. 1154
44-7-104	Amended	V. 13, p. 835
44-7-116	New	V. 12, p. 1155
44-9-103	Revoked	V. 13, p. 836
44-9-104	Revoked	V. 13, p. 837
44-9-105	Amended	V. 13, p. 837
44-13-201	Amended	V. 13, p. 837
44-13-201b	Amended	V. 13, p. 838
44-13-202	Amended	V. 13, p. 838
44-13-402	Amended	V. 13, p. 839
44-13-403	Amended	V. 13, p. 839
44-13-603	Amended	V. 13, p. 841
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 13, p. 841
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

## AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 12, p. 1399

## AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736
56-3-1 through 56-3-6	New	V. 13, p. 89-91, 111-112

## AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-102	Amended	V. 13, p. 1498
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 13, p. 1086
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 365
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	Amended	V. 13, p. 1086
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 366
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206

60-11-103	Amended	V. 13, p. 1086
60-11-108	Amended	V. 13, p. 1087
11-113	Amended	V. 13, p. 366
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 12, p. 489
60-13-110	Amended	V. 13, p. 366
60-16-101 through 60-16-105	New	V. 13, p. 1498-1500

## AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 1598
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-4-1	Amended	V. 12, p. 1598

## AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630

## AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-6	Amended	V. 12, p. 1926
66-6-8	Amended	V. 12, p. 1926
66-6-9	Amended	V. 12, p. 1926
66-8-2 through 66-8-5	Amended	V. 12, p. 1926, 1927
66-9-1	Amended	V. 12, p. 1927
66-9-2	Amended	V. 12, p. 1927
66-9-4	Amended	V. 12, p. 1927
66-9-5	Amended	V. 12, p. 1928
66-10-1	Amended	V. 12, p. 1928
66-10-3	Amended	V. 12, p. 1928
66-10-4	Amended	V. 12, p. 1928
66-10-9	Amended	V. 12, p. 1928
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-12-1	Amended	V. 12, p. 1929

## AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 13, p. 533
68-1-1f	Amended	V. 13, p. 534
68-7-12a	New	V. 12, p. 186
68-7-14	Amended	V. 13, p. 534
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 13, p. 534
68-11-2	Amended	V. 13, p. 535
68-12-2	Amended	V. 12, p. 187
68-20-9	Amended	V. 13, p. 535
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

## AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended	V. 13, p. 4
69-11-1	Amended	V. 12, p. 1633
69-12-1 through 69-12-17	New	V. 12, p. 1633-1635

## AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 13, p. 445

## AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-16	New	V. 13, p. 1085
71-1-17	New	V. 13, p. 1085
71-1-18	New	V. 12, p. 1700
71-3-3	Amended	V. 13, p. 1085

## AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-8	Amended	V. 12, p. 1922
74-5-2	Amended	V. 12, p. 1039
74-5-202	Amended	V. 13, p. 1152
74-5-203	Amended	V. 13, p. 1152
74-5-405	Amended	V. 12, p. 1040

(continued)

74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-11-1 through 74-11-5	Revoked	V. 12, p. 1922
74-11-6 through 74-11-14	New	V. 12, p. 1922-1926
74-12-1	Amended	V. 13, p. 1152
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-6	Amended	V. 13, p. 276

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-1 through 80-8-7	New	V. 12, p. 980, 981

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790
81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-7	Amended	V. 13, p. 1355
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-5-11	New	V. 12, p. 1873
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-228	Amended	V. 12, p. 147
82-1-232	Amended	V. 12, p. 148
82-3-107	Amended	V. 13, p. 531
82-3-138	Amended	V. 13, p. 532
82-3-200	Amended	V. 13, 532
82-3-203	Amended	V. 13, p. 532
82-3-206	Amended	V. 12, p. 1592
82-3-307	Amended	V. 12, p. 1592
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-3-604	Amended	V. 13, p. 532
82-3-605	Amended	V. 13, p. 533
82-4-1	Amended	V. 13, p. 1187
82-4-3	Amended	V. 13, p. 1188
82-4-6d	Amended	V. 13, p. 1189
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 13, p. 1189
83-4-22	Amended	V. 13, p. 1190
82-4-23	Amended	V. 13, p. 1190
82-4-24a	Amended	V. 13, p. 1191
82-4-27	Amended	V. 13, p. 1191
82-4-27a	Amended	V. 13, p. 1191
82-4-27f	Amended	V. 13, p. 1192
82-4-28	Amended	V. 13, p. 1192
82-4-29	Amended	V. 12, p. 443
82-4-29a	Amended	V. 13, p. 1193
82-4-30	Amended	V. 13, p. 1193
82-4-31	Amended	V. 13, p. 1193
82-4-32	Amended	V. 13, p. 1193
82-4-33	Amended	V. 13, p. 1194
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 13, p. 1194
82-4-37	Amended	V. 13, p. 1194
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 13, p. 1194
82-4-42	Amended	V. 13, p. 1194

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 12, p. 1662
86-1-11	Amended	V. 12, p. 1662
86-2-8	New	V. 13, p. 1108
86-3-7	Amended	V. 12, p. 1663
86-3-22	Amended	V. 12, p. 1663
86-3-24	Revoked	V. 12, p. 980

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
88-12-1 through 88-12-8	Amended	V. 13, p. 1542
88-22-1 through 88-22-10	New	V. 12, p. 93, 94

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-30	Amended	V. 12, p. 579
91-1-30a	Amended	V. 13, p. 975
91-1-56	Amended	V. 13, p. 308
91-1-80	Amended	V. 12, p. 580
91-1-85	Amended	V. 13, p. 976
91-1-92	Amended	V. 13, p. 976
91-1-93a	Amended	V. 13, p. 977
91-1-102	Revoked	V. 13, p. 367
91-1-102a	Amended	V. 13, p. 308
91-1-104	Revoked	V. 13, p. 367
91-1-104a	Revoked	V. 13, p. 367
91-1-104b	Amended	V. 13, p. 309
91-1-104c	Amended	V. 13, p. 309
91-1-110a	Amended	V. 12, p. 582
91-1-110b	Revoked	V. 13, p. 367
91-1-110c	Amended	V. 13, p. 310
91-1-112a	Revoked	V. 13, p. 367
91-1-112b	Revoked	V. 13, p. 367
91-1-112c	Amended	V. 13, p. 310
91-1-112d	Amended	V. 13, p. 311
91-1-113a	Revoked	V. 13, p. 367
91-1-113b	Amended	V. 13, p. 311
91-12-22	Amended	V. 12, p. 1929
91-12-23	Amended	V. 12, p. 1933
91-12-24a	Amended	V. 12, p. 590
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 590
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 12, p. 593
91-12-44	Amended	V. 12, p. 594
91-12-45	Amended	V. 12, p. 1934
91-12-46	Amended	V. 12, p. 1935
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 12, p. 596
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 12, p. 597
91-12-55	Amended	V. 12, p. 598
91-12-59	Amended	V. 12, p. 598
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599
91-12-65	Amended	V. 12, p. 600
91-12-71	Amended	V. 12, p. 1935

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

**AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-40-21 through 99-40-46	New	V. 13, p. 1013-1015
99-40-100	New	V. 13, p. 1608
99-40-101	New	V. 13, p. 1608
99-40-104	New	V. 13, p. 1608
99-40-105	New	V. 13, p. 1609

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-10a-1	Amended	V. 13, p. 637
100-11-1	Amended	V. 12, p. 1704
100-24-1	Amended	V. 13, p. 638
100-26-1	New	V. 13, p. 638
100-35-7	Amended	V. 13, p. 638
100-38-1	Amended	V. 12, p. 1704
100-46-3	Amended	V. 13, p. 638
100-46-5	Amended	V. 13, p. 638
100-46-6	New	V. 12, p. 679
100-47-1	Amended	V. 12, p. 679
100-49-4	Amended	V. 12, p. 1704
100-54-6	Amended	V. 12, p. 1704

100-55-6	Amended	V. 12, p. 1704
100-60-13	Amended	V. 13, p. 638

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-13	Amended	V. 12, p. 1038
102-5-1 through 102-5-12	New	V. 12, p. 189-194
102-5-2	Amended	V. 12, p. 1038

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-2-1	Amended	V. 13, p. 183
105-3-2	Amended	V. 12, p. 976, 1013
105-3-11	New	V. 13, p. 184
105-5-2	Amended	V. 13, p. 184
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014
105-10-1	Revoked	V. 13, p. 184
105-10-1a	New	V. 13, p. 184
105-10-3	New	V. 13, p. 184
105-10-4	New	V. 13, p. 185
105-10-5	New	V. 13, p. 185

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 12, p. 1873
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 12, p. 1018
109-9-4	Amended	V. 12, p. 1874
109-9-5	Amended	V. 12, p. 1875
109-10-2	New	V. 12, p. 1091
109-10-3	New	V. 12, p. 1875
109-10-4	New	V. 12, p. 1876
109-11-1	Amended	V. 12, p. 1876
109-11-4	Amended	V. 12, p. 1019
109-11-8	Amended	V. 12, p. 1876
109-13-1	New	V. 12, p. 1877
109-13-3	New	V. 12, p. 1877

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-6-1 through 110-6-6	New	V. 12, p. 1294, 1295, 1489, 1490
110-7-1 through 110-7-4	New	V. 13, p. 1407, 1408, 1571, 1572
110-6-7	New	V. 12, p. 1490
110-40-5	Amended	V. 13, p. 1132

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 12, p. 1261
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 13, p. 1435
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	New	V. 12, p. 1370
111-2-28	New	V. 12, p. 1844
111-2-29	New	V. 12, p. 1844
111-2-30	New	V. 13, p. 1401
111-3-1	Amended	V. 13, p. 34
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1401

111-3-13	Amended	V. 11, p. 1148	111-4-301			111-4-437		
111-3-14	Amended	V. 10, p. 12	111-4-301 through			111-4-444	New	V. 11, p. 1475-1477
111-3-16	Amended	V. 9, p. 1566	111-4-307	Revoked	V. 13, p. 1402	111-4-437		
111-3-19			111-4-301	Amended	V. 12, p. 1115	111-4-440	Revoked	V. 12, p. 1374
111-3-22	Amended	V. 9, p. 30	111-4-303	Amended	V. 12, p. 1115	111-4-445		
111-3-20	Amended	V. 11, p. 1148	111-4-304	Amended	V. 12, p. 1115	111-4-453	New	V. 11, p. 1794-1796
111-3-21	Amended	V. 11, p. 1148	111-4-306	Amended	V. 12, p. 1115	111-4-445		
111-3-22	Amended	V. 11, p. 1148	111-4-308			111-4-448	Revoked	V. 12, p. 1374
111-3-23	Revoked	V. 10, p. 883	111-4-320	New	V. 10, p. 1214, 1215	111-4-454		
111-3-25	Amended	V. 11, p. 1149	111-4-308	Amended	V. 12, p. 1261	111-4-465	Revoked	V. 12, p. 1664, 1665
111-3-26	Amended	V. 11, p. 1149	111-4-311	Amended	V. 12, p. 1262	111-4-466		
111-3-27	Amended	V. 11, p. 1149	111-4-312	Amended	V. 12, p. 1262	111-4-473	New	V. 12, p. 316, 317
111-3-29	Revoked	V. 11, p. 1149	111-4-313	Amended	V. 12, p. 1262	111-4-466		
111-3-31	Amended	V. 8, p. 209	111-4-318			111-4-469	Revoked	V. 12, p. 1665
111-3-32	Amended	V. 10, p. 883	111-4-318			111-4-470	Amended	V. 12, p. 522
111-3-33	New	V. 7, p. 1434	111-4-321	Revoked	V. 12, p. 114	111-4-474		
111-3-34	New	V. 13, p. 149	111-4-322			111-4-488	New	V. 12, p. 522-524
111-3-35	New	V. 13, p. 337	111-4-322			111-4-489		
111-3-36	New	V. 13, p. 877	111-4-331	New	V. 10, p. 1411-1413	111-4-492	New	V. 12, p. 861
111-3-37	New	V. 13, p. 877	111-4-322			111-4-493		
111-4-1			111-4-327	Revoked	V. 12, p. 1371	111-4-496	New	V. 12, p. 525
111-4-5	Revoked	V. 12, p. 113	111-4-328			111-4-497		
111-4-5a	Revoked	V. 12, p. 113	111-4-328			111-4-500	New	V. 12, p. 913, 914
111-4-6			111-4-335	Revoked	V. 12, p. 114	111-4-501		
111-4-15	Revoked	V. 12, p. 113	111-4-336			111-4-512		V. 12, p. 1115-1118
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111-4-77	New	V. 7, p. 207-209	111-4-336			111-4-521		V. 12, p. 1374, 1375
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111-4-114	New	V. 7, p. 1606-1610	111-4-341	Revoked	V. 11, p. 1473	111-4-530	New	V. 12, p. 1569, 1570
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111-4-101	Amended	V. 13, p. 1045	111-4-341b	Amended	V. 12, p. 1372	111-4-534	New	V. 12, p. 1665, 1666
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111-4-104	Amended	V. 13, p. 1046	111-4-346			111-4-543		
111-4-105	Amended	V. 13, p. 1046	111-4-346			111-4-546	New	V. 13, p. 150
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111-4-106a	Amended	V. 11, p. 1149	111-4-346			111-4-547		
111-4-107	Amended	V. 11, p. 978	111-4-349	Revoked	V. 12, p. 114	111-4-554	New	V. 13, p. 337-339
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111-4-228	Revoked	V. 10, p. 1585	111-4-392	Amended	V. 12, p. 520	111-5-9		
111-4-229			111-4-394			111-5-15	Amended	V. 8, p. 210, 211
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-400	Amended	V. 12, p. 521, 522	111-5-11	Amended	V. 9, p. 505
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111-4-287			111-4-413	Amended	V. 11, p. 1475			
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111-4-287			111-4-428	New	V. 11, p. 981-983			
111-4-290	Revoked	V. 12, p. 1371	111-4-414	Amended	V. 11, p. 1150			
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111-5-23	Amended	V. 11, p. 481
111-5-24	Amended	V. 11, p. 983
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111-5-35 through 111-5-38	Revoked	V. 13, p. 1439
111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 13, p. 339
111-6-3	Amended	V. 12, p. 527
111-6-4	Amended	V. 10, p. 1413
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111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-15	Amended	V. 12, p. 677
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111-6-22	New	V. 13, p. 881
111-6-23	New	V. 13, p. 881
111-7-1 through 111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 11, p. 1796
111-7-3a	Revoked	V. 13, p. 340
111-7-4	Amended	V. 9, p. 1367
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111-7-11	Amended	V. 10, p. 1475
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111-7-33 through 111-7-43	New	V. 7, p. 1197, 1198
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111-7-44 through 111-7-54	Revoked	V. 13, p. 340
111-7-46	Amended	V. 11, p. 1152
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111-7-55 through 111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64 through 111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 13, p. 1049
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111-7-84 through 111-7-90	New	V. 12, p. 677, 678
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**AGENCY 112: KANSAS RACING COMMISSION**

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112-4-1	Amended	V. 12, p. 1152, 1369
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112-4-25	New	V. 13, p. 1088
112-5-10	New	V. 13, p. 1088
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112-9-2	Amended	V. 12, p. 975, 1211
112-9-18a	Amended	V. 12, p. 355, 378
112-9-30	Amended	V. 12, p. 975, 1211
112-9-39a	Amended	V. 12, p. 356, 378
112-9-40a	Amended	V. 12, p. 356, 379
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112-9-42	Amended	V. 12, p. 359, 382
112-9-43	Amended	V. 12, p. 361, 383
112-9-44	New	V. 12, p. 361, 384
112-11-21	Amended	V. 13, p. 1090

112-12-1	New	V. 12, p. 50
112-12-2 through 112-12-11	Amended	V. 12, p. 50-53
112-12-10	Amended	V. 12, p. 1816
112-12-14	New	V. 13, p. 962, 1091
112-15-2	Amended	V. 13, p. 1091
112-15-3	Amended	V. 13, p. 1091
112-15-5	Amended	V. 13, p. 1091
112-15-6	Amended	V. 13, p. 1091
112-17-15	New	V. 12, p. 1084, 1211
112-18-9	Amended	V. 13, p. 1092
112-18-11	Amended	V. 13, p. 1092
112-18-17	Amended	V. 13, p. 1092
112-18-18	Amended	V. 13, p. 1092
112-18-20	New	V. 13, p. 1093

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
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115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 12, p. 570
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 13, p. 592
115-4-7	Amended	V. 13, p. 594
115-4-12	Amended	V. 13, p. 1286
115-5-1	Amended	V. 12, p. 1490
115-5-2	Amended	V. 13, p. 1286
115-5-3	New	V. 13, p. 1287
115-8-22	New	V. 13, p. 233
115-9-1	Revoked	V. 12, p. 1702
115-9-5	Amended	V. 13, p. 980
115-9-7	New	V. 13, p. 1287
115-14-1	Amended	V. 13, p. 980
115-14-2	Amended	V. 13, p. 980
115-14-8	Amended	V. 13, p. 980
115-14-9	Amended	V. 13, p. 980
115-14-10	Amended	V. 13, p. 981
115-17-15	New	V. 12, p. 1702
115-17-16 through 115-17-20	New	V. 13, p. 234-236
115-18-4	Amended	V. 12, p. 1491
115-18-9	New	V. 12, p. 1702
115-18-10	New	V. 12, p. 1702
115-18-12	New	V. 12, p. 1491
115-18-13	New	V. 13, p. 981
115-21-3	New	V. 12, p. 1703
115-30-8	Amended	V. 12, p. 1703
115-30-10	New	V. 13, p. 595

**AGENCY 116: STATE FAIR BOARD**

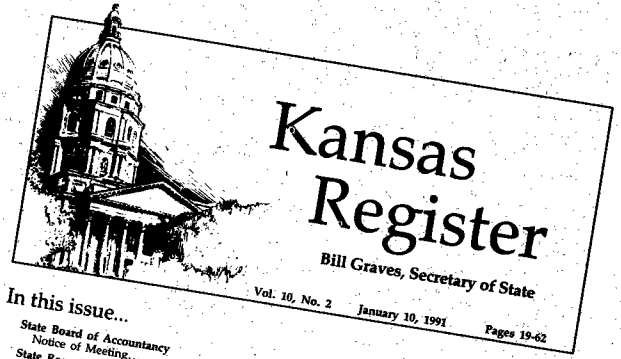
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116-4-1	New	V. 13, p. 934
116-4-2	New	V. 13, p. 934

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

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117-1-1	Amended	V. 13, p. 974
117-2-1	Amended	V. 12, p. 528
117-2-2	Amended	V. 13, p. 913
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 13, p. 913
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 13, p. 913
117-4-4	Amended	V. 12, p. 530
117-5-1	New	V. 13, p. 975
117-6-1	Amended	V. 13, p. 914
117-6-2	Amended	V. 12, p. 531
117-8-1	Amended	V. 12, p. 531

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**Use this form or a copy of it to enter a name or address change:**

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

**Indicate change of name or address  
here:**

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