

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 15, No. 27

July 4, 1996

Pages 999-1036

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State of Kansas

State Employees Health Care Commission

Notice of Meeting

The State Employees Health Care Commission will meet from 1:30 to 4:30 p.m. Thursday, July 11, in the old Supreme Court Room, 313-S, State Capitol, 300 S.W. 10th, Topeka. For additional information, contact the Benefits Office at (913) 296-6280.

Duane Nightingale
Interim Chair

Doc. No. 017858

State of Kansas

University of Kansas
Medical CenterNotice of Commencement of Negotiations
for Collection Services

Notice is hereby given of the commencement of negotiations for the purpose of selecting one or more contractors to provide collection services beginning October 1, 1996, of accounts of the University of Kansas Medical Center Hospital incurred on and after October 1, 1996.

Individuals or firms interested in submitting proposals should contact William H. Marting, Director of Revenue Management and Patient Financial Services, University of Kansas Medical Center, 3901 Rainbow Blvd., Kansas City, KS 66160, (913) 588-5801, by 5 p.m. July 19. Proposals should be submitted to William Marting by 5 p.m. August 2.

Irene Cumming
Chief Executive Officer

Doc. No. 017850

State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet at 10 a.m. Tuesday, July 9, in the board room of the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Deana Novak
Public Service Administrator

Doc. No. 017837

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will conduct its quarterly meeting July 10-11 in Topeka. Committee meetings will begin at 9 a.m. July 10 in the Kansas History Center, 6425 S.W. 6th. The full Authority will convene at 9:30 a.m. July 11 in the Old Supreme Court Chambers, fifth floor, State Capitol, 300 S.W. 10th. The chairs of the state's 12 basin advisory committees will conduct their meeting at the Kansas Water Office at 7:30 a.m. July 11. In addition to its regular business of acting on reports from its four committees, the Authority is scheduled to review and adopt the *Fiscal Year 1998 Annual Implementation Plan (AIP)*.

If accommodations are needed for persons with disabilities, notify the Kansas Water Office at least two days prior to the meeting, at 109 S.W. 9th, Suite 300, Topeka, 66612-1249, (913) 296-3185 or (913) 296-6604 (TTY).

Kent B. Lamb
Chairman

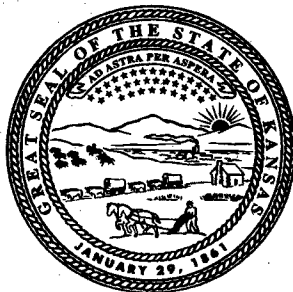
Doc. No. 017851

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.69 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594.

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PUBLISHED BY
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State of Kansas

Secretary of State

Notice of Judgment Interest Rate

Pursuant to the provisions of K.S.A. 16-204, the rate of interest on judgments rendered by courts of the State of Kansas pursuant to the code of civil procedure is 9 percent during the period of July 1, 1996 through June 30, 1997.

Ron Thornburgh
Secretary of State

Doc. No. 017842

State of Kansas

University of Kansas

Notice to Bidders

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

Monday, July 15, 1996

RFQ 97-7003

Optical time-delay reflectometer

RFQ 97-7013

12 kW rotating anode x-ray generator
with copper anode

Thursday, July 18, 1996

RFQ 97-7026

6 x 4 cab/chassis truck

Diane Goddard
Acting Director of Purchasing

Doc. No. 017852

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended by 1996 Senate Bill No. 476. These rates and their uses are defined in K.S.A. 1995 Supp. 12-1675(b)(c)(d), and K.S.A. 1995 Supp. 75-4201(l) and 75-4209(a)(1)(B), as amended by 1996 Senate Bill 476.

Effective 7-8-96 through 7-14-96

Term	Rate
0-90 days	5.11%
3 months	5.17%
6 months	5.50%
9 months	5.70%
12 months	5.84%
18 months	6.03%
24 months	6.13%
36 months	6.34%
48 months	6.42%

Sally Thompson
State Treasurer

Doc. No. 017835

State of Kansas

Secretary of State

Usury Rate for July

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 July 1, 1996 through July 31, 1996, is 9.80 percent.

Ron Thornburgh
Secretary of State

Doc. No. 017834

State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of
Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural design services for the renovation of McCartney, Albertson and Martin Allen Halls at Fort Hays State University. One firm will be retained and the three projects will be combined into one project.

Vacated museum space will be renovated to provide expanded space for the College of Business in McCartney Hall. New classrooms, labs and offices will be included in the remodeling. Albertson Hall will be renovated to accommodate the Speech - Language Pathology, Agriculture, Biological Sciences and Allied Health departments. Martin Allen Hall will be renovated to house the Kelly Center, which offers students, faculty and staff psychological services, counseling, services for the disabled, and substance abuse counseling.

Additional work to be incorporated where needed will be the upgrading of classrooms to enhance instruction, installation or retrofitting HVAC systems, and correction of ADA and fire safety deficiencies. The combined estimated project cost is \$8,600,000.

Questions regarding the scope of work may be addressed to Eric King, Director of Facilities Planning, Fort Hays State University, (913) 628-4424.

If interested, a letter of interest and an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes by 5 p.m. July 19.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017854

State of Kansas

Attorney General

Opinion No. 96-50

Taxation—Redemption of Real Estate and Remission, Compromise or Respread of Real Estate Taxes—Redemption of Real Estate Bid Off by County; Partial Redemption; Period of Redemption. Alan F. Alderson, Special Counsel for Haskell County, Topeka, June 18, 1996.

K.S.A. 1995 Supp. 79-2401a(a)(1) does not preclude acceptance of partial payment on delinquent real estate taxes by the county treasurer; however, such taxes must be paid in full prior to the time for foreclosure established in K.S.A. 79-2801 *et seq.* to stay further proceedings under that act. Cited herein: K.S.A. 19-101b; K.S.A. 1995 Supp. 79-2024; K.S.A. 79-2306; K.S.A. 1995 Supp. 79-2401a; 79-2801; K.S.A. 79-2803; L. 1995, ch. 254, § 7. JLM

Opinion No. 96-51

Public Health—Secretary of Health and Environment; Activities; General Powers and Functions—Health Supervision; Rules and Regulations. Senator Don Sallee, Chairman, Joint Committee on Administrative Rules and Regulations, 1st District, Troy, June 18, 1996.

The Secretary of Health and Environment has statutory authority to adopt a regulation which prohibits the keeping of certain mammals as pets and prohibits the removal of musk glands of skunks for the purpose of attempting to domesticate the mammal. Cited herein: K.S.A. 47-816; 47-817; 65-101; K.S.A. 1995 Supp. 77-415; K.A.R. 28-1-14. CN

Opinion No. 96-52

Townships and Township Officers—Public Parks and Cemeteries—Acquisition of Cemetery Association or Corporation Property; Prohibition When Township Maintains Public Cemetery. Ruth E. Graham, Counsel for Tecumseh Township, Topeka, June 19, 1996.

A township which maintains a public cemetery may not assume responsibility, either as an owner or trustee, for a private cemetery in the absence of special legislation. Cited herein: K.S.A. 1995 Supp. 80-915; 80-941. CN

Opinion No. 96-53

Roads and Bridges; Roads—State Highways—Removal of Poles, Piers, Abatements, Pipelines or Other Fixtures along Highway; Procedure; Advancement of Moneys to Utilities for Removal or Relocation of Utilities, Structures or Facilities; Rural Water Districts' Water Lines. Representative Kenny A. Wilk, 42nd District, Lansing, June 19, 1996.

Rural water districts created pursuant to K.S.A. 82a-612 *et seq.* may, under certain conditions, recoup the costs of relocating water lines which cross a state funded highway project (K.S.A. 1995 Supp. 68-415). A public wholesale water supply district is not eligible for the reimbursement of costs because the statute is specific to rural water districts. However, a rural water district, which cooperates with another entity to create a public wholesale water district, but has water lines which remain the property of

a rural water district, and otherwise meets the statutory requirement of the 90 percent limitation may be eligible for the recoupment, notwithstanding its joining with another entity to create a public wholesale water district under K.S.A. 19-3545. Cited herein: K.S.A. 19-3545; 19-3547; K.S.A. 1995 Supp. 68-415; K.S.A. 82a-612. GE

Opinion No. 96-54

State Departments; Public Officers and Employees—Department of Corrections; Community Corrections Act—Powers of Counties or Groups of Counties Under Act; Permissibility of Charging a Fee. Mary McDonald, Harvey County Attorney, Newton, June 19, 1996.

While the community corrections act is a uniform act applicable to all counties, it does not preempt a county's ability to legislate in the area of community correctional services, and a fee charged by a county for program participants does not conflict with the act. Cited herein: K.S.A. 19-101a; 75-5291; 75-5292; 75-5295; K.S.A. 1995 Supp. 75-5296; K.S.A. 75-5297; 75-52,102; K.S.A. 1995 Supp. 75-52,111. MF

Opinion No. 96-55

Intoxicating Liquors and Beverages—Licensing and Related Provisions; City Option—Power to Regulate Alcoholic Liquor; City's Authority to Issue Retail Liquor Store License. Ken W. Strobel, Dodge City City Attorney, Dodge City, June 19, 1996.

A city ordinance requiring a retail liquor store license which may then be suspended or revoked for furnishing alcohol to a minor is not preempted by the liquor control act nor does it conflict with the act. Cited herein: K.S.A. 21-3610; 41-208; 41-301; 41-310; K.S.A. 1995 Supp. 41-346. MF

Opinion No. 96-56

Elections—Independent and Other Nomination Certificates; Terms of Office; Filling Vacancies—Vacancy in Office of United States Senator; How Filled.

Elections—Primary Elections—Names of Candidates Printed on Primary Election Ballots; Deadline for Filing Nomination Petitions and Declarations of Intention to Become Candidate. Senator Jerry Karr, 17th District, Emporia, June 19, 1996.

The Governor and the Secretary of State acting in concert have the power and authority to delay the deadline for filing nomination petitions and declarations of intention to become a candidate for purposes of filling a vacancy occurring in the United States Senate when notice of the vacancy is given with sufficient time to prepare for utilization of the primary procedure, but the effective date of the resignation creating the vacancy falls after the filing deadline prescribed by statute. Cited herein: K.S.A. 25-202; 25-204; 25-205; 25-220, repealed L. 1972, ch. 131, § 11; 25-318; 25-3905; 25-3906; U.S. const., amend XVII. JLM

Carla J. Stovall
Attorney General

Doc. No. 017855

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, 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, July 15, 1996

04333

University of Kansas—Paper, printing and binding: Rodeo in America

Tuesday, July 16, 1996

A-7929 and A-7930

University of Kansas—Partial reroof over sleeping room, Watkins and Miller Hall

03411 Rebid

Department of Wildlife and Parks—Uniform Garments

31756 Rebid

University of Kansas—Paper recycling services

31922

University of Kansas—Laundry equipment and service for student housing

Wednesday, July 17, 1996

31904

Emporia State University—Furnish and install windows

31921

Statewide—Spices and miscellaneous groceries

Thursday, July 18, 1996

A-7553 Rev.

University of Kansas—Partial reroof, Spooner Hall, and roof repairs, Stauffer/Spooner and Stauffer Flint Hall

A-7890

University of Kansas—Landscape plan, Budig Hall

Friday, July 19, 1996

31920

Statewide—Frozen foods

04326

Kansas Highway Patrol—Custom fifth wheel trailer

04327

University of Kansas—Paper, printing and binding: Bust to Boom

04328

University of Kansas—Microwave system

04331

Adjutant General's Department—Paint exterior of Masonry Building, Fort Riley

04332

Lansing Correctional Facility—Paint water tower

Monday, July 22, 1996

04329

Emporia State University—Wireless LAN

04330

Fort Hays State University—ATM equipment

Tuesday, July 23, 1996

A-7863

Emporia State University—Roof replacement, Memorial Student Union

Request for Proposals

Friday, July 12, 1996

31934

Strategic information management plan for the Department of Administration

Friday, August 30, 1996

31823

Foster care services for the Department of Social and Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 017844

State of Kansas

Board of Nursing

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, September 4, in Room 551-S of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in an existing rule and regulation.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

A summary of proposed regulation and its economic impact follows:

K.A.R. 60-11-103. Qualifications of advanced registered nurse practitioners. This regulation lists the qualifications for nurses to become certified as advanced registered nurse practitioners. There is one minor change in a requirement for those nurses applying for the category of nurse clinician or practitioner. A nurse who does not have a baccalaureate degree in nursing may qualify as a nurse practitioner with a higher degree in nursing.

The proposed change in this regulation should have no economic impact on the board. There are increasing numbers of nurses who do have master's degrees in nursing who are now finishing a post-graduate nurse practitioner track of study. Some employment opportunities may be delayed or missed if they are unable to get certified as advanced registered nurse practitioners.

(continued)

Copies of the regulation and the economic impact statement may be obtained from the Board of Nursing at the address above, (913) 296-5752.

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

Doc. No. 017840

State of Kansas

Board of Nursing

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, September 24, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of proposed regulations and their economic impact follows:

K.A.R. 60-16-102. Scope of practice for licensed practical nurse and intravenous fluid therapy. Several changes were made in the expanded scope of intravenous fluid therapy, which allow for more flexibility.

K.A.R. 60-16-104. Standards for course; competency examination. The board added one phrase which allows providers of the intravenous course to test on the drugs in the expanded scope of practice for the licensed practical nurse.

K.A.R. 60-9-109. Exceptions. The exceptions to continuing education requirements which were allowed in this regulation have been moved to the regulation on license renewal as approved in 1995 Senate Bill 151. The board proposes revocation of the regulation.

The changes in the scope of practice for licensed practical nurses should allow more flexibility in what they may do. If there is any economic impact, it should be positive. There should be no economic impact on nurses or the public from K.A.R. 60-16-104 or 60-9-109.

There should be no economic impact on the Board of Nursing from any of the changes in these three regulations.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing at the address above, (913) 296-5752.

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

Doc. No. 017841

(Published in the Kansas Register July 4, 1996.)

Summary Notice of Bond Sale

\$505,000

City of Dodge City, Kansas
General Obligation Bonds
Series 1996-1

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated June 17, 1996, sealed bids will be received by the clerk of the City of Dodge City, Kansas (the issuer), on behalf of the governing body at City Hall, 705 1st Ave., Dodge City, KS 67801, until 4:30 p.m. C.D.T. July 15, 1996, for the purchase of \$505,000 principal amount of General Obligation Bonds, Series 1996-1. No bid of less than 100 percent of the principal amount 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 August 1, 1996, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$80,000
1998	\$40,000
1999	\$40,000
2000	\$40,000
2001	\$45,000
2002	\$45,000
2003	\$50,000
2004	\$50,000
2005	\$55,000
2006	\$60,000

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 semiannually on March 1 and September 1 in each year, beginning March 1, 1997.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a qualified financial surety bond in the amount of \$10,100 (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 August 6, 1996, at such bank or trust company in the con-

tiguous 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 1995 is \$103,928,369. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$9,590,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 225-8100, or from the financial advisor, Stifel, Nicolaus & Company, Inc., 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Steven F. Randle, (316) 264-6321.

Dated June 17, 1996.

City of Dodge City, Kansas

Doc. No. 017832

(Published in the Kansas Register July 4, 1996.)

Summary Notice of Bond Sale

\$568,000

City of Bel Aire, Kansas

General Obligation Bonds, Series B, 1996

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated July 2, 1996, sealed bids will be received by the clerk of the City of Bel Aire, Kansas (the issuer), on behalf of the governing body at 4551 N. Auburn, Bel Aire, KS 67220, until noon C.D.T. July 16, 1996, for the purchase of \$568,000 principal amount of General Obligation Bonds, Series B, 1996. No bid of less than 98 percent of the principal amount 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 \$23,000. The bonds will be dated July 15, 1996, and will become due on October 1 in the years as follows:

Year	Principal Amount
1997	\$23,000
1998	25,000
1999	30,000
2000	30,000
2001	30,000
2002	35,000
2003	35,000
2004	35,000

2005	40,000
2006	40,000
2007	45,000
2008	45,000
2009	50,000
2010	50,000
2011	55,000

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 semiannually on April 1 and October 1 in each year, beginning on April 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a qualified financial surety bond in the amount of \$11,360 (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 July 30, 1996, 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 1995 is \$20,716,442. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$6,068,800.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 744-2451, fax (316) 744-3739; or from the financial advisor, J.O. Davidson & Associates, Inc., Wichita, Kansas, Attention: David Shupe, (316) 265-9411.

Dated July 2, 1996.

City of Bel Aire, Kansas

Doc. No. 017857

(Published in the Kansas Register July 4, 1996.)

Summary Notice of Bond Sale
\$1,500,000
Butler County, Kansas
General Obligation Sanitary Landfill Bonds
 (General obligation bonds payable from
 unlimited ad valorem taxes)

145,000	2001
155,000	2002
160,000	2003
170,000	2004
175,000	2005
185,000	2006

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated as of June 24, 1996, of Butler County, Kansas, sealed, written bids shall be received at the Butler County Commission Offices, 205 W. Central, El Dorado, Kansas, until 1:30 p.m. Central Time on Monday, July 15, 1996, for the purchase of the county's General Obligation Sanitary Landfill Bonds, Series 1996, which are hereinafter described. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the county. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form which has been prepared for these bonds, which may be obtained from the county clerk or from the county's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. (Provisions for telephoning or telefaxing a bid are set forth in the official notice of bond sale.) 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 county, or in the form of a financial surety bond payable to the order of the county 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 bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$1,500,000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear a dated date of July 15, 1996. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds shall be subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on February 1 and August 1 of each year, commencing February 1, 1997, and the bonds shall mature serially on August 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$115,000	1997
125,000	1998
130,000	1999
140,000	2000

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the county, and the full faith, credit and resources of the county will be pledged to the payment thereof. The county will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the county to the successful bidder, or at its direction, on or before Wednesday, July 31, 1996, at such location in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the county. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The county's equalized assessed tangible valuation, including motor vehicles, is \$307,111,503. The bonds described herein are excluded from computation of the county's bonded debt limitation pursuant to K.S.A. 19-2659. On July 15, 1996, the county's outstanding bonded indebtedness, which is subject to the bonded debt limitation, will be \$672,000.

Official Statement

The county has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the county or the county's financial advisor. The preliminary official statement is in a form "deemed final" by the county for the purpose of the Securities and Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the county shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official

statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the county, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the county's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned or from the county's financial advisor, Cooper Malone McClain, Inc., Attn: Dave Malone, 100 N. Main, Suite 510, Wichita, KS 67202, (316) 264-2400.

Butler County, Kansas
By Ernest Sifford, County Clerk
205 W. Central
El Dorado, KS 67042
(316) 321-1960

Doc. No. 017856

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. July 23 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

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 should 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 July 23, 1996

Application for Certificate of Public Service:

Aapex Associates, Inc.
1600 S. Adams
Hugoton, KS 67951
MC ID No. 153192

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

Application for Abandonment of Certificate of Public Service:

Howard M. Balzer
317 Violet
Potwin, KS 67123
MC ID No. 100218

Applicant's Attorney: None

Application for Certificate of Public Service:

Central States Transportation, Inc.
18808 Michaelis Terrace
Russell, KS 67665
MC ID No. 153376

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

General commodities (except household goods and hazardous commodities),

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

D.C. Salvage, Inc.
3246 S. Broadway
Wichita, KS 67216
MC ID No. 153193

Applicant's Attorney: Ronald K. Badger, 343 N. Market, Suite 200, Wichita, KS 67202

Wrecked, disabled and abandoned vehicles,

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Dawn Food Products, Inc.
2021 Micor Drive
Jackson, MI 49203
MC ID No. 109639

Applicant's Attorney: None

Food products and food related commodities,

Between all points and places in the State of Kansas.

Application for Transfer of Certificate of Public Service:

William C. Duncan, dba
Duncan Trucking Company
Route 2, Box 90
Hooker, OK 73945
MC ID No. 123121

TO:

Duncan Trucking Company, Inc.
Route 2, Box 90
Hooker, OK 73945

Applicant's Attorney: None

Livestock, hay, grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer, building and construction materials, fencing materials and machinery,

Between all points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Finney, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Marshall, Clay, Riley, Dickinson, Geary, Morris, Marion, Butler and Cowley counties, Kansas.

Also,

(continued)

Between the above named counties, on the one hand, and the State of Kansas, on the other hand.

Note: Effective January 1, 1995, the commission may no longer enact or enforce any statute or regulation related to routes of intrastate motor common carriers of property other than household goods. The holder of an intrastate certificate may transport the above described commodities anywhere within the State of Kansas.

Application for Certificate of Public Service:

Emig Trucking, Inc. }
308 W. 4th }
Solomon, KS 67480 } MC ID No. 153191

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

General commodities (except household goods and hazardous commodities),

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Grain Growers Cooperative }
Association }
122 S. Main } MC ID No. 153194
Cimarron, KS 67835 }

Applicant's Attorney: None

General commodities (except household goods),

Between all points and places in the State of Kansas.

Application for Abandonment of Certificate of Public Service:

Don and Chris Johannsen, dba }
Johannsen Trucking }
903 E. Mill } MC ID No. 152532
Wellington, KS 67152 }

Applicant's Attorney: None

Application for Certificate of Public Service:

Leaseway Dedicated Logistics, }
Inc. }
Route 10 and Pheasant Road } MC ID No. 116744
Reading, PA 19607 }

Applicant's Attorney: None

General commodities (except household goods),

Between all points and places in the State of Kansas.

Application for Transfer of Certificate of Public Service:

Terry L. Moyer, dba }
Lee Automotive Service Center }
710 S. Main } MC ID No. 142418
Wellsville, KS 66092 }

TO: Lee Automotive and Towing, Inc.
710 S. Main
Wellsville, KS 66092

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles,

Between all points and places in Osage, Coffey, Anderson, Franklin, Douglas, Leavenworth, Wyandotte, Johnson, Miami and Linn counties, on the one hand, and the State of Kansas, on the other hand.

Note: Effective January 1, 1995, the commission may no longer enact or enforce any statute or regulation related to routes of intrastate motor common carriers of property other than household goods. The holder of an intrastate certificate may transport the above described commodities anywhere within the State of Kansas.

Application for Certificate of Public Service:

James D. Owens, dba }
B and D Repair }
210 N. Webster } MC ID No. 153195
Spring Hill, KS 66083 }

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement vehicles,

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Schneider Specialized Carriers, }
Inc. }
3101 S. Packerland Drive } MC ID No. 107034
Green Bay, WI 54304 }

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

Application for Abandonment of Certificate of Public Service:

Sentinel Patrol, Inc. }
1316 S. Mosley } MC ID No. 132074
Wichita, KS 67211-3328 }

Applicant's Attorney: None

Application for Certificate of Public Service:

White Construction Company, }
Inc. }
P.O. Box 38 } MC ID No. 150376
Kanopolis, KS 67454 }

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 017836

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments, which are effective immediately unless otherwise specified, were filed May 28-June 30:

State Representative, 55th District

Rose Press, 1938 S.W. Westwood Drive, Topeka, 66604. Term expires when a successor is elected and qualifies according to law. Succeeds Jill Grant, resigned.

Doniphan County Clerk

Peggy Weishaar, P.O. Box 662, Wathena, 66090. Term expires when a successor is elected and qualifies according to law. Succeeds Beverly Ewing, resigned.

Kearny County Treasurer

Tracy Manly, P.O. Box 146, Lakin, 67860. Term expires when a successor is elected and qualifies according to law. Succeeds Holly V. Lashmet, resigned.

Ottawa County Clerk

Mary Arganbright, 118 N. 1st Ave., Minneapolis, 67467. Term expires when a successor is elected and qualifies according to law. Succeeds Carol J. Slavik, resigned.

Stevens County Attorney

Eric B. Smith, Concannon Law Office, P.O. Box 1089, Hugoton, 67951. Term expires when a successor is elected and qualifies according to law.

Kansas Corporation for Change

Marshall Jones, 929 N. St. Francis, Wichita, 67214. Reappointed by the House Minority Leader.

Gas Gathering Task Force

(Established by 1996 House Bill 2041)

Emery J. Biro III, Anadarko Petroleum Corporation, P.O. Box 1330, Houston, TX 77251.

Steve Dillard, 110 N. Market, Suite 205, Wichita, 67202. Term expires July 1, 1997.

Rep. Joann Freeborn, Vice Chair, Route 3, Box 307, Concordia, 66901. Appointed by the Speaker of the House.

Edwin E. Hance, 5205 N. O'Connor Blvd., Suite 1400, Irving, TX 75039.

Randel Loder, 535 E. Highway 50, Garden City, 67846. Term expires July 1, 1997.

Timothy E. McKee, Centre City Plaza, Suite 800, 151 N. Main, Wichita, 67202.

Erick E. Nordling, 1101 S. Adams, Hugoton, 67951. Term expires July 1, 1997.

Ann Papay, 502 N. Sullivan, Ulysses, 67880.

Mari M. Ramsey, One Williams Center, 41st Floor, Tulsa, OK 74172. Term expires July 1, 1997.

Sen. Don Sallee, Chair, Route 2, Box 79, Troy, 66087.

Jon R. Viets, Professional Building, Suite 604, P.O. Box 1176, Independence, 67301.

Charles B. Wilson, 970 Fourth Financial Center, Wichita, 67202. Term expires July 1, 1997.

Kansas Geographic Information Systems Policy Board

(Established by Executive Order No. 95-180. Appointments effective June 5, 1996.)

Walter R. Aucott, District Chief, U.S. Geological Survey, 4821 Quail Crest Place, Lawrence, 66049. Ex-officio member; four-year term.

Frederick E. Boesch, Vice-Chair, Chief Information Architect, Room 263-E, State Capitol, Topeka, 66612. Serves at the pleasure of the Governor.

Bob Carlson, 1509 W. Wyatt Earp Blvd., Suite 4, Dodge City, 67801. Four-year term.

Michael L. Dealy, Kansas Groundwater Management Districts Association, 131 Spruce St., Halstead, 67056. Ex-officio member; two-year term.

Dr. Lee C. Gerhard, Kansas Geological Survey, 1930 Constant Ave., Campus West, Lawrence, 66046. Four-year term.

Jim Habiger, State Conservationist, U.S. Department of Agriculture, 760 S. Broadway, Salina, 67401. Ex-officio member; three-year term.

Ronald F. Hammerschmidt, Department of Health and Environment, Building 740, Forbes Field, Topeka, 66620. Three-year term.

Alan Le Doux, Chair, Director, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, 66612. Two-year term.

Edward A. Martinko, Kansas Biological Survey, 2041 Merchant Ave., Campus West, Lawrence, 66046. Two-year term.

Timothy E. McKee, 1531 Siefkin, Wichita, 67208. Three-year term.

Debbie L. Miller, Kansas Department of Transportation, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Three-year term.

Duane A. Nellis, College of Arts and Sciences, Kansas State University, 117 Eisenhower Hall, Manhattan, 66506. Three-year term.

Greg Noland, Western Resources, P.O. Box 889, Topeka, 66601. Ex-officio member; four-year term.

Kathryn A. Peckman, Miami County Clerk, 120 S. Pearl, Paola, 66701. Four-year term.

David Pope, Chief Engineer, Department of Agriculture, 901 S. Kansas Ave., 2nd Floor, Topeka, 66612. Three-year term.

Keith Sexson, Department of Wildlife and Parks, 1820 Merchant, P.O. Box 1525, Emporia, 66801. Four-year term.

Derek Sherry, Johnson County AIMS Director, 111 S. Cherry St., Suite 3500, Olathe, 66061. Three-year term.

David M. Shrader, Department of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Four-year term.

Tracy D. Streeter, Executive Director, State Conservation Commission, 109 S.W. 9th, Suite 500, Topeka, 66612. Four-year term.

(continued)

David M. Toland, Southwestern Bell Telephone, 220 S.E. 6th, Room 230, Topeka, 66603. Ex-officio member; three-year term.

David L. Yearout, Butler County Planning and Zoning, Butler County Courthouse, El Dorado, 67042. Two-year term.

Hannes Zacharias, Hays City Manager, 1507 Main, P.O. Box 490, Hays, 67601. Three-year term.

Kansas Advisory Committee on Hispanic Affairs

William Araiza, 9414 Knox, Shawnee Mission, 66212. Term expires June 30, 1997. Succeeds Norberta Perez.

Tina Delarosa, P.O. Box 563, Ottawa, 66067. Term expires June 30, 1998. Succeeds Richard Lira.

C. Albert Herdoiza, 12702 Glenfield, Shawnee Mission, 66209. Term expires June 30, 1998. Succeeds Richard Ruiz.

Mary Navarro, 2514 N. Richmond, Wichita, 67204. Term expires June 30, 1998. Succeeds Lisa Altamira.

Israel Padilla, 2901 Maralane Ave., Apt. A, Dodge City, 67801. Term expires June 30, 1998. Succeeds Reynaldo Mesa.

Kansas Statewide Independent Living Council

Lara Ballard, 3811 W. 7th, #16, Topeka, 66603. Effective August 18, 1996. Term expires August 17, 1999. Succeeds Martha Hodgesmith, resigned.

Robert Cooper, 1166 E. Westfield Plaza, Olathe, 66061. Term expires August 17, 1998. Succeeds Darryl L. Luton, resigned.

Joyce Cussamano, 300 S.W. Oakley, Topeka, 66606. Ex-officio member; serves at the pleasure of the Governor. Succeeds Glen Yancy.

Ignacio Franco, 203 Conkling, Garden City, 67846. Term expires August 17, 1998. Succeeds Terry Larson, resigned.

Patty Gerdel, 1023 S.W. Gage, Topeka, 66604. Effective August 18, 1996. Term expires August 17, 1999. Reappointment.

Robert Jordan, 219 Dexter, Clay Center, 67432. Term expires August 17, 1998. Reappointment.

Gina McDonald, 3258 S. Topeka Blvd., Topeka, 66611. Effective August 18, 1996. Term expires August 17, 1999. Reappointment.

Sheila Nelson-Stout, Independent Connection/OCCK, Inc., 1710 W. Schilling Road, Salina, 67401. Effective August 18, 1996. Term expires August 17, 1999. Reappointment.

Hugh Sage, Mental Health and Retardation Services, 5th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Ex-officio member; serves at the pleasure of the Governor. Succeeds George Vega.

Martha Wooten, 1313 Adams, Fredonia, 66736. Effective August 18, 1996. Term expires August 17, 1999. Succeeds Martha Hodgesmith, resigned.

KanWork Interagency Coordinating Committee

Tamara L. Jarrow, 2809 Winterbrook Drive, Lawrence, 66044. Effective September 1, 1996. Term expires August 31, 1998. Succeeds Debbie Burke, resigned.

Long-Term Care Insurance Task Force

(Established by 1996 Senate Resolution 1817)

Michael "Mick" Keating, P.O. Box 326, Marysville, 66508. Appointed by the Senate Minority Leader.

Kevin D. McFarland, 6535 S.W. 23rd Court, Topeka, 66614. Appointed by the Speaker of the House.

Rep. Jene Vickrey, 6740 W. 23rd, Louisburg, 66053. Appointed by the Speaker of the House.

Joint Committee on Pensions, Investments and Benefits

Sen. Dave Kerr, 72 Willowbrook, Hutchinson, 67502. Appointed by the President of the Senate.

Kansas Racing and Gaming Commission

(Established by 1996 Senate Bill 410)

Natalie Haag, Executive Director, State Gaming Agency, 1013 N. Ridgway, Wichita, 67233. Effective July 1, 1996. Serves at the pleasure of the Governor.

Task Force on Regulation of Residential Building Contractors

(Established by 1996 House Concurrent Resolution 5053)

Rep. John Ballou, 19180 S. Waverly, Gardner, 66030. Appointed by the Speaker of the House.

Joe Conroy, 1955-C Regency Parkway, Topeka, 66604. Appointed by the Speaker of the House.

Max Gordon, 3901 W. 101st Terrace, Overland Park, 66207. Appointed by the Senate Majority Leader.

Carolyn Hall, 26260 W. 67th, Shawnee, 66226. Appointed by the President of the Senate.

Tim Ryan, City of Overland Park, 8500 Santa Fe Drive, Overland Park, 66212. Appointed by the Speaker of the House.

Dan Thimesch, 30121 W. 63rd, Cheney, 67025. Appointed by the House Minority Leader.

Sen. Bob Vancrum, 9004 W. 104th, Overland Park, 66212. Appointed by the President of the Senate.

Kurt von Achen, P.O. Box 618, Eudora, 66025. Appointed by the President of the Senate.

Ron Worley, City of Lenexa, 12350 E. 87th St. Parkway, Lenexa, 66215. Appointed by the President of the Senate.

Respiratory Therapist Council

Donald G. Carden, 5635 S. Kansas Road, Newton, 67114. Term expires June 30, 1999. Succeeds Harry Stockwell.

Retail Wheeling Task Force

(Established by 1996 House Bill 2600)

Rep. Richard Alldritt, 613 W. 15th, Harper, 67058. Appointed by the House Minority Leader.

L. Joe Hamman, 5759 S.W. Woodbridge Drive, Topeka, 66606. Appointed by the Speaker of the House.

Rep. Carl Holmes, Chair, P.O. Box 2288, Liberal, 67905. Appointed by the Speaker of the House.

Dennis D. Lane, Ph.D., Dept. of Civil and Environmental Engineering, University of Kansas, 4002 Learned

Hall, Lawrence, 66045. Appointed by the President of the Senate.

Sen. Janis Lee, Route 1, Box 145, Kensington, 66951. Appointed by the Senate Minority Leader.

Randy Rohlfig, Farmland Industries Company, P.O. Box 1337, Dodge City, 67801. Appointed by the Speaker of the House.

Sen. Don Sallee, Vice Chair, Route 2, Box 79, Troy, 66087. Appointed by the President of the Senate.

Rep. Tom Sloan, 772 Highway 40, Lawrence, 66049. Appointed by the Speaker of the House.

Mike Vess, Vess Oil Corporation, 8100 E. 22nd North, Building 300, Wichita, 67226. Appointed by the President of the Senate.

SRS Transition Oversight Committee

(Established by 1996 House Bill 3047)

Rep. Henry Helgerson, 4009 Hammond, Wichita, 67218. Appointed by the Chair of the House Appropriations Committee.

Rep. Jerry Henry, 3515 Neosho Road, Cummings, 66016. Appointed by the Speaker of the House.

Rep. Andrew Howell, 728 S. Holbrook, Fort Scott, 66701. Appointed by the Speaker of the House.

Rep. Robin Jennison, Route 1, Box 132, Healy, 67580. Self-appointed as Chair of the House Appropriations Committee.

Rep. Carlos Mayans, 1842 N. Valleyview, Wichita, 67212. Appointed by the Speaker of the House.

Sen. Steve Morris, Vice-Chair, 600 Trindle, Hugoton, 67951. Appointed by the Chair of the Senate Ways and Means Committee.

Rep. Melvin Neufeld, Chair, 7405 15 Road, Ingalls, 67853. Appointed by the Chair of the House Appropriations Committee.

Sen. Sandy Praeger, 3601 Quail Creek Court, Lawrence, 66047. Appointed by the President of the Senate.

Sen. Carolyn Tillotson, 1606 Westwood Drive, Leavenworth, 66048. Appointed by the Chair of the Senate Ways and Means Committee.

Kansas Workforce Investment Partnership Council

(Established by Executive Order No. 96-3.

Members serve at the pleasure of the Governor.)

David L. Alexander, Chair, Allied Signal, Human Resources, 400 N. Rogers Road, Olathe, 66062.

Wynne H. Begun, Transition Specialist, Blue Valley School District, 4104 W. 93rd, Prairie Village, 66207.

William R. Berry, Director, Manhattan Area Technical Center, 3136 Dickens Ave., Manhattan, 66502.

Gail E. Boller, 209 E. Wilton, Norton, 67654.

Alexander S. Bradley, 13220 El Monte, Leawood, 66209.

James D. Day, 11731 W. 100th Terrace, Overland Park, 66214.

Tracey H. DeBruyn, Leadership Lane, P.O. Box 1207, Manhattan, 66502.

William R. Docking, President, Union State Bank, P.O. Box 928, Arkansas City, 67005 (State Board of Regents).

Peggy Gardner, St. Francis Regional Medical Center, 929 N. St. Francis, Wichita, 67214 (Wichita Council on Workforce Needs).

Deborah K. Haltom, 1401 N. Prospect, Liberal, 67901.

Harry Helser, AFL-CIO, 9111 W. 21st, #1, Wichita, 67212.

Connie Hubbell, Department of Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Steve Jack, Kansas Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603.

Melva James, 3001 N. 7th Street Trafficway, Kansas City, KS 66115.

William E. Jarrell, Manager, Government Affairs, The Boeing Company, P.O. Box 7730, Wichita, 67277.

Nelson L. Krueger, Airline Pilots Association, 4308 Wimbledon Drive, Lawrence, 66047.

Peter R. Latessa, Kansas Department of Human Resources, 401 S.W. Topeka Blvd., Topeka, 66603.

Richard A. Liddeke, 6659 Outlook, Mission, 66202.

Maximus A. Lopez, General Manager, Radisson Hotel, 8787 Reeder Road, Overland Park, 66214.

Wayne Maichel, Executive Vice President, Kansas AFL-CIO, 110 W. 6th, Topeka, 66603.

Bob G. Martin, President, Haskell Indian Nations University, Lawrence, 66046.

Wm. Joseph McFarland, Vice-Chair, 2709 Boswell, Topeka, 66611.

Laura Meeks, President, Fort Scott Community College, 2108 S. Horton, Fort Scott, 66701.

William A. Moore, 6330 N.E. Indian Creek Road, Topeka, 66617.

Arwayne Peters, President, Landoll Corp., 1900 North, Marysville, 66508.

Jeffrey M. Russell, Sprint/United Telephone, 800 S.W. Jackson, Suite 1108, Topeka, 66612.

Pack St. Clair, CEO, Cobalts Boats, P.O. Box 29, Neodesha, 66757.

Jack Strukel, Jr., 5125 S.E. 10th, Topeka, 66607.

Andy Tompkins, Commissioner of Education, 120 S.E. 10th, Topeka, 66612.

Sharon Townsend, 12600 Cambridge, Leawood, 66209.

Arthur C. Waugh, President, Western Industrial Mechanical, 3419 Gibbs Road, Kansas City, KS 66106.

Earline Wesley, 2617 Beacon Hill Court, Wichita, 67201.

Ron Thornburgh
Secretary of State

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction August 8 the following described improvements located in Bourbon County, Kansas, described as follows:

10 a.m.—Tract 02—Located at Route 1, Box 665, Garland (5 miles south of Fort Scott on the east side of Highway 69)—810 sq. ft. bungalow single family dwelling with 2 bedrooms and a 30 × 40 pole shed.

11 a.m.—Tract 04—Located at Route 1, Box 670, Garland (4 ½ miles south of Fort Scott on the east side of Highway 69)—One 1,080 sq. ft. one story ranch house with 3 bedrooms.

1 p.m.—Tract 12—Located at Route 1, Box 725, Garland (4 miles south of Fort Scott on the west side of Highway 69)—One 1,450 sq. ft. bungalow single family dwelling with 3 bedrooms, 30 × 40 shed and 40 × 42 service station.

2 p.m.—Tract 15—Located at Route 1, Box 720, Garland (4 ½ miles south of Fort Scott on the west side of Highway 69)—One 1,020 sq. ft. bungalow single family dwelling with 2 bedrooms, 20 × 24 metal pole shed and 20 × 26 red barn.

3 p.m.—Tract 24—Located at Route 1, Box 176, Fort Scott (2 miles south of Fort Scott on the west side of Highway 69)—One 1,388 sq. ft. bungalow single family brick dwelling with 3 bedrooms, 18 × 23 sq. ft. detached brick single car garage, three 1,300 bu. galvanized grain bins and 32 × 38 barn with stone walls and metal roof.

4 p.m.—Tract 29—Located at Route 1, Box 174, Fort Scott (1¾ miles south of Fort Scott on the west side of Highway 69)—One 1,290 sq. ft. bungalow single family dwelling with 3 bedrooms and 28 × 36 sq. ft. barn.

An inspection of the properties will be at 10 a.m., 11 a.m., 1 p.m., 2 p.m., 3 p.m. and 4 p.m. August 1 and 30 minutes prior to each sale.

The successful bidders will be required to remove the structures from the right of way on or before September 8, 1996.

A performance bond of \$2,500 must be posted on the day of the sale for the buildings as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid after said date. Purchasers shall not permit use or occupancy of said structures pending removal from highway right of way. If applicable, the purchaser shall, during the interim period of moving the improvements and filling in of the basement, mark the area with tape, ribbon, or fencing, warning the public of the opening.

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

Terms of Sale

Money order, certified check or cashier's check for full price, made payable to "Secretary of Transportation." Purchasers will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Betty Wester at (316) 681-1449.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017843

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction August 9 the following described improvements located in Crawford County described as follows:

10 a.m.—Tract 05—Located at 101 E. James, Arma—One 870 sq. ft. bungalow dwelling with 2 bedrooms, 220 sq. ft. detached garage, 60 sq. ft. small shed and chain link fence.

An inspection of the property will be at 10 a.m. August 2 and 30 minutes prior to the sale.

The successful bidder will be required to remove the structures from the right of way on or before September 9, 1996.

A performance bond of \$2,500 must be posted on the day of the sale for the buildings as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid after said date.

The purchaser shall not permit use or occupancy of said structures pending removal from highway right of way. If applicable, the purchaser shall, during the interim period of moving the improvements and filling in of the basement, mark the area with tape, ribbon, or fencing, warning the public of the opening.

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

Terms of Sale

Money order, certified check or cashier's for full price, made payable to "Secretary of Transportation." The purchaser will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Betty Wester at (316) 681-1449.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017847

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. July 17, and then publicly opened:

District One—Northeast

Brown—7 C-3164-01—County road, 4 miles (6.4 kilometers) east and 2.2 miles (3.5 kilometers) north of Hiawatha, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Douglas—10-23 K-3359-11—K-10, county road 438 south to approximately 0.4 mile (0.6 kilometer) south of U.S. 40, 2.6 miles (4.2 kilometers), seeding and sodding. (State Funds)

Douglas—10-23 K-3359-12—K-10, approximately 0.4 mile (0.6 kilometer) south of U.S. 40, south and east to northeast of U.S. 59, 2.6 miles (4.2 kilometers), seeding and sodding. (State Funds)

Douglas—59-23 U-1583-01—U.S. 59 & K-10 (23rd Street/Clinton Parkway), Lawrence, traffic signals. (Federal Funds)

Douglas—40-23 U-1584-01—U.S. 59 (Iowa Street) & U.S. 40 (6th Street) in Lawrence, traffic signals. (Federal Funds)

Douglas-Johnson—10-106 K-6279-01—K-10, from the east city limits of Lawrence, east 20.8 miles (33.4 kilometers) pavement marking. (State Funds)

Johnson—435-46 K-6256-01—I-435 from Shawnee Mission Parkway, north to the Kansas River bridge, pavement patching. (State Funds)

Leavenworth—24-52 K-4441-02—U.S. 24 north of 2nd Street in Tonganoxie, east to the four-lane east of the Leavenworth-Wyandotte county line, 10.4 miles (16.7 kilometers), seeding and sodding. (State Funds)

Leavenworth—73-52 K-5276-01—U.S. 73, from Eisenhower Road north to Muncie/K-5 in Leavenworth, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Leavenworth—32-52 K-6280-01—K-32, from the U.S. 24/K-32 junction, east to the Leavenworth-Wyandotte county line, 17.2 miles (27.6 kilometers), pavement marking. (State Funds)

Marshall—58 C-3081-01—County road, 4 miles (6.4 kilometers) south and 0.8 mile (1.3 kilometers) west of Summerfield, then west, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

Nemaha—9-66 K-6204-01—K-9, bridge 031, Spring Creek, bridge repair. (State Funds)

Pottawatomie—24-75 K-3325-04—U.S. 24, from the four-lane east of Manhattan, east to 1.3 miles (2.1 kilometers) west of K-99, 8.8 miles (14.2 kilometers), seeding and sodding. (State Funds)

Riley—113-81 K-4438-02—K-113, from 0.1 mile (0.2 kilometer) north of K-18 north to Marlatt Avenue in Manhattan, 3.9 miles (6.3 kilometers), seeding and sodding. (State Funds)

Shawnee—89 TE-0117-01—Access road to historical sites at Kansas Museum of History, 0.2 mile (0.4 kilometer), rehabilitation. (State Funds)

Wyandotte—435-105 K-6207-01—I-435, bridges 214 (southbound) and 213 (northbound) over I-70, bridge repair. (State Funds)

Wyandotte—5-105 K-6239-01—K-5, bridge 190, 12th Street over K-5, bridge overlay. (State Funds)

Wyandotte—635-105 K-6259-01—I-635, bridge 152, westbound I-70 to southbound I-635, overlay. (State Funds)

Wyandotte—635-105 K-1023-02—I-635, from Merriam Drive north to K-32, 3.3 miles (5.3 kilometers), seeding and sodding. (State Funds)

Wyandotte—435-105 K-6276-01—I-435, bridge 197 over Woodend Road, 0.5 mile (0.8 kilometer) north of the Johnson-Wyandotte county line, bridge repair. (State Funds)

Wyandotte—24-105 N-0081-01—U.S. 24/U.S. 40/U.S. 73 and 110th Street in Kansas City, intersection improvement. (Federal Funds)

District Two—Northcentral

Chase—50-9 K-3216-03—U.S. 50, from the Marion-Chase county line, north to 2.7 miles (4.3 kilometers) northeast of county route 1076, 9 miles (14.5 kilometers), seeding and sodding. (State Funds)

Chase—50-9 K-3217-05—U.S. 50, 2.7 miles northeast of county route 1076 northeast and east to 0.2 mile (0.3 kilometer) west of K-177, 10.2 miles (16.4 kilometers), seeding and sodding. (State Funds)

Cloud—81-15 K-4429-03—U.S. 81, from county route 140, north to the existing four-lane in Concordia, 8.4 miles (13.5 kilometers), grading. (State Funds)

Cloud—81-15 K-4429-06—U.S. 81 from the Ottawa-Cloud county line north to county route 140, 9.1 miles (14.6 kilometers), seeding and sodding. (State Funds)

Cloud—24-15 K-6213-01—U.S. 24, bridge 008, Memorial Creek, bridge overlay. (State Funds)

Dickinson—21 C-3158-01—County road from Woodbine, west 6 miles (9.7 kilometers), surfacing. (Federal Funds)

Dickinson—15-21 K-6212-01—K-15, bridge .056, Smoky Hill River drainage, bridge overlay. (State Funds)

Dickinson—70-21 K-6215-01—Bridge 005, county route 0189 over I-70, bridge overlay. (State Funds)

Ellsworth—70-27 K-6214-01—Bridge 010, county route 1001 over I-70 (Vesper interchange), bridge overlay. (State Funds)

Marion—50-57 K-6278-01—U.S. 50, from the end of the Spring Creek bridge 049, east 1.8 miles (3 kilometers), pavement marking. (State Funds)

McPherson—56-59 K-4059-02—U.S. 56, from Rice-McPherson county line east to K-153, 13.2 miles (21.2 kilometers), seeding and sodding. (State Funds)

McPherson—135-59 K-5084-01—I-135, from the Harvey-McPherson county line northwest to north of the

(continued)

north junction of K-260, 5.6 miles (9 kilometers), pavement reconstruction. (Federal Funds)

McPherson—59 U-1468-01—Roosevelt Street, from U.S. 56 north to First Street in McPherson, 0.5 mile (0.8 kilometer), grading and surfacing. (Federal Funds)

Mitchell—14-62 K-5923-01—K-14 (8th and Independence Street) in Beloit, intersection improvement. (State Funds)

Ottawa—81-72 K-4428-03—U.S. 81, from the end of the four-lane, north to the Ottawa-Cloud county line, 14.6 miles (23.5 kilometers), seeding and sodding. (State Funds)

Republic—81-79 M-1834-01—U.S. 81, bridge 23 over 14th Street and Kyle Railroad (Mid-States Port Authority) in Belleville, bridge repair. (State Funds)

Salina—135-85 K-4792-02—I-135/Magnolia Road in Salina, seeding and sodding. (State Funds)

Salina—85 X-1925-01—Union Pacific Railroad and Schilling Road in Salina, flashing light signals. (Federal Funds)

Various counties—106 X-1946-01—Saint Louis Southwestern Railroad in six-county area, signing. (Federal Funds)

District Three—Northwest

Ellis—183A-26 K-2939-02—U.S. 183A, west and north to south of the I-70 interchange, 4.8 miles (7.7 kilometers), seeding and sodding. (State Funds)

Rooks—183-82 K-3763-03—U.S. 183, from K-18 in Plainville, north 10.3 miles (16.6 kilometers), seeding and sodding. (State Funds)

Russell—70-84 K-6298-01—I-70, 4 miles (6.4 kilometers) east of the Ellsworth-Russell county line, east 18.6 miles (30 kilometers), sealing. (State Funds)

Smith—281-92 K-5490-01—U.S. 281, from the south city limits of Smith Center, north to the railroad tracks, 0.25 mile (0.4 kilometer), overlay. (State Funds)

District Four—Southeast

Allen—1 X-1924-01—Union Pacific Railroad and Main Street in Savonburg, flashing light signals. (Federal Funds)

Allen—169-1 K-6294-01—U.S. 169, 3 miles north of the Neosho-Allen county line, pavement patching. (State Funds)

Montgomery—160-63 K-6423-01—U.S. 160, from the east city limits of Independence, east to the south junction of U.S. 169, 5.9 miles (9.6 kilometers), pavement patching. (State Funds)

District Five—Southcentral

Butler—254-8 K-5060-01—K-254, from Santa Fe Lake Road to K-196, 5 miles (8 kilometers), grading and bridge. (State Funds)

Butler—54-8 K-6232-01—U.S. 54, bridge 014, (west lane) over Cave Spring Creek, bridge overlay. (State Funds)

Cowley—160-18 K-6010-01—Junctions of U.S. 160 and Bliss Street and U.S. 160 and Fuller Street in Winfield, traffic signals. (State Funds)

Harvey—135-40 K-6236-01—I-135, bridge 34, northbound over local road and bridge 42, northbound over county road 0306, bridge overlay. (State Funds)

Reno—50-78 K-6230-01—U.S. 50, bridge 080, over the Atchison, Topeka and Santa Fe Railroad, 3 miles (4.8 kilometers) east of the Stafford-Reno county line, bridge overlay. (State Funds)

Reno—61-78 K-6235-01—K-61, bridges 76 and 79 over the Atchison, Topeka and Santa Fe Railroad and bridge 78 over Avenue A, bridge overlay. (State Funds)

Sedgwick—87 C-3018-01—Broadway Street from 53rd Street north to the Sedgwick-Harvey county line, 9 miles (14.5 kilometers), surfacing. (Federal Funds)

Sedgwick—54-87 K-6233-01—U.S. 54, bridge 113, (north lane) over K-251, bridge overlay. (State Funds)

Sedgwick—54-87 K-6234-01—U.S. 54, bridge 143, (north lane) over the Atchison, Topeka and Santa Fe Railroad, bridge repair. (State Funds)

Sedgwick—235-87 K-6282-01—I-235, southbound from the I-135 ramps to the North Broadway bridge, 15.5 miles (24.9 kilometers), pavement marking. (State Funds)

Sedgwick—296-87 K-6311-01—K-296, from the north city limits of Andale south and east to K-96 (Maize), 10.1 miles (16.3 kilometers), overlay. (State Funds)

Stafford—93 C-3353-01—County road from the north city limits of Stafford north 6 miles (9.7 kilometers), surfacing. (Federal Funds)

Summer—96 C-2726-01—County road 7.5 miles (12 kilometers) east of Conway Springs, then east, 3 miles (4.8 kilometers), surfacing. (Federal Funds)

District Six—Southwest

Finney—83-28 K-6195-01—U.S. 83, from the north junction of U.S. 50, north to the Finney-Scott county line, 18.2 miles (29.3 kilometers), sealing. (State Funds)

Haskell—83-41 K-6196-01—U.S. 83, from the north junction of U.S. 160, north to the Haskell-Finney county line, 12 miles (19.4 kilometers), sealing. (State Funds)

Ness—283-68 K-6238-01—U.S. 283, bridge 048, Pawnee River, bridge overlay. (State Funds)

Scott—83-86 K-6197-01—U.S. 83, from the Finney-Scott county line, north to the south city limits of Scott City, 14.2 miles (23 kilometers), sealing. (State Funds)

Various counties—106 X-1945-01—Saint Louis Southwestern Railroad in seven counties, signing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

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

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

Plans and specifications for the projects may be examined at the offices of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017830

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. O'Donnell & Sons Construction Company, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of CO, VOC and PM₁₀ were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

O'Donnell & Sons Construction Company, Inc., Overland Park, owns and operates a hot mix asphalt facility located at 1600 W. 151st, Olathe.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Johnson County Environmental Department, 1180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or Michael Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business August 5 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business August 5 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017849

State of Kansas

Kansas Development Finance Authority

Notice of Change of Meeting Date

The Kansas Development Finance Authority Board of Directors meeting that was scheduled for 9:30 a.m. Thursday, July 11, has been changed to 9:30 a.m. Friday, July 12. For further information, contact the Kansas Development Finance Authority at (913) 296-6747.

Wm. F. Caton
President

Doc. No. 017853

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Holland Asphalt has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of CO, VOC and PM₁₀ were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Holland Asphalt, Lenexa, owns and operates a hot mix asphalt facility located at 24401 W. 159th, Olathe.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Johnson County Environmental Department, 1180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or Michael Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business August 5 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business August 5 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017848

State of Kansas

Board of Emergency Medical Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Tuesday, September 17, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of K.A.R. 109-6-2, a new regulation concerning renewal of attendant and instructor/coordinator certificates, and the modifications of K.A.R. 109-6-1, minimum training requirements for temporary certification; 109-7-1, schedule of application fees; 109-8-1, examinations; 109-5-1, continuing education; and 109-10-1, curriculum.

This notice constitutes a public comment period for the purposes of receiving public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Bob McDanel, Administrator, Board of Emergency Medical Services, 109 S.W. 6th, Topeka, 66603-3826. Copies of the proposed regulations may be obtained from Bob McDanel.

All interested parties will be given reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for an accommodation should be made at least five working days in advance of the hearing by contacting Bob McDanel at the address above, (913) 296-7296 or TDD (913) 296-6237.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 109-6-2. The Kansas Board of Emergency Medical Services is considering adoption of this new regulation. The addition of this regulation will bring certification renewal procedures for attendants and instructor/coordinators into compliance with the Kansas Administrative Practices Act. This proposed regulation defines what a sufficient application shall contain; specifies that payment shall be made with a money order, cashier's check or institutional check; defines institutional check; and defines procedures for applicant notification in the case of an insufficient application.

The economic impact to the individual seeking certification renewal from the Board of Emergency Medical Services will be unchanged, as the fees for certification renewal will remain the same. The individual may incur a cost estimated of up to one dollar for the purchase of a cashier's check or money order for the renewal fee.

The economic impact to the board would be savings estimated to be several hundred dollars, as insufficient fund checks must now be tracked administratively and, in the event an attendant or instructor/coordinator fails to reconcile their insufficient fund check, the board may incur the additional expense of a formal hearing to revoke

an attendant or instructor/coordinator certification. Accepting cashier's checks, money orders or institutional checks as the only source of payment for certification renewal will eliminate insufficient fund personal checks.

K.A.R. 109-6-1. Minimum training requirements for temporary certification. The proposed changes to this existing regulation primarily make it easier and faster for ambulance service operators to obtain a temporary certification for attendants at the first responder, EMT and MICT levels. The proposed changes to this regulation eliminate the need for an attendant at the MICT level to successfully complete a written examination in order to obtain a temporary certification. This regulation also adds first responder as a certification level eligible to receive temporary certification.

The economic impact of the changes to this regulation will mean a monetary savings to the board as well as time to the individuals and ambulance service operators involved in the process.

Savings to the board include less time involved in providing written examinations for the MICT level and making the granting of a temporary certification easier at the first responder, EMT and MICT levels.

Savings to the individual and ambulance service operators involved primarily comes in the form of time, as there is no cost incurred from either source for a temporary certification.

K.A.R. 109-7-1. Schedule of application fees. The proposed changes in this existing regulation primarily eliminate the necessity of a separate examination application fee and certification application fee. The proposed changes include combining these two steps and fees into a single process. Proposed modifications provide for fees to the National Registry of Emergency Medical Technicians to be separate from fees paid to the Kansas Board of EMS. Proposed changes prescribe that a cashier's check, money order or institutional check are the only acceptable methods of payment for these fees.

The economic impact to the individual seeking certification or certification renewal from the board is unchanged, as the two fees will be combined into one without increase. However, the approximately 7 percent (150) of persons a year that have to re-take portions of the examination will be paying what was once the certification fee for their subsequent attempts at successful completion of the examination. The individual may also incur a cost estimated to be up to one dollar for the purchase of a cashier's check or money order.

The economic impact to the board would be savings estimated to reach \$1,000 per incident, as insufficient fund personal checks must now be tracked administratively and, in the event an attendant or instructor/coordinator fails to reconcile their insufficient fund check, the board may incur the additional expense of a formal hearing to revoke an attendant or instructor/coordinator certification. Accepting cashier's checks, money orders and institutional checks as the only source of payment for application fees will eliminate insufficient fund personal checks.

K.A.R. 109-8-1. The changes desired in this regulation allow the board to adopt the National Registry of Emet-

gency Medical Technicians written examination for the first responder and emergency medical technician levels of certification. Modifications also allow the board to adopt the National Registry of Emergency Medical Technicians practical and written examination for the MICT level of certification, and change the maximum allowable number of attempts for those candidates taking the National Registry examinations from the current three to the maximum allowable by the National Registry.

The economic impact to those persons seeking certification from the board at the first responder and EMT levels will increase by \$15, and the MICT fee will increase by \$35. These fees do not represent an increase by the board, but rather the examination fee required by the National Registry of EMTs.

Economic impact to the board will be minimal, but will include administrative costs incurred in mailing money orders, cashier's checks or institutional checks, and examination materials to the National Registry.

Modifications to this regulation allow the board to adopt a legally defensible written examination that meets or exceeds the requirements of the Americans with Disabilities Act.

K.A.R. 109-5-1. Continuing education. The proposed changes to this existing regulation are primarily to discontinue the requirement of obtaining approved continuing education credit in specific categories. The proposed changes, in conjunction with adoption of the 1995 first responder national standard curriculum with enrichments, also will eliminate the annual renewal of automated external defibrillation provider certification and the instructor endorsement requirement.

The economic impact of the changes to this regulation will mean a savings to the board as well as to the providers of first responder services.

Savings to the providers exist since there will no longer be a requirement of obtaining a specific amount of skills training or automated external defibrillation refresher training to renew their certification annually. Training programs may experience a savings in providing faculty for lab sessions since specific skills will no longer be required.

Savings to the board include less time involved in processing attendant applications for certification renewal for approximately 9,800 attendants annually and no longer processing automated external defibrillation certification renewal for approximately 3,720 attendants annually.

K.A.R. 109-10-1. The board is considering the adoption of the 1995 United States Department of Transportation National Highway Traffic Safety Administration First Responder National Standard Curriculum, with enrichments.

If Kansas is to remain current with national standards for delivery of out-of-hospital emergency medical services, then the board must consider new curricula periodically. Even though there is no federal requirement for Kansas to use these national standard curricula (NSC), the board utilizes them to the extent possible. The board enriches those curricula to meet the scope of practice of the profession in Kansas.

The cost to the board to adopt this 1995 first responder curriculum will include orienting faculty and examiners who are to be used in the teaching and testing of students of board-approved first responder courses. Orientation of faculty and examiners will cost the board approximately \$1500.

The costs for training institutions to implement the first responder national standard curriculum with enrichments will be those costs incurred for faculty training and additional medical training equipment and supplies. These costs may be anywhere from approximately \$1,000 to \$1,800 per training institution.

Savings to automated external defibrillation providers, instructors and the board will be realized since adding automated external defibrillation into the standard curriculum for first responder initial courses of instruction will no longer require an additional initial course of instruction for providers or an additional instructor endorsement course to teach automated external defibrillation.

Bob McDanel
Administrator

Doc. No. 017839

State of Kansas
Social and Rehabilitation Services
Permanent Administrative
Regulations

Article 1.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-70. Payment of medical expenses for eligible recipients. (a) Payment for covered services shall be made only to those providers participating in the program pursuant to K.A.R. 30-5-59. The only exceptions shall be pursuant to K.A.R. 30-5-65.

(b) Each program recipient shall be eligible for the payment of specific medical expenses as follows:

(1) Payment of Medicare (title XVIII) premiums and deductibles and co-insurance amounts for services covered in the medicaid program. Recipients who are ineligible for program coverage because they have a spend-down shall be eligible for the payment of the Medicare (title XVIII) premium expense. For cash recipients, including SSI recipients, who are age 65 or older, payment of the Medicare (title XVIII) premium shall begin with the month of approval for medicaid, excluding any months of prior eligibility. For recipients under age 65 who are eligible for Medicare after receiving retirement and survivor's disability insurance for 24 consecutive months, payment of the Medicare (title XVIII) premium shall begin with the 25th month. For all other recipients, payment of the Medicare (title XVIII) premium shall begin with the second month following the month of approval for medicaid, excluding any months of prior eligibility;

(2) payment of premiums of health maintenance organizations which are approved by the agency or premiums of group health plans offered by the recipient's

(continued)

employer where the agency has determined that such a plan is cost effective;

(3) payment of other allowable medical expenses incurred in the current eligibility base period in excess of any co-pay or spenddown requirements;

(4) payment for services rendered to a person who is mandated to receive inpatient treatment for tuberculosis and who is not otherwise eligible for participation in the program. Coverage shall be limited to services related to the treatment for tuberculosis;

(5) payment for services in excess of medicaid/medikan program limitations for foster care and adoption support recipients, when approved by the agency; and

(6) payment for covered medical services provided to an individual participating in the KanWork program. A monthly cost sharing amount for medical services shall be paid by each individual participating in the KanWork program when required.

(c) The scope of services provided to recipients and the payment for those services shall be as set forth in articles 5 and 10 of this chapter, subject to the following limitations.

(1) Payment for a particular medical expense shall be denied if it is determined that:

(A) The recipient failed to utilize medical care available through other community resources, including public institutions, veterans administration benefits, and those laboratory services that are available at no charge through the state department of health and environment;

(B) a third party liability for the medical expense has been established and is available;

(C) the recipient fails to make a good faith effort to establish a third party liability for the medical expense or fails to cooperate with the agency in establishing the liability. Payment of a medical expense may be delayed pending the outcome of a determination concerning third party liability;

(D) the expense is not covered or is only partially covered by an insurance policy because of an insurance program limitation or exclusion;

(E) the recipient failed to notify the provider of services of the recipient's eligibility for the program;

(F) the service is cosmetic, pioneering, experimental or a result of complications related to such procedures;

(G) the service is related to transplant procedures which are not covered by the medicaid/medikan program;

(H) the service was provided by a provider not designated as a lock-in provider for any recipient who is locked into designated providers due to abuse or participation in a primary care network. This limitation shall not apply to emergency services or services not provided by the primary care network;

(I) the service was provided by an unlicensed, unregistered or noncertified provider when licensure, registration or certification is a requirement to participate in the medicaid/medikan program; or

(J) the service exceeds the limitations defined by the program policies.

(2) Payment for out-of-state services shall be limited to:

(A) Payment on behalf of recipients where medical services are normally provided by medical vendors that

are located in the bordering state and within 50 miles of the state border, except for community mental health center services, alcohol and drug abuse services or partial hospitalization services;

(B) emergency services rendered outside the state;

(C) nonemergency services for which prior approval by the agency has been given. Authorization from the agency shall be obtained before making arrangements for the individual to obtain the out-of-state services;

(D) services provided by independent laboratories; and

(E) medical services provided to foster care recipients and medical services in excess of the limitations of the state of residence, when approved by the Kansas department of social and rehabilitation services and within the scope of the adoption agreement for those for whom Kansas has initiated adoption support agreements.

(3) The scope of services for adult non-medicaid (non-title XIX) program recipients shall be limited as set forth in K.A.R. 30-5-150 through 30-5-172.

(d) Reimbursement for medical services shall be restricted to designated lock-in providers when the agency has confirmed that the recipient is abusing or misusing medicaid/medikan services and has placed the recipient on the lock-in program.

(e) Payment for medical services shall be made when it has been determined and approved by the agency that an agency administrative error has been made. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1995, Chapter 153, Section 1 and K.S.A. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992; amended Nov. 2, 1992; amended May 3, 1993; amended July 19, 1996.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-53. Financial eligibility. The following provisions shall apply to all determined eligible groups, except that subsections (c) and (d) of this regulation shall not be applicable to pregnant women and children who meet the provisions of K.A.R. 30-6-77, medicare beneficiaries who meet the provisions of K.A.R. 30-6-86 or to working disabled individuals who meet the provisions of K.A.R. 30-6-87. (a) Definitions.

(1) "Eligibility base period" means the length of time used in the determination of financial eligibility. The length of the eligibility base period varies from one month to six months, based on the living arrangement of the persons in the assistance plan.

(2) "Spenddown" means the amount of applicable income that exceeds the protected income level in the eli-

gibility base period and that is available to meet medical costs.

(3) "Patient liability" means the amount that the individual is required to pay towards the cost of care which the individual receives in an institutional arrangement. Patient liability is based on the amount of applicable income that exceeds the protected income level in the eligibility base period.

(b) The eligibility base period. For prior eligibility, the base period shall be the three months immediately preceding the month of application. The application base period shall begin on the first day of the month in which the application was received. Subsequent eligibility base periods for recipients shall begin on the first day of the month following the expiration of the previous base period. Any reapplication received outside of a previously established eligibility base period shall be treated as a new application without regard to any previous eligibility base period. However, if the reapplication includes a request for prior eligibility, the base period of prior eligibility shall not extend into a previously established eligibility base period. The eligibility base period shall not exceed six months.

(c) Financial eligibility for persons in independent living and home- and community-based services arrangements.

(1) Total applicable income in the eligibility base period shall be compared to the protected income level for the base period. If the total applicable income is less than the protected income level and the individual owns property which has value within the allowable limits, the individual shall be financially eligible for medical assistance. If the total applicable income exceeds the protected income level and the individual owns property which has value within the allowable limits, the excess applicable income shall be the spenddown.

(2) Each applicant or recipient shall incur allowable medical expenses in an amount at least equal to the spenddown before becoming eligible for assistance. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet the spenddown, except for medical expenses paid by a public program of the state other than medicaid.

(3) A previously unconsidered increase in total applicable income during the current eligibility base period which results in additional spenddown shall not alter the base period. The individual shall meet the additional spenddown during the eligibility base period before the individual becomes eligible or regains eligibility for medical assistance. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual fails to meet the additional spenddown within the current eligibility base period.

(d) Financial eligibility for persons in institutional arrangements.

(1) Total applicable income in the eligibility base period shall be compared to the protected income level for the base period. If the total applicable income is less than the protected income level and the individual owns property which has value within the allowable limits, the individual shall be financially eligible for medical assistance. If the total applicable income exceeds the protected

income level and the individual owns property which has value within the allowable limits, the excess applicable income shall be the patient liability.

(2) Each applicant or recipient shall incur allowable medical expenses in an amount at least equal to the patient liability before becoming eligible for assistance. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet this liability, except for medical expenses paid by a public program of the state other than medicaid.

(3) Any increase in total applicable income during the current eligibility base period may result in financial ineligibility or in additional liability, but shall not alter the base period. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual becomes ineligible because of an increase in total applicable income or fails to meet any additional liability within the current eligibility base period.

(e) Allowable expenses. The following expenses shall be applied to the spenddown or patient liability when the individual provides evidence that the individual has incurred or reasonably expects to incur the expenses within the appropriate eligibility base period, or has incurred and is still obligated for expenses outside of the appropriate eligibility base period which have not been previously applied to a spenddown or liability:

(1) Co-pay requirements;

(2) the pro rata portion of medical insurance premiums for the number of months covered in the eligibility base period regardless of the actual date of payment, past or future;

(3) medicare premiums which are not covered by the agency through the buy-in process. Premiums which are subject to buy-in shall not be allowable before completion of the buy-in process, even if the individual pays the premiums or the premiums are withheld;

(4) if medically necessary and recognized under Kansas law, all expenses for medical services incurred by the individual or a legally responsible family group member. Expenses for social services designated as medical services under the home- and community-based services (HCBS) program shall be allowable under this paragraph for persons in the HCBS program; and

(5) the cost of necessary transportation by appropriate mode to obtain medical services set forth in paragraph (4) above. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1995, Chapter 153, Section 1; implementing K.S.A. 1995 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 4, 1993; amended July 19, 1996.)

30-6-53w. Financial eligibility. The following provisions shall apply to all determined eligibles, except that subsections (c) and (d) of this regulation shall not be applicable to pregnant women and children who meet the provisions of K.A.R. 30-6-77w, medicare beneficiaries

(continued)

who meet the provisions of K.A.R. 30-6-86w or to working disabled individuals who meet the provisions of K.A.R. 30-6-87w. (a) Definitions.

(1) "Eligibility base period" means the length of time used in the determination of financial eligibility. The length of the eligibility base period varies from one month to six months, based on the living arrangement of the persons in the assistance plan.

(2) "Spendedown" means the amount of applicable income that exceeds the protected income level in the eligibility base period and that is available to meet medical costs.

(3) "Patient liability" means the amount that the individual is required to pay towards the cost of care which the individual receives in an institutional arrangement. Patient liability is based on the amount of applicable income that exceeds the protected income level in the eligibility base period.

(b) The eligibility base period. For prior eligibility, the base period shall be the three months immediately preceding the month of application. The application base period shall begin on the first day of the month in which the application was received. Subsequent eligibility base periods for recipients shall begin on the first day of the month following the expiration of the previous base period. Any reapplication received outside of a previously established eligibility base period shall be treated as a new application without regard to any previous eligibility base period. However, if the reapplication includes a request for prior eligibility, the base period of prior eligibility shall not extend into a previously established eligibility base period. The eligibility base period shall not exceed six months.

(c) Financial eligibility for persons in independent living and home- and community-based services arrangements.

(1) Total applicable income in the eligibility base period shall be compared to the protected income level for the base period. If the total applicable income is less than the protected income level and the individual owns property which has value within the allowable limits, the individual shall be financially eligible for medical assistance. If the total applicable income exceeds the protected income level and the individual owns property which has value within the allowable limits, the excess applicable income shall be the spenddown.

(2) Each applicant or recipient shall incur allowable medical expenses in an amount at least equal to the spenddown before becoming eligible for assistance. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet the spenddown, except for medical expenses paid by a public program of the state other than medicaid.

(3) A previously unconsidered increase in total applicable income during the current eligibility base period which results in additional spenddown shall not alter the base period. The individual shall meet the additional spenddown during the eligibility base period before the individual becomes eligible or regains eligibility for medical assistance. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual fails to meet the additional spenddown within the current eligibility base period.

(d) Financial eligibility for persons in institutional arrangements.

(1) Total applicable income in the eligibility base period shall be compared to the protected income level for the base period. If the total applicable income is less than the protected income level and the individual owns property which has value within the allowable limits, the individual shall be financially eligible for medical assistance. If the total applicable income exceeds the protected income level and the individual owns property which has value within the allowable limits, the excess applicable income shall be the patient liability.

(2) Each applicant or recipient shall incur allowable medical expenses in an amount at least equal to the patient liability before becoming eligible for assistance. Medical expenses paid either voluntarily or involuntarily by third parties shall not be utilized to meet this liability, except for medical expenses paid by a public program of the state other than medicaid.

(3) Any increase in total applicable income during the current eligibility base period may result in financial ineligibility or in additional liability, but shall not alter the base period. Payments made through the program within the current eligibility base period shall not be considered to be overpayments if a previously eligible individual becomes ineligible because of an increase in total applicable income or fails to meet any additional liability within the current eligibility base period.

(e) Allowable expenses. The following expenses shall be applied to the spenddown or patient liability when the individual provides evidence that the individual has incurred or reasonably expects to incur the expenses within the appropriate eligibility base period, or has incurred and is still obligated for expenses outside of the appropriate eligibility base period which have not been previously applied to a spenddown or liability:

(1) Co-pay requirements;

(2) the pro rata portion of medical insurance premiums for the number of months covered in the eligibility base period regardless of the actual date of payment, past or future;

(3) medicare premiums which are not covered by the agency through the buy-in process. Premiums which are subject to buy-in shall not be allowable before completion of the buy-in process, even if the individual pays the premiums or the premiums are withheld;

(4) if medically necessary and recognized under Kansas law, all expenses for medical services incurred by the individual or a legally responsible family group member. Expenses for social services designated as medical services under the home- and community-based services (HCBS) program shall be allowable under this paragraph for persons in the HCBS program; and

(5) the cost of necessary transportation by appropriate mode to obtain medical services set forth in paragraph (4) above. (Authorized by and implementing K.S.A. 39-1995 Supp. 39-708c as amended by L. 1995, Chapter 153, Section 1; effective Dec. 30, 1994; amended July 19, 1996.)

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017846

State of Kansas

Board of Healing Arts

Permanent Administrative
Regulations

Article 69.—ATHLETIC TRAINING

100-69-1. Approved education. (a) An applicant for registration as an athletic trainer shall give proof that the applicant has received a baccalaureate degree or post-baccalaureate degree with a major course of study in athletic training curriculum in one of the following ways:

(1) from an institution whose program for athletic trainers is accredited by the commission on accreditation of allied education programs of the American medical association;

(2) from an educational institution whose programs are determined by the board to have standards at least equal to an accredited program; or

(3) from an accredited institution in which the applicant has successfully completed at least one formal course in each of the following areas:

(A) health education, which shall include the following:

- (i) nutrition education; and
- (ii) drug and substance abuse education;

(B) human anatomy;

(C) kinesiology;

(D) human physiology;

(E) physiology of exercise;

(F) basic athletic training; and

(G) either of the following:

(i) advanced athletic training; or

(ii) evaluation, therapeutic modalities and rehabilitation exercise.

(b) The basic athletic training and advanced athletic training courses required by paragraph (a)(3) shall be under the instruction of an athletic trainer registered by the board or by a person who would have met the requirements for registration at the time the instruction was provided. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6907; effective July 19, 1996.)

100-69-2. Clinical experience. (a) An applicant for registration as an athletic trainer shall provide proof of satisfactory completion of clinical experience as follows:

(1) If the applicant meets the educational requirements set forth in K.A.R. 100-69-1(a)(1) or (2), the applicant shall have completed, in at least two years, 800 hours of athletic training experience in settings associated with the approved program and under the supervision of either an athletic trainer registered by the board or an athletic trainer who met the requirements for registration in this state at the time the supervision was provided.

(2) If the applicant meets the educational requirements set forth in K.A.R. 100-69-1(a)(3), the applicant shall have completed, in at least two years and at most five years, 1500 hours of athletic training experience under the supervision of either an athletic trainer registered by the board or an athletic trainer who met the requirements for registration in this state at the time the supervision was

provided. One thousand of these hours shall have been completed at the interscholastic, intercollegiate or professional sports level.

(b) In addition to the clinical experience required in subsection (a), an applicant shall submit proof of clinical experience in first aid and cardiopulmonary resuscitation by providing a copy of current certification from any of the following:

(1) the American red cross;

(2) American heart association;

(3) national safety council; or

(4) any another provider determined by the board to have standards equal to these organizations. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6907; effective July 19, 1996.)

100-69-3. Examination. The examination approved by the board for registration as an athletic trainer shall be the entry-level certification examination administered by the national athletic trainers association board of certification, inc. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6907; effective July 19, 1996.)

100-69-4. Approved national certifying organization. For the purposes of K.S.A. 1995 Supp. 65-6906(c)(1)(C), the national certifying organization for athletic trainers approved by the board is the national athletic trainers association board of certification, inc. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6906; effective July 19, 1996.)

100-69-5. Fees. The following fees shall be collected by the board:

- (a) Application fee\$40.00;
- (b) temporary registration fee\$15.00;
- (c) renewal fee\$30.00;
- (d) late renewal fee \$5.00;
- (e) reinstatement fee\$10.00; and
- (f) fee for certified copy of registration\$15.00.

(Authorized by and implementing K.S.A. 1995 Supp. 65-6910; effective July 19, 1996.)

100-69-6. Expiration of registration. The registration of each athletic trainer shall expire on December 31, 1997 and on December 31 of each year thereafter. (Authorized by and implementing K.S.A. 1995 Supp. 65-6909; effective July 19, 1996.)

100-69-7. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following: (a) engaging in conduct resulting in the revocation, suspension or limitation of an athletic trainer license, registration or certification;

(b) engaging in conduct resulting in a denial, revocation, suspension or limitation by the proper regulatory authority of another state, another territory, the District of Columbia or another country, of an application for an athletic trainer license;

(c) failing to furnish to the board, its investigators or its representatives any information legally requested by the board;

(continued)

(d) surrendering a license, registration or certification to practice as an athletic trainer in another state while under investigation for acts or conduct which would constitute grounds for any of the following under K.S.A. 1995 Supp. 65-6911 and amendments thereto:

- (1) denial;
- (2) suspension;
- (3) limitation;
- (4) reprimand; or
- (5) revocation;
- (e) providing services as an athletic trainer without the consent of one of the following:
 - (1) the person on whom the services were performed;
 - (2) a person licensed by the board to practice the healing arts; or
 - (3) the person's legal representative;
- (f) providing services as an athletic trainer without practice protocols or contrary to the practice protocols filed with the board;
- (g) practicing as an athletic trainer while registration is suspended, or in violation of any limitation placed on the registration by the board; or
- (h) engaging in athletic training without reasonable skill and safety by reason of illness or any mental or physical condition. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6911; effective July 19, 1996.)

100-69-8. Temporary registration. (a) A temporary registration may be issued by the board to an applicant for registration as an athletic trainer if:

- (1) the applicant applies for temporary registration by paying the required fee; and
- (2) the applicant:
 - (A) meets the requirements for registration; or
 - (B) meets all the requirements for registration except passage of the examination.
- (b) Temporary registration shall expire not more than six months after the date of issue, or on the date the board approves the application for registration, whichever occurs first. No more than two temporary registrations shall be permitted to any one person. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905; effective July 19, 1996.)

100-69-9. Practice protocols. (a) As a condition of providing services as an athletic trainer in this state which constitute the practice of the healing arts, an athletic trainer registered by the board shall file a practice protocol with the board on a form prescribed and issued by the board.

(b) The practice protocol shall contain the following information:

- (1) the name, license number, signature and date of signature of any healing arts licensee who will delegate to the athletic trainer professional responsibilities which constitute the practice of the healing arts;
- (2) a description of the functions and procedures delegated to the athletic trainer which constitute the practice of the healing arts;
- (3) a statement from a healing arts licensee setting forth those acts which have been delegated to the athletic trainer in the absence or unavailability of the licensee; and

(4) a statement that the board will be provided with any changes or amendments to the practice protocol within 10 days after any changes or amendments have been made. (Authorized by and implementing K.S.A. 1995 Supp. 65-6905; effective July 19, 1996.)

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 017845

State of Kansas

Kansas Lottery

Correction Notice Concerning Temporary Administrative Regulations

The regulation numbers K.A.R. 111-5-35 through 111-5-40 were inadvertently assigned to the new "Powerball Raffle Drawing" regulations, which were published in the Kansas Register June 6, 1996. The numbers K.A.R. 111-5-35 through 111-5-38 had previously been assigned to the "Kansas Information Network Drawing" regulations in 1993. Those regulations were revoked in 1994.

The regulation numbers for the "Powerball Raffle Drawing" have been changed to K.A.R. 111-5-39 through 111-5-44. The regulations are being reprinted below to reflect the correct regulation numbers.

Article 5.—KANSAS LOTTO AMERICA GAME RULES

"POWERBALL RAFFLE DRAWING"

111-5-39. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Powerball Raffle" involving only Dara's Fast Lane stores in Manhattan, Kansas. This is a test market promotion involving new promotional software developed by the lottery's on-line contractor which will produce an entry ticket at on-line lottery terminals only in Dara's Fast Lane stores with every Powerball ticket purchase of \$5.00 or more for the period starting at 6:00 a.m. on May 28, 1996, and ending at 1:00 a.m. on June 16, 1996. Entries may only be made by mailing entries as specified in K.A.R. 111-5-41 following the raffle drawing. The specific rules for Powerball Raffle Drawing are contained in K.A.R. 111-5-39 through 111-5-44, and K.A.R. 111-6-1 *et seq.* The drawing will be held at 10:00 a.m. on Thursday, June 27, 1996, at lottery headquarters. (Authorized by and implementing K.S.A. 1995 Supp. 74-8710; effective, T-111-5-22-96, May 15, 1996.)

111-5-40. Prizes. The prize winners selected in the Powerball Raffle Drawing shall receive the following prizes:

First prize (first ticket drawn)	Compact disc player
Second prize (second ticket drawn)	Two Sandstone concert tickets for Kansas/Styx concert on July 28, 1996
Third prize (third ticket drawn)	\$25 worth of Kansas instant lottery tickets

All prizes are subject to lottery validation, set-offs and deductions authorized by law. (Authorized by and im-

plementing K.S.A. 1995 Supp. 74-8710; effective, T-111-5-22-96, May 15, 1996.)

111-5-41. Method of entry. Entry into the Powerball Raffle Drawing shall be accomplished by the following steps:

(a) With every single Powerball ticket purchase of \$5.00 or more issued by Dara's Fast Lane stores between 6:00 a.m. on May 28, 1996, and 1:00 a.m. on June 16, 1996, the ticket purchaser will also receive an entry ticket for the Powerball Raffle Drawing. Only entry tickets based upon single Powerball ticket purchases of \$5.00 or more generated by terminals in Dara's Fast Lane stores will be eligible to win a prize. Entry tickets will be issued by on-line terminals for any Powerball ticket purchase of a single ticket worth \$5.00 or more whether it is for a single ticket or a single multi-draw ticket as long as the Powerball ticket required that it was for a minimum of \$5.00.

(b) Complete the information form on the entry ticket in a legible manner. Place the ticket or tickets in an envelope and mail it to Raffle Entry, P.O. Box 7777, Lawrence, Kansas 66044-7777. The mailing address shall also be printed on each entry ticket issued.

(c) There is no limit to the number of entries a participant may mail. The drawing will be by player raffle ticket, therefore, all envelopes will be opened prior to the drawing.

(d) Eligible entrants must be 18 years of age or older.

(e) Employees and anyone residing in the same household who are employed by Dara's Fast Lane stores are not eligible to enter the drawings.

(f) The stores shall display the entry criteria, length of promotion and prize information for this promotion in clear view of the customers during all hours of the promotion.

(g) All player raffle tickets must be received on or before the mail pick up which will occur at approximately 7:00 a.m. on June 25 1996, at the designated post office box to be eligible for the drawings. (Authorized by and implementing K.S.A. 1995 Supp. 74-8710; effective, T-111-5-22-96, May 15, 1996.)

111-5-42. Certification of drawing. (a) The Powerball Raffle Drawing shall be personally observed by a Kansas lottery security official and by a promotion coordinator.

(b) Upon completion of each drawing, the security official and the draw manager shall issue a report to the executive director, certifying that the name of the prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winner. (Authorized by and implementing K.S.A. 1995 Supp. 74-8710(b); effective, T-111-5-22-96, May 15, 1996.)

111-5-43. Selection of winners. The following process shall be used for the selection of winners in the Powerball Raffle Drawing:

(a) Kansas lottery personnel shall pick up all mail containing Powerball Raffle Drawing envelopes at the United States Post Office in Lawrence, Kansas, on a daily basis. The last mail pick up will be made at approximately 7:00 a.m. on Tuesday, June 25, 1996, and only entries picked up by that time will be eligible for the drawing.

(b) Lottery personnel shall transport the mail to the mail room where the entries will be removed from the envelopes and placed in a secure receptacle by lottery security personnel.

(c) The selection process shall be held at 10:00 a.m. on Thursday, June 27, 1996. The drawings shall be held at lottery headquarters in a place accessible to the public and be open for public attendance and with lottery security personnel present. The drawings shall be audio and videotaped.

(d) Prior to each drawing, the drum or receptacle shall be sealed and the contents mixed by rotating the drum five times, if a drum is used, or by mixing the contents with a shovel or by other means for at least three minutes if another type receptacle is used.

(e) The designated individual shall then unseal the drum or receptacle, and using the bare-arm technique, remove one ticket entry from the drum or receptacle. The above procedure shall be repeated until all three valid entries have been drawn, with the first valid entry receiving the first prize, the second valid entry receiving the second prize, and the third valid entry receiving the third prize.

(f) After all three entries have been drawn and certified valid, three more entries will be drawn, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A, 2A, and 3A. The alternate ticket entries will be used only if one or more of the original winners cannot be located or declared ineligible. If an alternate entry is used, all other entries will be moved up, in the order drawn, to the appropriate prize level.

(g) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the Powerball Raffle Drawing in accordance with these regulations. If it is a valid non-winning ticket and the name is legible, the draw manager and the security person all record the name of the winner and the winner shall be promptly notified.

(h) If an entry ticket is determined to be ineligible, it shall be discarded, and other ticket removed. This procedure will be repeated until valid selections are obtained.

(i) The person whose name appears on the back of the entry ticket on the entry drawn shall win the prize identified in K.A.R. 111-5-36, subject to validation by the lottery as set forth in these rules.

(j) All Powerball Raffle Drawing tickets remaining in the drum or receptacle on June 27, 1996, after all winners have been selected and certified shall be destroyed. (Authorized by and implementing K.S.A. 1995 Supp. 74-8710(b); effective, T-111-5-22-96, May 15, 1996.)

111-5-44. Rights of participants. Any Kansas Powerball entry ticket entered into the Powerball Raffle Drawing is disqualified from any other Kansas lottery prize or eligibility for which that entry ticket may have been redeemable. (Authorized by and implementing K.S.A. 1995 Supp. 74-8710(d); effective, T-111-5-22-96, May 15, 1996.)

Gregory P. Ziemak
Executive Director

Doc. No. 017838

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, September 10, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider adoption of new regulations 91-31-16 to 91-31-30, and revocation of regulations in the series of 91-31-1 to 91-31-15, 91-33-1 to 91-33-8, and 91-34-1 to 91-34-14, all as listed below.

The proposed new regulations implement the State Board's new system for accrediting elementary and secondary schools, which is known as Quality Performance Accreditation (QPA). Under this new system, schools will be accredited on the basis of student performance and school improvement. These regulations replace all the regulations proposed for revocation.

The regulations numbered 91-31-1 to 91-31-15, which are to be revoked, are the regulations that have previously governed accreditation of schools other than special purpose schools and youth center schools. These latter schools have been accredited under 91-33-1 to 91-33-8 and 91-34-1 to 91-34-14, respectively. These old accreditation regulations also are to be revoked. All schools will be accredited under the new QPA regulations.

Each proposed new regulation is printed at the end of this notice. Also, a brief summary of each regulation and its economic impact is provided below. Copies of the regulations and the economic impact statements may be obtained by contacting the secretary of the State Board of Education, 120 S.E. 10th Ave., Topeka, 66612, (913) 296-3203.

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

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

91-31-16. This regulation provides definitions for key terms used in subsequent regulations. Adoption of this regulation will have no economic impact upon the State Board of Education, local school districts, other governmental agencies, private businesses or individuals.

91-31-17. This regulation requires each school to collect, maintain and report such data as is requested by the State Board of Education. Local schools will incur costs to comply with this regulation. Staff, equipment, and sup-

plies will be required. The cost per school will vary depending upon size and procedures utilized. Survey results indicate a cost range of \$5,200 to \$180,000 per district per year.

The board also will incur expenses to receive, review and compile the data submitted. There will be expense for staff, equipment and supplies. The board estimates a yearly expense of approximately \$225,000. No economic impact is foreseen for other governmental agencies, private businesses or individuals.

91-31-18. This regulation requires each school to prepare a written plan which describes the school's goals and strategies for improving student learning. It also requires schools to target student improvement in the areas of reading, mathematics and science.

Local schools will incur costs to comply with this regulation. Costs will vary depending upon the number of people used to develop the plan and the scope of the plan developed. Survey results indicate costs of \$2,500 to \$100,000.

The board also will incur costs to review plans and provide assistance to the local schools. Annual costs to the board are estimated at \$55,000. No economic impact is expected for other governmental agencies, private businesses or individuals.

91-31-19. This regulation is a continuation of a previous regulation. It does not impose any new requirement on school districts. It imposes requirements for staff, student credit, records retention and athletic practice.

Adoption of this regulation will have no economic impact upon the board, local school districts, other governmental agencies, private businesses or individuals.

91-31-20. This regulation is a continuation of a previous regulation. It does not impose any new requirement on school districts. It requires each school to provide students educational programs in foreign language, human sexuality and Kansas history and government. It also provides districts with the latitude to determine the curriculum and the grade level in which these subjects are taught.

This regulation will have no economic impact upon the State Board of Education or other governmental agencies, private business or individuals. Local school districts will see no increase in costs because this regulation merely continues previously imposed requirements.

91-31-21. This regulation is a continuation of a previous regulation. It requires each district to adopt a minimum number of units of credit for graduation.

This regulation will have no economic impact upon the State Board of Education or other governmental agencies, private business or individuals. Local school districts will see no increase in costs because this regulation merely continues previously imposed requirements.

91-31-22. This regulation is a continuation of a previous regulation. It does not impose any new requirement on school districts. It does require that each elementary school have 10 or more students and maintain an organized physical education program in order to be accredited.

This regulation will have no economic impact upon the State Board of Education or other governmental agencies, private business or individuals. Local school districts will see no increase in costs because this regulation merely continues previously imposed requirements.

91-31-23. This regulation is a continuation of a previous regulation. It does not impose any new requirement on school districts. It does regulate student participation in interscholastic athletics.

This regulation will have no economic impact upon the State Board of Education or other governmental agencies, private business or individuals. Local school districts will see no increase in costs because this regulation merely continues previously imposed requirements.

91-31-24. This regulation requires each school to have two on-site visits within each four-year accreditation cycle. Visits are to evaluate progress in achieving improved student performance.

Local school districts will incur expenses to pay costs associated with having on-site accreditation visits. Estimated costs vary from \$5,000 to \$10,000 per visit, depending upon the time it takes to complete the visit and the number of on-site team members. The board also will incur costs to review reports and provide assistance to local schools. The estimated annual cost is \$50,000.

No economic impact is expected on other governmental agencies, private businesses or individuals.

91-31-25. This regulation requires each on-site team to prepare a written recommendation to the board regarding the accreditation status of a school for the purpose of Quality Performance Accreditation. It also authorizes the filing of an appeal by the school.

Schools may or may not incur expenses under this regulation. Expenses of \$1,200 to \$3,000 will be incurred if a school appeals an accreditation recommendation. The board will incur expenses in reviewing and compiling accreditation recommendations for final action by the board. This expense is estimated at \$25,000 per year.

91-31-26. This regulation identifies the types of accreditation status that schools may be assigned. It also requires schools conditionally accredited to develop a one-year modified improvement plan for final determination of accreditation status.

Cost of the adoption of this regulation will depend on the accreditation status of the school. If the school is accredited, it will incur no costs. If a school is conditionally accredited, it will incur expenses to develop and implement a one-year modified improvement plan. Costs will vary depending upon the problems that need to be corrected, but costs should range from \$2,500 to \$100,000 per school.

The board will incur expenses in monitoring the accreditation status of all schools and in assisting schools that are conditionally accredited. Costs to the board are estimated at \$70,000.

91-31-27. This regulation provides for commendations to be awarded to schools that are fully accredited. There will be no economic impact upon school districts or other governmental agencies, private businesses or in-

dividuals. The State Board of Education will incur costs of approximately \$8,000.

91-31-28. This regulation identifies sanctions which may be imposed if a school is conditionally accredited or denied accreditation.

Schools upon which sanctions are imposed will incur costs. This expense will be for additional staff time and development, and possible additional staff. Where additional staff is not required, the expenses will be from \$10,000 to \$25,000, and if additional staff is required, the costs are estimated from \$30,000 to \$60,000.

Also, if the legislature approved a reduction in state aid, with a corresponding increase in local property taxes, that increase would be an expense to the local school district. The cost of this sanction would be dependent upon the amount approved by the legislature.

If sanctions are imposed, the board also will incur expenses in providing technical assistance to the school. Costs will vary based upon the assistance needed, but are expected to range from \$500 to \$1,200 per school, with a total annual cost of \$20,000 to \$40,000.

No economic impact is expected for other governmental agencies, private businesses or individuals.

91-31-29. This regulation requires each school to give notice to the local board, parents and community of the progress the school has made in the accreditation process.

The cost to schools will vary depending upon size and the method chosen to provide the required notice. It is expected that costs will be from \$200 to \$2,000 per school.

There will be no economic impact upon the board, other governmental agencies, private businesses or individuals.

91-31-30. This regulation provides schools with the opportunity to request waivers from one or more accreditation requirements.

Schools will incur some costs if they request a waiver. Staff time and supplies will be necessary; however, these costs should not exceed \$200 per request. Likewise, the board will incur some costs to process the requests and present them to the board for its consideration. These costs should not exceed \$200 per request, with an estimated annual cost of \$2,000.

No economic impact is expected for other governmental agencies, private businesses or individuals.

91-31-1 to 91-31-4, 91-31-4a, 91-31-5 to 91-31-10, 91-31-12a to 91-31-12h, 91-31-13, 91-31-14, 91-31-14a to 91-31-14c and 91-31-15. These regulations are being revoked. They prescribed the procedures and requirements for elementary and secondary schools, other than special purpose and youth center schools, to be accredited by the board. Under these regulations, schools were required to file various annual reports, including the superintendent's report and the building report, to verify compliance with state requirements. The board reviewed these reports and determined, annually, the appropriate accreditation status of each school.

The regulations, and the accreditation system they embody, are being replaced by the accreditation system in 91-31-16 to 91-31-30, discussed above. Under the new sys-

(continued)

tem, some of the same information that was collected under the old system will continue to be required, i.e., certified staff information, but most of the information required will concern student performance and improvement.

Revocation of these regulations will have an economic impact upon schools. Staff time to collect and report the previously requested data will no longer be required. Cost savings will vary, depending upon the size of the school district, but should range from \$5,000 to \$100,000 per district per year. This amount can be used to pay the costs of gathering and reporting information under the new accreditation system.

Also, there will be an economic impact upon the State Board of Education. Staff will no longer have to review and analyze information reported under these regulations. The expense to the board in performing these functions was approximately \$140,000 per year. This money will be utilized to implement the new accreditation system.

Revocation of these regulations will have no economic impact upon other governmental agencies, private businesses or individuals.

91-33-1 to 91-33-8. These regulations are being revoked. They prescribe the procedures and requirements for the accreditation of special purpose schools (schools which provide services only for students with disabilities). Such schools will be accredited under the new accreditation system.

Schools will no longer incur the costs of completing the annual reports required under these regulations. This amount can be used to comply with the requirements under the new school accreditation regulations.

91-34-1 to 91-34-5 and 91-34-7 to 91-34-14. These regulations are being revoked. They set forth the procedures and requirements for the accreditation of youth center schools. All schools will be accredited under the new accreditation system.

Schools will no longer incur the costs of completing the annual reports required under these regulations. This amount can be used to comply with the requirements of the new accreditation system.

The full text of the proposed new regulations is as follows:

91-31-16. Definitions. "Accreditation cycle" means a four-year process in which schools are evaluated by the state board for compliance with specific standards which are based on identified outcomes.

(b) "Accreditation team" means the onsite team which conducts the accreditation visit.

(c) "Accreditation visit" means the second onsite visit within the accreditation cycle conducted for the following purposes:

(1) Reviewing the school's progress towards accomplishing improvement plan outcomes; and

(2) making a recommendation to the state board regarding the school's accreditation status.

(d) "Accredited" means that a school meets all state board accreditation requirements.

(e) "Accredited conditionally" means that a school has failed to meet the requirements for accreditation and shall have one year to meet the requirements for accreditation by implementing a corrective plan.

(f) "Annual report" means a report submitted yearly to the state board which contains updated information regarding the required state indicator data.

(g) "Appeal team" means a group of individuals appointed by the commissioner of education who are responsible for resolving an appeal of an accreditation recommendation.

(h) "Candidate" means a school which has begun its initial accreditation cycle to become accredited.

(i) "Continuous improvement" means measured advancement utilizing multiple assessments in targeted areas of student performance when compared to results of previous years.

(j) "Formal relationship" means any professional service to a school, including services as a consultant or past or present employee.

(k) "Local board of education" means the board of education of any unified school district or the governing body of any nonpublic school.

(l) "Non-accredited" means that a school does not meet state board accreditation requirements.

(m) "Onsite team" means the group of individuals selected by a school to conduct onsite visits.

(n) "Onsite visit" means a visit at the school by an onsite team during the accreditation cycle.

(o) "Review team" means a group of individuals appointed by the commissioner of education who are responsible for reviewing the accreditation recommendation submitted by the accreditation team.

(p) "School" means an organizational unit which, for the purposes of school improvement, constitutes a logical sequence of elements which may be structured as grade levels, developmental levels or instructional levels.

(q) "School improvement plan" means a plan developed and submitted by a school to the local and state boards stating specific plans for achieving continuous improvement in student performance in each area targeted for improvement.

(r) "State board" means the state board of education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-17. Collection of data. Each school and district shall collect, maintain and report to the state board any data requested by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-18. School improvement plan. (a) Each school shall develop a school improvement plan. The school shall submit the plan to the state board for review, after approval by the local board. Within 60 days, the local board shall be notified by the state board of any deficiencies in the school improvement plan.

(b) Each school shall write its school improvement plan for at least one accreditation cycle.

(c) Each school shall include in its school improvement plan the areas targeted for improvement. The board shall select the targeted areas from the state outcomes estab-

lished by the state board. Each improvement plan shall include the areas of reading, math and science as areas targeted for improvement.

(d) Each school may include in its school improvement plan additional areas targeted for improvement selected from local outcomes.

(e) Each school shall document and maintain records regarding student performance in each area targeted for improvement. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-19. Board of education requirements. (a) General. The board of education shall assure that each school meets the requirements of this regulation.

(b) Staff.

(1) In filling positions for which a certificate is issued by the state board, each school shall employ persons who hold appropriate certificates.

(2) A school shall not allow a person holding a substitute teaching endorsement to teach more than 90 days in any school year, unless a time of emergency has been declared by the state board. If the state board has declared a time of emergency, any person holding a substitute teaching endorsement may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.

(3) A school shall not allow a person holding an emergency substitute teaching endorsement to teach more than 30 days in one semester, unless a time of emergency has been declared by the state board. If the state board has declared a time of emergency, any person holding an emergency substitute teaching endorsement may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.

(4) If a teacher holding an appropriate certificate is not available, a school may:

(A) use a substitute teacher holding a valid Kansas certificate at any level in any field or subject; or

(B) employ persons who have been certified by the state board as emergency substitute teachers.

(5) Each school shall report the names of each certified staff member on the certified personnel report or the supplemental certified personnel report required by the state board. Each certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days after the staff change.

(6) Each secondary school shall employ a guidance counselor who is certified by the state board.

(c) Student credit. Each school, through the local board of education, shall have a written policy specifying that the credit of any pupil transferring from an accredited school shall be accepted.

(d) Records retention. Each school, under a policy of the local board of education, shall permanently retain records relating to each student's academic performance, attendance and activities.

(e) Athletic practice. Each school, through the local board of education, shall have a written policy specifying that athletic practice for competition shall not be conducted during physical education classes, or be counted

for credit or as part of the school term. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-20. Required programs. (a) Foreign language. Each board of education shall provide the opportunity for students to study a foreign language. The program of study shall provide for a minimum of two academic years of study of the same language at the elementary or secondary level. Total instructional time for elementary programs shall be equivalent to that of two-year secondary programs.

(b) Human sexuality.

(1) Each board of education shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall:

(A) include instruction at the elementary and secondary levels;

(B) require that teachers and building administrators have appropriate academic preparation or inservice training designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(C) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; and

(D) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from the action.

(3) Each board of education shall determine the specific curriculum of the program and the grades in which the program is to be offered. The curriculum shall be specified in writing and shall be on file in the board of education office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods.

(c) Kansas history and government.

(1) Each board of education shall include in its social studies curriculum, within one of the grades seven to 12, a course of instruction in Kansas history and government. The course of instruction shall be at least nine consecutive weeks and at least 1,800 minutes.

(2) Each board of education shall:

(A) Determine the specific curriculum and the grade in which the course of instruction is to be offered; and

(B) waive this requirement for any student who transfers into the district at a grade level above that in which the course of instruction in Kansas history and government is taught. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-21. Graduation requirements. (a) (1) Except as otherwise provided in this regulation, each board of education shall adopt a written policy specifying that pupils shall be eligible for graduation only upon completion of requirements which include at least the following:

(continued)

(A) four units of English language arts, which shall include three units in English. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subject;

(B) three units of social studies, which shall include one unit of United States history and at least ½ unit of United States government, including the Constitution of the United States, and except as otherwise provided in S.B.R. 91-31-20, a course of instruction in Kansas history and government;

(C) two units of science, including one unit as a laboratory course;

(D) two units of mathematics;

(E) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(i) upon receipt of a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(ii) when the requirement is contrary to the religious teachings of the pupil, as indicated in a written statement, signed by a lawful custodian of the pupil; and

(F) nine units of elective courses.

(2) A total of 21 units of credit shall be required for each graduating class.

(3) Any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in the ninth grade class the following school year.

(b) The governing body of any district may adopt written alternative graduation policies which indicate that a pupil will be eligible for graduation upon the completion of at least the minimum total units of credit required by paragraph (a)(2). The required units of credit shall include one unit of United States history and at least ½ unit of United States government, including the Constitution of the United States, and except as otherwise provided in S.B.R. 91-31-20, a course of instruction in Kansas history and government.

(c) Alternative graduation requirements established by any local board of education shall comply with statewide educational goals adopted by the state board and shall have broad-based community involvement in their formulation. These requirements shall have state board approval before implementation in the district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-22. Elementary schools. An elementary school shall not be, or retain its status as a candidate, accredited or accredited conditionally, if the school does not:

(a) have an enrollment of 10 or more students on September 20 of any school year; or

(b) maintain an organized physical education program. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-23. Interscholastic athletics. (a) A board of education shall not allow any student below the sixth grade level to participate in interscholastic athletics.

(b) A board of education may allow any student at the sixth grade level or higher to participate in interscholastic athletics.

(c) If a board of education allows students at the sixth grade level to participate in interscholastic athletics, the board of education shall comply with guidelines adopted by the state board for such interscholastic athletics.

(d) A board of education may join the Kansas state high school activities association and participate under its rules and regulations. A board of education which does not join that association shall comply with guidelines for interscholastic athletics adopted by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-24. Onsite visits. (a) Each school shall evaluate its progress in meeting the goals of its school improvement plan in preparation for both onsite visits to the school.

(b)(1) Each school shall select an onsite team for each accreditation cycle; and

(2) The same onsite team shall conduct both onsite visits during an accreditation cycle.

(c)(1) Each onsite team shall be comprised of the following:

(A) A team chair approved by the state board; and

(B) at least one other member from outside the school district who has background and skills in school improvement.

(2)(A) Onsite team members shall not have any formal relationship with the school within the past five years except that a school may select any team members to serve for one succeeding accreditation cycle.

(B) Each school shall replace at least 50 percent of the onsite team membership in the succeeding accreditation cycle.

(C) The team chairperson may be reappointed to serve from one accreditation cycle to the next, but may serve as team chairperson for only one accreditation cycle.

(d) During the first onsite visit, the onsite team shall do the following:

(1) Facilitate the school's self-review;

(2) review the school improvement plan and provide feedback relative to the priorities selected in the school improvement plan; and

(3) determine if any technical assistance is needed.

(e) (1) The accreditation visit shall be conducted before June 30 of the fourth year of the accreditation cycle. During the accreditation visit, the onsite team shall do the following:

(A) Review the school's progress toward improvement plan outcomes; and

(B) make a recommendation to the state board regarding the school's accreditation status.

(2) The accreditation team shall examine and analyze the following in determining whether to recommend accreditation:

(A) The school's annual reports;

(B) school improvement data not included in the annual reports;

(C) the first onsite visit report;

(D) the school improvement plan;

(E) data relating to continuous improvement of student performance in each area targeted for improvement; and

(F) data relating to the school's performance in state outcomes not targeted for improvement. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-25. Accreditation recommendation and appeal. (a)(1) The accreditation team shall prepare a written recommendation regarding the accreditation status to be assigned to the school. The recommendation shall include a statement of the findings and conclusions of the accreditation team.

(2) The accreditation team may determine that there is reasonable justification for lack of improvement in one or more areas targeted for improvement or for failure to maintain a level of performance in nontargeted areas. The accreditation team shall include these justifications in its recommendation.

(b) Within 30 days following the accreditation visit, the accreditation team shall submit its recommendation to the local board of education and to the commissioner of education.

(c) If the local board of education disagrees with the accreditation team's recommendation, the local board may file an appeal with the commissioner within 30 days after the receipt of the accreditation team's recommendation.

(d)(1) If the local board files an appeal, a consultation shall be ordered by the commissioner and shall be conducted by an appeal team.

(2) The appeal team shall consult with one or more of the accreditation team members and one or more representatives of the local board.

(3) If there is agreement on the recommendation following the appeal, the appeal team shall forward the accreditation recommendation to the state board.

(4) If there is no agreement on a recommendation following the appeal, the appeal team shall request the commissioner to appoint a hearing officer to conduct a hearing and forward an accreditation recommendation to the state board.

(e) The recommendation for accreditation status shall be acted upon by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-26. Accreditation status. (a) Each school shall be classified as one of the following:

- (1) a candidate;
- (2) accredited;
- (3) accredited conditionally; or
- (4) denied accreditation.

(b) If a school is granted accredited status, the status shall be effective for four years and the school shall proceed with its next quality performance accreditation improvement cycle.

(c) The accreditation status of any school may be extended if, at the end of the accreditation cycle, the school's accreditation status is under review by the state board.

(d) If a school is accredited conditionally, the school shall develop and implement a one-year modified im-

provement plan which shall be approved by the state board. Following implementation of the one-year modified improvement plan, the state board shall conduct an accreditation visit and shall determine whether the school shall be accredited or denied accreditation.

(e) If a school is accredited conditionally or denied accreditation, sanctions shall be applied. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-27. Rewards. (a) A letter of accreditation and press releases announcing a school's accredited status shall be sent by the state board.

(b) A school may be recognized in additional ways by the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-28. Sanctions. (a) The following sanctions related to the failure to make progress, to maintain appropriate student performance levels, or to achieve accredited status shall be applied by the state board:

(1) A letter of notification identifying the lack of progress or maintenance documented on the annual report; or

(2) A letter of notification and press releases announcing conditional accreditation status or denial of accreditation status.

(b) One or more of the following sanctions may be applied by the state board to a school denied accreditation.

(1) The state board may direct that district personnel or resources be reassigned or reallocated within the district by the local board of education.

(2) The state board may direct that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance.

(3) The state board may recommend to the legislature that it approve a reduction in state funding to the local school district by an amount which shall be added to the local property tax imposed by the local board of education.

(4) The state board may recommend that the legislature abolish or restructure the local district.

(5) The state board may recommend other action as deemed appropriate. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-31-29. Public disclosure. At least once each year, each school shall notify the school board, parents, and community of the school's status in the accreditation process and the progress the school has made in school improvement. Within 60 days after being notified of the final determination of its accreditation status, each school shall disclose the accreditation results, including deficiencies and the plan to address such deficiencies, to the school board, parents, and community. The school shall make all notices and disclosures available in the primary languages of the community. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

(continued)

91-31-30. Waiver. (a) Any school may request a waiver from one or more accreditation requirements imposed by the state board. Any request for a waiver shall meet the following requirements:

(1) The school shall make the request, in writing, to the commissioner of education.

(2) The chief administrative officer of the school shall sign the request. If the request is by a public school, the superintendent of the unified school district shall sign the request.

(3) In the request, the school shall state the specific requirement or requirements for which the school is requesting a waiver and shall indicate how the granting of the waiver would enhance improvement at the school.

(b) The commissioner of education, within 30 days after the receipt of a request for a waiver, shall make a recommendation to the state board to either grant or deny the request.

(c) The request and the recommendation from the commissioner of education shall be considered by the board and the final decision on whether to grant or deny the request shall be made. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

Andy Tompkins
Commissioner of Education

Doc. No. 017831

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 1995 Supplement to the *Kansas Administrative Regulations*.

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1-2-9	Amended	V. 14, p. 1441
1-2-11	Revoked	V. 14, p. 1441
1-2-14	New	V. 14, p. 1441
1-2-17	Amended	V. 14, p. 1441
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1-7-11	Amended	V. 14, p. 1458
1-7-12	Amended	V. 14, p. 1459
1-7-13	Revoked	V. 14, p. 1459
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1-10-6	Amended	V. 15, p. 713
1-10-8	Revoked	V. 15, p. 713
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AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-25-10	Amended	V. 15, p. 410-412

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Includes entries for 7-19-4, 7-36-1 through 7-36-6.

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Includes entries for 10-21-1 through 10-21-6.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Includes entries for 11-8-1 through 11-8-8.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Includes entries for 16-2-1, 16-5-1, 16-5-4, 16-5-5, 16-6-1.

AGENCY 24: KANSAS WHEAT COMMISSION

Table with 3 columns: Reg. No., Action, Register. Includes entry for 24-1-1.

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Includes entries for 25-1-1, 25-3-3, 25-4-1, 25-4-4.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Includes entries for 26-8-1, 26-8-4, 26-8-8, 26-9-1.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Includes entries for 28-1-2 through 28-10-41.

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111-4-388 through 111-4-391	Revoked	V. 12, p. 1373	111-4-493 through 111-4-496	New	V. 13, p. 878-880	111-4-762 through 111-4-778	New	V. 15, p. 449-452
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			111-4-522 through 111-4-571	Amended	V. 15, p. 882	111-4-817 through 111-4-824	New	
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115-18-14	Amended	V. 14, p. 1244
115-20-1	Amended	V. 14, p. 123
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117-4-2	Amended	V. 14, p. 534
117-6-3	Amended	V. 15, p. 489
117-8-1	Amended	V. 15, p. 490

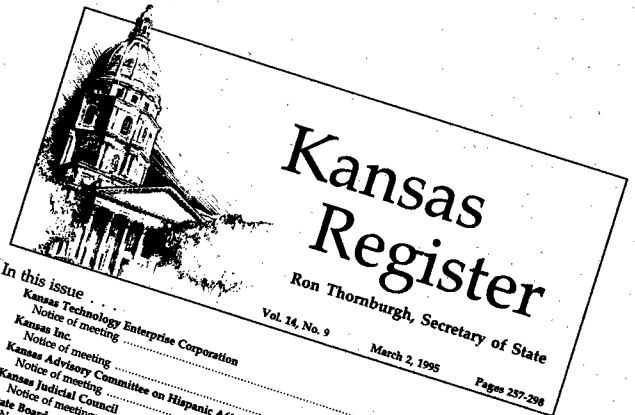
AGENCY 121: DEPARTMENT OF CREDIT UNIONS

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121-2-1	New	V. 15, p. 887

AGENCY 122: POOLED MONEY INVESTMENT BOARD

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122-3-10	New	V. 14, p. 1127, 1128
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122-4-1	New	V. 15, p. 985
122-5-1	New	V. 14, p. 1128, 1501
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