

# Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

**Department of Commerce  
and Housing**

**Notice of Meetings**

The Department of Commerce and Housing, Division of Community Development, will conduct six area meetings on the programs and services of the division for its 1997 program year. The meetings will serve as public hearings for input on community development issues, including past performance, as outlined in the Kansas Consolidated Plan for federal fiscal year 1997.

Community residents are encouraged to attend the meetings, to be conducted by division staff. Topics include the Community Block Grant Program and the Main Street, PRIDE and Strategic Planning programs. Results of the meetings will be incorporated into the development and implementation of programs in the Community Development Division.

All meetings will be from 10 a.m. until noon, and all meeting places are accessible to persons with disabilities. The schedule is as follows:

Date	Place
November 12	Dodge City, Municipal Building, VIP Meeting Room, 1st and Morgan
November 13	Colby, Community Building, Little Theater, 285 E. 5th
November 14	Phillipsburg, Catholic Church Community Building, 901 S. 7th
November 15	McPherson, Community Building, Auditorium, 122 E. Marlin
November 19	Hiawatha, Fisher Center, 201 E. Iowa
November 20	Chanute, Central Park Pavilion, 101 S. Forest

Gary Sherrer  
Secretary of Commerce  
and Housing

Doc. No. 018326

State of Kansas

**Kansas Sentencing Commission**

**Notice of Meeting**

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Thursday, November 7, in Room 220-S, State Capitol, 300 S.W. 10th, Topeka.

Barbara S. Tombs  
Executive Director

Doc. No. 018331

State of Kansas

**Pooled Money Investment Board**

**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(I) and 75-4209(a)(1)(B), as amended by 1996 Senate Bill 476.

Effective 11-4-96 through 11-10-96	
Term	Rate
0-90 days	5.30%
3 months	5.20%
6 months	5.36%
9 months	5.48%
12 months	5.57%
18 months	5.81%
24 months	5.94%
36 months	6.08%
48 months	6.20%

William E. Lewis  
Chairman

Doc. No. 018311

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 4 through November 17. For individual agendas available on the Internet, see: <http://www.kumc.edu/kansas/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
November 6	123-S	2:30 p.m.	Legislative Coordinating Council	Legislative matters.
November 6	531-N	1:00 p.m.	Joint Committee on Computers and Telecommunications	Joint meeting with LCC re: legislative computerization and planning.
November 7	526-S	9:00 a.m.	Task Force on Retail Wheeling	Agenda not available.
November 7	123-S	10:00 a.m.	Special Committee on Insurance	Committee review of draft legislation and committee reports re: 24-hour coverage and NCCI rate-making.
November 8	514-S	9:00 a.m.	Task Force on Regulation of Residential Building Contractors	Additional testimony to be heard. Committee discussion, deliberations and decision making.
November 7	519-S	10:00 a.m.	SRS Transition Oversight Committee	Agenda not available.
November 8	519-S	9:00 a.m.	Task Force on Gas Gathering	a.m.—Discussion of charges to the task force. p.m.—Tour of gas facilities near Winchester.
November 12	123-S	1:30 p.m.	Legislative Budget Committee	Agenda not available.
November 13	123-S	9:00 a.m.	Special Committee on School Finance	Committee discussion.
November 12	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
November 13	514-S	9:00 a.m.	Special Committee on Transportation	13th: Topic No. 5—Comprehensive Highway Program. 14th: Topic No. 2—Essential Air Services Program; Topic No. 8—Agricultural Ethanol Incentive Program; other matters.
November 12	519-S	10:00 a.m.	Legislative Post Audit Committee	Legislative matters.
November 13	526-S	10:00 a.m.	Task Force on Retail Wheeling	Agenda not available.
November 14	526-S	9:00 a.m.	Special Committee on Property Tax	Agenda not available.
November 14	514-S	10:00 a.m.	Task Force on Retail Wheeling	Agenda not available.
November 14	313-S	8:00 a.m.	Task Force on Retail Wheeling	Agenda not available.
November 15	313-S	8:00 a.m.	Task Force on Retail Wheeling	Agenda not available.
November 14	519-S	10:00 a.m.	Special Committee on Property Tax	Agenda not available.
November 15	519-S	9:00 a.m.	Special Committee on Property Tax	Agenda not available.

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

**Criminal Justice Coordinating Council****Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 10 a.m. to noon Thursday, November 7, in Room 220-S, State Capitol, 300 S.W. 10th, Topeka.

Barbara S. Tombs  
Executive Director

Doc. No. 018330

## State of Kansas

**Department of Commerce  
and Housing****Request for Proposals**

The Business Development Division of the Department of Commerce and Housing (KDOC&H) is accepting proposals for regional microloan programs. Proposals must be received by KDOC&H by 5 p.m. Monday, December 16. Award announcement will be made on or before Friday, January 10. For interested parties, there will be a microloan seminar at the Topeka offices of KDOC&H from 9 a.m. to noon Wednesday, November 6.

Due to the limited funding available (approximately \$700,000), organizations currently receiving state or federal funding specifically for microloan programs are not eligible to participate in this RFP. There is no set format for the proposal; however, proposals should be limited to not more than 20 pages, and three copies should be submitted. The proposal should document the ability of the submitting organization to administer a microloan program.

**Program Requirements**

The following requirements provide the basis of contractual agreements between KDOC&H and the program administering entity. Each application should address how these requirements will be met.

- No part of the state funding can be used for administration. Funds must be used as a part of the loan pool or for leverage.
- Single county applications must provide at least a 2:1 match, local:state. Maximum state funds will be \$50,000 per project. Additional local match will be considered favorably.
- Multiple county applications must provide at least a 2:1 match, local:state. Maximum state funds will be \$75,000 per project. Additional local match will be considered favorably.
- Applications covering geographical areas less than a whole county will be considered at not less than a 2:1 match; however, single and multiple county applications will receive priority. Not more than 10 percent of funds available will be used to fund projects which are not at least county-wide.
- The average portfolio loan commitment must be less than or equal to \$10,000.

- Approved programs must provide some level of technical assistance and training for the borrowers/entrepreneurs.
- Quarterly progress reports will be required for the first year of the project.
- Semiannual progress reports will be required for the second and third years of the project.
- Annual progress reports will be required for the fourth and fifth years of the project.
- State funding will be provided on a contractual loan basis for a 10-year period at no interest, with principal forgivable based on meeting established job creation, capital investment, and loan loss performance criteria.

**Guidelines**

Applicants are encouraged to incorporate the following items in their proposals.

- Projects are encouraged to solicit the participation of the local/regional banking community.
- Proposals should take into consideration the establishment of loan loss reserves.
- Projects may consider participation in or replication of a REAP type program.
- Projects are encouraged to cooperate with regional SBDCs, community colleges, etc., as a means of providing training, technical assistance and support to borrowers.
- Projects should take into consideration the strength of the proposed Loan Review Committee.
- Projects must include establishing loan limits.
- Proposals should include information on proposed rate and terms to be offered.
- Proposals should include information on the proposed means of becoming self-sustaining.
- Use of the microloan funds should be the source of last resort. Every effort should be made to encourage this type of lending through conventional methods.
- Applicants should show how they will document that potential microloan borrowers have been unable to obtain financing from at least two other sources and the loan applications have been reviewed and reworked in an effort to make them suitable for SBA or other available loan programs.
- Loan applications for home-based businesses may be approved if they can show evidence that the business can grow to the point of expansion into available vacant store-front properties and participate in the revitalization of existing business areas.

Questions and proposals should be directed to the MicroLoan Program Coordinator, Business Development Division, Kansas Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603-3712, (913) 296-5298, Fax (913) 296-3490, V/TTY (913) 296-3487.

Gary Sherrer  
Secretary of Commerce  
and Housing

Doc. No. 018333

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 97-99 by adding the following projects:

**Project C-3280-03**, Statewide underwater bridge inspection of 43 bridges

**Project C-3280-04**, Statewide underwater bridge inspection of 72 bridges

The amendment of the STIP requires a public comment period of 30 days. To receive more information on any of these projects or to make comment on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (913) 296-7916, fax (913) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Information, (913) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude November 25.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 018314

## State of Kansas

Department of Administration  
Division of Personnel ServicesNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Tuesday, December 31, in the Old Supreme Court, Room 313, State Capitol, 300 S.W. 10th, Topeka, to consider the adoption of a proposed rule and regulation of the Department of Administration, Division of Personnel Services.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, 300 S.W. 10th, 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. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any 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 regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (913) 296-6000 [TTY (913) 296-4798]. Accessible parking

for individuals with disabilities is located near the east wing of the State Capitol, and the east entrance to the building is accessible.

A summary of the proposed regulation and its economic impact follows.

**K.A.R. 1-14-12a, Special provisions for employees affected by institution closings; global notice of layoff; right of first refusal, eligible pools, and interview procedures; accrued sick leave payout; health care coverage; extended death benefit coverage; and severance pay.** This new proposed regulation, which implements the provisions of L. 1996, Chap. 255, provides specialized rights and benefits for certain employees who will be laid off from two state hospitals scheduled for closure—Topeka State Hospital (TSH) and Winfield State Hospital and Training Center (WSH&TC).

State employees who are laid off due to the closing of these hospitals will be positively affected by this new regulation. The regulation will make it easier to become re-employed with the State of Kansas because such employees will have a right of first refusal and interview rights. In addition, these employees will be given an option for a payout of 20 percent of their accumulated sick leave, continued health insurance coverage, and an extended death benefit plan. Employees laid off from these institutions who are determined to be "direct care employees" also will receive severance pay based upon length of service.

The total estimated cost to state agencies of implementing this regulation as required under L. 1996, Chap. 255 is \$4,426,609. These costs include \$20,380 in programming costs to implement the right of first refusal and interview rights in the state's human resources system; \$1,074,631 for optional pay outs of accumulated sick leave; \$1,095,303 for continued health care coverage premiums; \$184,073 for extended death benefit coverage premiums; and \$2,052,222 for severance pay. State employees who are laid off from other state agencies will be adversely affected to the extent that comparable benefits will not be provided to them, and because their re-employment opportunities may be limited as employees laid off from the hospitals exercise their right of first refusal and right to an interview. Similarly, other state employees may experience reduced opportunities for transfer and promotion. The general public will be affected to the extent that the right of first refusal and interview rights reduce private citizens' opportunities for employment by the state.

Copies of the proposed regulation and the associated economic impact statement may be obtained from the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, (913) 296-4278.

Jeff Wagaman  
Acting Secretary of Administration

Doc. No. 018328

## 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, or at the Clarion Hotel, Wichita, until 2 p.m. November 13, and then publicly opened:

## District One—Northeast

**Douglas**—59-23 U-1583-01—U.S. 59 & K-10 (23rd Street/Clinton Parkway) in 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)

**Johnson**—7-46 K-3382-03—K-7, from K-150 north to the 2-lane/4-lane divided highway, 3.5 miles (5.6 kilometers), seeding and sodding. (State Funds)

**Lyon**—56 K-6330-01—U.S. 56, from the Morris-Lyon county line, east to the Lyon-Osage county line; K-78, from the junction of U.S. 56, south to Miller, 23.2 miles (37.3 kilometers), overlay. (State Funds)

**Lyon-Greenwood**—106 K-6327-01—K-57, from the south city limits of Emporia, south to the Lyon-Greenwood county line; K-57, from the Lyon-Greenwood county line south to the K-99 junction; K-99, from 2.5 miles (4 kilometers) south of the south city limits of Madison, north to the south junction of K-57, 21.9 miles (35.2 kilometers), overlay. (State Funds)

**Marshall-Pottawatomie-Riley**—106 K-6325-01—U.S. 77, from the Riley-Marshall county line, north to the west junction of K-9; K-16, from the Riley-Pottawatomie county line, east to the junction of K-13; K-16, from the junction of U.S. 77, east to the Riley-Pottawatomie county line; U.S. 77, 8 miles (12.9 kilometers) north of U.S. 24, north to the Riley-Marshall county line, 31.7 miles (51 kilometers), recycle and overlay. (State Funds)

**Marshall-Nemaha-Pottawatomie**—106 K-6321-01—U.S. 36, from the junction of K-87, east to the Marshall-Nemaha county line; K-110, from the junction of U.S. 36, north to Axtell; U.S. 36, from the Marshall-Nemaha county line, east to the east city limits of Seneca; K-63, from the Pottawatomie-Nemaha county line, north to the east junction of U.S. 36; K-178, from the junction of U.S. 36, north to St. Benedict; K-63, from the south junction of K-16, north to the Pottawatomie-Nemaha county line, 48 miles (77.4 kilometers), recycle and overlay. (State Funds)

**Nemaha**—66 C-3038-01—County road, 5.0 miles (8 kilometers) west and 3.75 miles (6 kilometers) north of Centralia, 0.2 mile (0.3 kilometer), grade and bridge. (Federal Funds)

**Osage**—70 K-6328-01—K-68, from the junction of U.S. 75, east to the junction of K-268; K-368, from the junction of K-268, north to Pomona Reservoir, 12.3 miles (19.8 kilometers), overlay. (State Funds)

**Osage-Wabaunsee**—106 K-6323-01—K-31, from the Wabaunsee-Osage county line, east to the west city limits of Burlingame; K-195, from the K-31 junction, north to the

south city limits of Harveyville, 5.9 miles (9.6 kilometers), overlay. (State Funds)

**Riley**—81 TE-0036-01—K-18/Union Pacific Railroad bridges along Wildcat Creek in Manhattan, 0.08 mile (0.12 kilometer), pedestrian and bicycle paths. (Federal Funds)

**Riley**—24-81 U-159-01—U.S. 24 & Allen Road in Manhattan, intersection improvement. (Federal Funds)

**Riley**—18-81 K-6049-01—K-18, from the Geary-Riley county line, north to the junction of K-114, 2.3 miles (3.8 kilometers), pavement patching. (State Funds)

**Riley**—82-81 K-6080-01—K-82, from the north junction of U.S. 77, north to the junction of U.S. 24, 4 miles (6.4 kilometers), recycle and overlay. (State Funds)

**Riley-Wabaunsee**—18-106 K-6326-01—K-18, from the east junction of K-177, east to the Riley-Wabaunsee county line; K-18, from the Riley-Wabaunsee county line, east to the junction of K-99, 14.1 miles (22.7 kilometers), overlay. (State Funds)

**Shawnee**—40-89 K-6290-01—U.S. 40 (6th Street) and Rice Road in Topeka, traffic signals. (State Funds)

**Wabaunsee**—99-99 K-6085-01—K-99, from the west junction of K-4 north to the south city limits of Alma, 8.5 miles (13.7 kilometers), overlay. (State Funds)

## District Two—Northcentral

**Chase**—50-9 K-3216-02—U.S. 50, from the Marion-Chase county line, northeast to 2.7 miles (4.3 kilometers) northeast of county route 1076, 9.2 miles (14.8 kilometers), surfacing. (Federal Funds)

**Marion**—50-57 K-3221-01—U.S. 50, from the east city limits of Peabody northeast to the west city limits of Florence, 9.7 miles (15.6 kilometers), grading and bridge. (Federal Funds)

**Saline**—70-85 K-2610-01—I-70, from the Lincoln-Saline county line, east 8 miles (12.9 kilometers), pavement reconstruction. (Federal Funds)

## District Three—Northwest

**Ellis**—183-26 K-6126-01—U.S. 183, from the north city limits of Hays, north to the Ellis-Rooks county line, 16.5 miles (26.5 kilometers), recycle and overlay. (State Funds)

**Logan**—25-55 K-6118-01—K-25, from the Wichita-Logan county line, north to the west U.S. 40 junction, 36.7 miles (59.1 kilometers), recycle and overlay. (State Funds)

**Osborne-Smith**—181-106 K-6342-01—K-181, from the Mitchell-Osborne county line, north to the Osborne-Smith county line; K-181, from the Osborne-Smith county line, north to the U.S. 36 junction, 32.9 miles (52.9 kilometers), recycle and overlay. (State Funds)

**Rooks**—24-82 K-6117-01—U.S. 24, from the Graham-Rooks county line, east to the Rooks-Osborne county line, 31 miles (49.9 kilometers), overlay. (State Funds)

**Russell**—281-84 K-6440-01—U.S. 281, from 0.4 mile (0.6 kilometer) south of the north city limits of Russell north to the north city limits of Russell, overlay. (State Funds)

**Russell**—281-84 K-5452-01—U.S. 281, from the north city limits of Russell, north to the west junction of K-18,

14.5 miles (23.4 kilometers), recycle and overlay. (State Funds)

**Trego**—98 C-3334-01—County road 2.9 miles (4.7 kilometers) south and 2 miles (1.6 kilometers) east of WaKeeney, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

#### District Four—Southeast

**Chautauqua-Montgomery**—106 K-6345-01—K-99, from the Oklahoma-Kansas state line north to the south junction of U.S. 166; U.S. 166, from the south city limits of Sedan, south to north of the east junction of K-99; U.S. 166, from the east city limits of Niotaze, east to the Chautauqua-Montgomery county line; U.S. 75, from the Oklahoma-Kansas state line north to the west junction of U.S. 160; U.S. 160, from the east city limits of Independence, east to the south junction of U.S. 169; U.S. 166, from the Chautauqua-Montgomery county line, east to the north junction of U.S. 75, 39.9 miles (64.3 kilometers), overlay. (State Funds)

**Elk-Greenwood**—106 K-6346-01—K-99, from the east junction of U.S. 160 to the Elk-Greenwood county line; U.S. 160, from the Cowley-Elk county line east to the west junction of K-99; K-99, from the Elk-Greenwood county line, north to the west junction of K-96, 32.3 miles (51.9 kilometers), overlay. (State Funds)

**Montgomery**—75-63 K-5038-01—U.S. 75, 1.3 miles (2.1 kilometers) north of the north city limits of Independence, north 5.5 miles (8.9 kilometers), grading, bridge and surfacing. (State Funds)

**Neosho**—169-67 K-6155-01—U.S. 169, from the south city limits of Thayer, north 6.1 miles (9.8 kilometers), overlay. (State Funds)

**Southeast area**—106 X-1903-01—Southeast Kansas Railroad in Crawford, Cherokee, Labette and Montgomery counties, railroad improvements. (State Funds)

**Wilson**—75-103 K-6428-01—U.S. 75 & 8th Street in the City of Neodesha, traffic signals. (State Funds)

**Woodson**—54-104 K-6136-01—U.S. 54, from the Greenwood-Woodson county line, east to the west city limits of Yates Center, 12.7 miles (20.4 kilometers), overlay. (State Funds)

#### District Five—Southcentral

**Scott**—86 K-2493-03—Scott State Park, interior roads and parking, sealing. (State Funds)

**Sedgwick**—235-87 K-5050-01—I-235/Seneca Street interchange in Wichita, grading, bridge and surfacing. (Federal Funds)

**Sedgwick**—87 N-008401—Harry Street and West Street in Wichita, intersection improvement. (Federal Funds)

#### District Six—Southwest

**Clark-Ford**—283-106 K-6354-01—U.S. 283, from Minneola north to the Clark-Ford county line; U.S. 283, from the Clark-Ford county line north to the south junction of U.S. 56, 19 miles (30.7 kilometers), overlay. (State Funds)

**Finney**—156-28 K-6200-01—K-156, from the K-23 east junction east to the Finney-Hodgeman county line, 7 miles (11.2 kilometers), overlay. (State Funds)

**Finney**—156-28 M-1840-01—K-156, KDOT mixing strip 2 miles (3.2 kilometers) northeast of Garden City, stockpile bituminous material. (State Funds)

**Finney-Gray**—50-106 K-6353-01—U.S. 50, 0.2 mile (0.3 kilometer) east of Towns Road to the Finney-Gray county line; U.S. 50, from the Finney-Gray county line east to the west city limits of Cimarron, 28.2 miles (45.4 kilometers), overlay. (State Funds)

**Ford**—283-29 M-1841-01—U.S. 283, KDOT mixing strip 1 mile (1.6 kilometers) south of Dodge City, stockpile bituminous material. (State Funds)

**Gray**—23-35 M-1839-01—K-23, KDOT mixing strip at KDOT yard north of Cimarron, stockpile bituminous material. (State Funds)

**Haskell**—56-41 K-6194-01—U.S. 56, Dennis Street in Sublette northeast to the Haskell-Gray county line, 12.2 miles (19.6 kilometers), overlay. (State Funds)

**Haskell**—56-41 M-1838-01—U.S. 56, KDOT mixing strip 0.5 mile (0.8 kilometer) north of the U.S. 56 junction, stockpile bituminous material. (State Funds)

**Lane**—96-51 K-6198-01—K-96, from the Scott-Lane county line, east to the east city limits of Dighton, 12.5 miles (20.1 kilometers), recycle and overlay. (State Funds)

**Meade**—60 K-2832-03—Meade State Park interior roads and parking, sealing. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 018290

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineering Firms

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. November 21 for the consulting engineering firm to be considered. Seven signed copies of responses should be mailed to Neil R. Rusch, P.E., Assistant to the Director, Division of Engineering and Design, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

**Project No. 35-61 K-6356-01**  
Miami County

The scope of services is to develop construction plans for 4.5 km of pavement and shoulder reconstruction on I-35 from the Franklin-Miami county line northeast to the Miami-Johnson county line. Repairs on three bridges (001, 002 & 003) are included in the project.

**Project No. 70-99 K-6357-01, Wabaunsee County**  
**Project No. 70-89 K-6358-01, Shawnee County**

The scope of services is to develop construction plans for 13.6 km of pavement and shoulder reconstruction on I-70 from 0.5 km east of K-30 east to 0.5 km of Valencia Road. Eight associated bridges with various treatments are included in the project.

**Project No. 35-56 K-5088-01**  
Lyon County

The scope of services is to develop construction plans and a value engineering study for 15.1 km of pavement and shoulder reconstruction on I-35 from the east junction of US-50 east to 1.9 km east of K-130. Nine associated bridges with various treatments are included in the project.

**Project No. 35-105 K-6391-01**  
Wyandotte County

The scope of services is to develop construction plans for 2.7 km of pavement and shoulder reconstruction on I-35 from east of Southwest Boulevard, northeast to the Missouri state line. Nine associated bridges with various treatments are included in the project.

**Project No. 69-54 K-6401-01**  
Linn County

The scope of services is to develop construction plans for 8.9 km of pavement and shoulder reconstruction on US-69 from the end of curb and gutter at Pleasanton north to north junction of K-52. The replacement of Bridges 009 and 005 and the repair of Bridges 030 and 035 are included in the project.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend the individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of projects at hand. Firms not selected will be notified by letter.

The Consulting Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conference. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

It is the policy of KDOT to use the following criteria as the basis for selection of the consulting engineering firms:

1. size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 018291

## State of Kansas

## Board of Regents

## Request for Bids for Oil and Gas Lease

Under authority of K.S.A. 76-164 through 76-168, the State Board of Regents has determined that certain lands in Ellis County, Kansas, owned by Fort Hays State University and consisting of approximately 160 acres, are valuable for leasing for the purpose of the production of oil and gas. The board intends to lease said lands, described as follows:

The Northeast Quarter (NE $\frac{1}{4}$ ) in Section Eighteen (18), Township Fourteen (14) South, Range Eighteen (18) West, Ellis County, Kansas

The terms and conditions prescribed by the board of such leasing and the provisions for the competitive bids in accordance with law, and other matters incidental thereto, are contained in a resolution passed by the board on October 17, 1996, and contained in the minutes. The minutes and resolution are currently open to public inspection in the office of the State Board of Regents, Suite 1410, 700 S.W. 8th, Topeka, 66603-3760. Copies may be obtained by application to Dr. Stephen M. Jordan, executive director of the board.

Competitive bids will be received by the board until 9 a.m. December 19. All bids timely received will be considered by the board, and any lease or leases entered into by the board will be awarded to the highest, responsible bidder. The board reserves the right to reject any and all bids.

Bids should be addressed to the executive director of the State Board of Regents. Envelopes containing bids should be plainly marked "Bid on Oil and Gas Lease." Only bids in substantial conformity with the terms and provisions of the resolution will be considered or accepted by the board.

Judith Pensod Siminoc  
Interim General Counsel

Doc. No. 018325



State of Kansas

Attorney General

Opinion No. 96-79

**Livestock and Domestic Animals—Animal Dealers—Injunctive Relief to Commissioner.** George Teagarden, Livestock Commissioner, Kansas Animal Health Department, October 1, 1996.

An animal control officer is required to comply with statutory provisions regarding recordkeeping and lawful methods of euthanasia. If the livestock commissioner has reason to believe that an animal control officer has violated these provisions, the commissioner may bring a court action to enjoin, restrain or prevent such person from continuing to violate the pet animal act. The commissioner also may refer such matter to the appropriate county or district attorney for criminal prosecution. In addition, if the destruction of animals by an animal control officer in a manner which violates the euthanasia statute is the result of city policy, the commissioner may initiate injunctive action against the city. Cited herein: K.S.A. 21-4310, as amended by L. 1996, ch. 119, § 1; K.S.A. 1995 Supp. 47-1701, as amended by L. 1996, ch. 151, § 6; K.S.A. 47-1711, as amended by L. 1996, ch. 151, § 14; 47-1715, as amended by L. 1996, ch. 151, § 16; 47-1718, as amended by L. 1996, ch. 151, § 18; 47-1727, as amended by L. 1996, ch. 151, § 26. CN

Opinion No. 96-80

**Agriculture—Soil Erosion Caused by Wind—Duty of Landowner; Duties of County Commissioners.** Wilmer Freund, Chairman, Board of Supervisors, Sedgwick County Conservation District, Wichita, October 16, 1996.

The prevention of soil erosion caused by wind is governed primarily by K.S.A. 2-2001 *et seq.*, which places the duty to prevent erosion on the landowner and the duty to enforce the statutes, on public and private land, on the board of county commissioners in each county. The authority to prevent soil erosion also is provided to conservation districts created pursuant to K.S.A. 2-1901 *et seq.*; however, that authority extends only over public lands as it affects the land use practices under their jurisdiction. A conservation district does not have the authority to prevent soil erosion on private land without the landowner's consent. Cited herein: K.S.A. 2-1901; 2-1902; K.S.A. 1995 Supp. 2-1907; K.S.A. 2-1908; 2-1914; 2-2001; 2-2002; 2-2003; 2-2004; 2-2005; 2-2006; 2-2007; 2-2008; 32-807; 32-827; 76-425d; 82a-928. GE

Opinion No. 96-81

**Taxation—Rules for Valuing Property—Appraisal of Real and Tangible Personal Property at Fair Market Value in Money; Requirement for Physical Inspection.** Representative Clyde D. Graeber, 41st District, Leavenworth, October 16, 1996.

While K.S.A. 1995 Supp. 79-501 may appear to require an actual inspection of property every time it is appraised, K.S.A. 1995 Supp. 79-1476 and 79-1460, as it has been amended over the years, clearly allow changes in

valuation without a physical inspection as long as the review requirements established therein are met. Cited herein: K.S.A. 1995 Supp. 79-411; 79-501; 79-503a; 79-504; 79-1460; 79-1476. JLM

Opinion No. 96-82

**Wildlife, Parks and Recreation—Department of Wildlife and Parks—Organization and Powers; Wildlife and Parks Conservation Service and Conservation Officers; Territorial Limits of Law Enforcement Authority.** Amelia McIntyre, Legal Counsel, Kansas Department of Wildlife and Parks, Topeka, October 16, 1996.

The territorial authority of wildlife conservation officers to arrest persons found violating wildlife and parks laws is state-wide. In contrast, the territorial extent of wildlife conservation officers' authority to arrest persons found violating other laws of the state is not statutorily specified. Given such an absence, a wildlife conservation officer's arrest authority for other laws of the state must be understood to be limited to the territories of which he is an officer, i.e. the territories operated and controlled by the Secretary of Wildlife and Parks. Cited herein: K.S.A. 19-2858; 22-2401, as amended by L. 1996, ch. 214, § 29; 22-2403, as amended by L. 1996, ch. 214, § 30; 22-3707; 32-807; 32-808; 32-1048; 74-2108; 75-712; 75-4503; L. 1976, ch. 145, § 156; L. 1977, ch. 270, § 1; L. 1985, ch. 252, § 1; L. 1989, ch. 118, § 10; L. 1989, ch. 118, § 134; L. 1993, ch. 150, § 1. CN

Carla J. Stovall  
Attorney General

Doc. No. 018334

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. November 19 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 Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Public Service:

Dale M. Beneke, dba	)
Beneke Trucking	) MC ID No.
11904 Ballentine	) 153884
Overland Park, KS 66213	)
Applicant's Attorney: None	)

(continued)

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Richard Heinen ) MC ID No.
Route 2, Box 98A ) 153749
Goff, KS 66428 )

Applicant's Attorney: None

General commodities (except household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Kansas City Motorcoach, Inc. ) MC ID No.
6466 S. South Benton Ave. ) 153455
Kansas City, MO 64132-11952 )

Applicant's Attorney: None

Passengers and their baggage in charter party operations,

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Magna Tech, Inc. ) MC ID No.
3800 Ross Lane ) 139955
Chanute, KS 66720 )

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

General commodities (except hazardous materials and household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

J. L. Nichols, dba )
J. L. Nichols Trucking ) MC ID No.
1667 22nd Ave. ) 153453
Galva, KS 67443 )

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:

North American Van Lines, Inc. ) MC ID No.
5001 U.S. Highway 30 West ) 107003
Fort Wayne, IN 46818 )

Applicant's Attorney: None

General commodities (except household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Overmiller Stock Farms, Inc. ) MC ID No.
Route 2, Box 140 ) 153879
Smith Center, KS 66967 )

Applicant's Attorney: None

General commodities (except hazardous materials and household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Gary D. Rea, dba )
Rea Trucking ) MC ID No.
1569 John Brown Road ) 153456
Williamsburg, KS 66095 )

Applicant's Attorney: None

General commodities (except household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Gene Shaw, dba )
Double S Trucking ) MC ID No.
Route 1, Box 67A ) 153454
Tyrone, OK 73951 )

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:

Edward Dale Templin, dba )
E.D. Templin Towing ) MC ID No.
1627 W. Rose Hill Road ) 151156
Rose Hill, KS 67133 )

Applicant's Attorney: None

\*\*\*\*\*

Application for Certificate of Public Service:

Western Carriers Transport )
International, Inc. ) MC ID No.
2929 W. 5th St. ) 211435
Fort Worth, TX 76107 )

Applicant's Attorney: None

Food grade liquids (vegetable oils, etc.),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Don Carlile
Administrator
Transportation Division

Doc. No. 018332

## State of Kansas

## Kansas Development Finance Authority

## Notice of Change of Meeting Date

The Kansas Development Finance Authority Board of Directors meeting scheduled for 9:30 a.m. Friday, November 1, has been changed to 9 a.m. Monday, November 4. For further information, contact the Kansas Development Finance Authority at (913) 296-6747.

Wm. F. Caton  
President

Doc. No. 018315

## 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. Contour Products, Inc. has applied for a modification to its current Class II operating permit in accordance with the provisions of K.A.R. 28-19-544. Emissions of VOCs were evaluated during the permit modification review process. The purpose of the Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Contour Products, Inc., Kansas City, owns and operates a polystyrene foam production facility located at 4001 Kaw Drive, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit modification 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 Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Michael E. Lewis, (913) 573-6700, at the Wyandotte County Health Department, or Connie Carreno, (913) 296-6422, at the KDHE. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael E. Lewis, Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business December 2 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, Building 283, Forbes Field, Topeka, 66620, not later than the close of business December 2 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 018320

## State of Kansas

## Department of Credit Unions

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, January 6, in the KDCU conference room, Suite B, American Home Life Insurance Company Building, 400 Kansas Ave., Topeka, to consider the adoption of proposed temporary and permanent rules and regulations by the administrator of the Kansas Department of Credit Unions.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to John P. Smith, Administrator, Kansas Department of Credit Unions, Suite B, 400 Kansas Ave., Topeka, 66603. A summary of the proposed regulations follows.

K.A.R. 121-4-1 through 121-4-11 concern trust supervision of corporate credit unions. K.A.R. 121-4-1 establishes the definition of terms regarding trust supervision. K.A.R. 121-4-2 provides for authorization by the administrator of the Kansas Department of Credit Unions prior to the exercise of fiduciary powers by a corporate credit union. K.A.R. 121-4-3 establishes the requirements for the administration of fiduciary powers by corporate credit unions. K.A.R. 121-4-4 prescribes the recordkeeping requirements. K.A.R. 121-4-5 prescribes the requirements for auditing of trust activities. K.A.R. 121-4-6 addresses the treatment of funds awaiting investment or distribution. K.A.R. 121-4-7 establishes authority for investment of funds held in a trust. K.A.R. 121-4-8 contains prohibitions against self-dealing. K.A.R. 121-4-9 establishes custody and control requirements for the trustee. K.A.R. 121-4-10 authorizes the collective investment for funds held by a corporate credit union in trust. K.A.R. 121-4-11 specifies requirements for location of trust records.

All interested parties will be given a reasonable opportunity at the hearing to present their views. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting John Smith at (913) 296-3021.

Copies of the complete text of regulations and the fiscal impact statements may be obtained by contacting the Department of Credit Unions.

John P. Smith  
Administrator

Doc. No. 018317

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.

Tuesday, November 12, 1996

32122

Department of Health and Environment and Kansas Bureau of Investigation—Emergency response services  
05021

Department of Administration, Division of Personnel Services—Service award pins

Wednesday, November 13, 1996

32123

Adjutant General's Department—Rental of floor mats, Salina

05007

Kansas State University—Graphics workstation

05008

Kansas State University—CD ROM file server

Thursday, November 14, 1996

32119

Department of Wildlife and Parks—Dock flotation devices, various locations

32120

Hutchinson Correctional Facility—Refuse collection services

Friday, November 15, 1996

05022

Department of Transportation—Bituminous plant mix (Winfield and Anthony)

Tuesday, November 19, 1996

A-7878

Department of Wildlife and Parks—Office remodel, Toronto State Park

A-8089

Department of Wildlife and Parks—Farlington hatchery renovation, Phase III

32115

Statewide—Radiographic film and supplies

Wednesday, November 20, 1996

31563

Statewide—Catheters (Class 07)

Thursday, November 21, 1996

A-7820

Wichita State University—HVAC repairs and renovation, Hubbard Hall

Friday, November 22, 1996

05026

Kansas Highway Patrol—Rollover-simulator exhibition vehicles

Monday, December 2, 1996

32097

All state agencies except the Board of Regents—Blanket employees surety bond

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Request for Proposals

Monday, December 2, 1996

32072

Telecommunications and utilities audit services, statewide

Doc. No. 018329

John T. Houlihan  
Director of Purchases

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 construction permit. Case Corporation, Wichita, has applied for a modification to its existing air quality construction approval in accordance with the provisions of K.A.R. 28-19-300 to increase production in existing facilities above originally reported levels. Emissions of volatile organic compounds were evaluated during the permit review process.

Case Corporation, Racine, Wisconsin, owns and operates the stationary source located at 3301 S. Hoover, Wichita.

A copy of the proposed permit and information submitted by the Case Corporation relied upon during the review of the application for modification is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Eugene Sallee, (913) 296-1575, at the KDHE central office, or Fred Spencer, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Eugene Sallee, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business December 2 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 December 2 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 018319

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. Shears, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of SOx, VOC, NOx and PM-10 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.

Shears, Inc., Hutchinson, owns and operates a portable hot mix asphalt facility.

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 KDHE north central district office, 2501 Market Place, Salina. To obtain or review the proposed permit and supporting

documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or Beth Rowlands, (913) 827-9639, at the KDHE north central district office. 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 December 2 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 on December 2 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 018321

State of Kansas

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

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

**Kansas Court of Appeals  
Division 1, Wyandotte County Courthouse  
710 N. 7th, Third Floor  
Kansas City, Kansas**

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

Tuesday, November 19, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
74,565	In the Matter of the Marriage of Vinod Naidu Velakaturi, Appellant, and Swarna Latha Velakaturi, Appellee.	Douglas E. Wood Diana K. Robb	Wyandotte
75,051	In the Matter of the Investigation into the Homicide of Thomas Hogle.	Timothy D. Hamilton District Attorney Attorney General	Wyandotte
75,306	In the Interest of F.M. III; M.M. and J.M.	Kimberley Kellogg District Attorney Gary P. Kessler	Wyandotte

10:45 a.m.

73,402	State of Kansas, Appellee, v. Andre Daniels, Appellant.	District Attorney Attorney General Julie A. Gorenc	Wyandotte
74,474	Sheral A. Norman, Appellant, v. Gary D. Park, Appellee.	Gregory M. Coggs Paul T. Miller Paul Hasty, Jr.	Wyandotte

(continued)

1:30 p.m.		
75,248	Terry L. Hedger, Appellant, v. State of Kansas, Appellee.	Michael S. Holland District Attorney Attorney General  Wyandotte
72,743	State of Kansas, Appellee, v. Freddie Blackmon, Appellant.	District Attorney Melanie S. Pfeifer Jon P. Fleenor Rick Kittel  Wyandotte
3:15 p.m.		
74,488	State of Kansas, Appellee, v. Everett Santiago, Appellant.	County Attorney Attorney General Hazel Haupt  Leavenworth
74,050	State of Kansas, Appellee, v. William D. Fellman, Appellant.	District Attorney Attorney General Mary D. Prewitt  Wyandotte

**Wednesday, November 20, 1996**

9:00 a.m.			
Case No.	Case Name	Attorneys	County
74,688	Robert L. Liming and Judith B. Liming, Appellees, v. Gerald R. McCluskey, Appellant.	Patricia L. Lear-Johnson Russell E. Tuscik Michael Crow	Leavenworth
74,589	State of Kansas, Appellee, v. Danny L. Foster, Appellant.	District Attorney Attorney General Craig Lubow	Wyandotte
73,483	State of Kansas, Appellee, v. Nathaniel Mitchell, Appellant.	District Attorney Attorney General Michael J. Helvey	Wyandotte
Summary Calendar—No Oral Argument			
76,544	In the Interest of H.L.T., A.M.T., B.D.T.	David S. Adams District Attorney Edward L. Bigus	Johnson
76,600	In the Interest of K.B.B., DOB: 09/27/90, Minor Child Under 18 Years of Age.	William R. Griffith Kevin B. Johnson Alma A. Heckler Verlin A. Ingram	Sedgwick
76,082	Claude Dallas, Appellant, v. Michael A. Nelson, Warden, Appellee.	Michael G. Coash Julie Riddle	Butler

**Kansas Court of Appeals  
Johnson County Courthouse, Division 10 Courtroom, Room 300  
Cherry Street and Kansas Ave.  
Olathe, Kansas**
**Before Knudson, P.J.; Rulon, J.; and Robert J. Schmisser, District Judge, assigned.**
**Tuesday, November 19, 1996**

9:00 a.m.			
Case No.	Case Name	Attorneys	County
75,042	Nancy J. Conner and Russell L. Conner, Appellants, v. F. Stannard Lentz, Carl R. Clark, James M. Holmberg, and Lentz and Clark, P.A., Appellees.	Michael J. Maddox Brian G. Boos	Johnson

74,820	State of Kansas, Appellee, v. Patricia A. Belcher, Appellant.	District Attorney Attorney General David R. Gilman	Johnson
10:45 a.m.			
73,224	Helen McField, Appellant, v. Norman E. Jacobs, et al., Appellees.	Michael R. McIntosh Russell C. Ashley Mimi E. Doherty	Johnson
75,352	Parkville Development Co., Appellee, v. Joel M. Leibsohn, M.D., et al., Appellants, v. Dudley Alexander, et al., Appellees.	Kevin P. Moriarty Alvin D. Shapiro Steven B. Moore	Johnson
1:30 p.m.			
74,842	State of Kansas, Appellee, v. Karmaletha R. Brown, Appellant.	District Attorney Attorney General Mary D. Prewitt	Johnson
75,305	Gary M. Kelley, Individually and as Special Administrator of the Estate of Mary Brown Kelley, Deceased; and Shannon E. Kelley, Appellants, v. Thomas E. Barnett, Jr., M.D., and William C. Sclar, M.D., Appellees.	Gregory J. Abella Scott K. Logan M. Warren McCamish	Johnson
2:45 p.m.			
75,637	In the Matter of the Estate of Don A. Yockey, Deceased.	Gregory L. Musil John L. Richeson	Franklin
75,488	City of DeSoto, Kansas, Appellant, v. Consolidated Rural Water District No. 6, Johnson County, Kansas, Appellee.	Allan E. Coon George J. Schlagel Gary H. Hanson Donald L. Moler	Johnson

## Wednesday, November 20, 1996

Case No.	Case Name	Attorneys	County
75,231	Richard D. Felt, et al., Appellants, v. Pamela J. Mellegaard, et al., Appellees.	R. Bruce Kips Vicky S. Johnson Gelene Savage Lori R. Schultz Lisa Janati	Miami
74,628	In the Matter of the Marriage of Vincie L. Bower, Appellee, and John Trevor Bower, Appellant.	Christopher T. Fletcher Dale A. Norris William Colvin Charles L. House Richard N. Roe	Johnson
10:45 a.m.			
75,030	Robert Galvin, Appellee, v. Antonio Garcia-Paz, Appellant.	Keith J. Shuttleworth Antonio Garcia-Paz, pro se	Johnson
76,753	State of Kansas, Appellant, v. Wesley R. Wilson, Appellee.	District Attorney Attorney General Michael Bartee	Johnson
<b>Summary Calendar—No Oral Argument</b>			
75,096	State of Kansas, Appellee, v. Michael McBride, Jr., Appellant.	County Attorney Attorney General Edward G. Collister, Jr.	Reno

(continued)

75,719	State of Kansas, Appellee, v. Joseph G. Redding, Appellant.	County Attorney Attorney General Hazel Haupt	Pottawatomie
73,771	State of Kansas, Appellee, v. Douglas W. Antle, Appellant.	County Attorney Attorney General Wendy Rhyne Slayton	Reno

**Kansas Court of Appeals  
Court of Appeals Courtroom, Second Floor  
Kansas Judicial Center, 301 W. 10th  
Topeka, Kansas**

**Before Pierron, P.J.; Rogg, S.J.; and David Prager, C.J., Retired, assigned.**

**Tuesday, November 19, 1996**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
74,378	Brian Braman, et al., Appellants, v. Lawrence Public Schools, et al., Appellees.	Brian Braman James P. Nordstrom	Douglas
74,597	John H. Cott and Cindia D. Cott, Appellees, v. The Peppermint Twist Mgmt. Co., Inc. and Ecolab, Inc., Defendants, and United States Fidelity & Guaranty Co., Appellant.	Dan E. Turner Steve R. Fabert	Shawnee
74,962	Board of County Commissioners of Douglas County, Kansas, Appellee, v. Donald E. Cashatt, Appellant.	Robert W. Fairchild James M. Jessee	Douglas

**11:00 a.m.**

75,390	Vanessa Galbreath, Appellant, v. Civil Service Board, State of Kansas, Appellee.	Vanessa Y. Galbreath, pro se Reid Stacey	Shawnee
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**1:00 p.m.**

74,812	Jerry E. Squires, Appellant, v. Emporia State University and State Self-Insurance Fund, Appellees.	David O. Alegria Jeffrey K. Cooper	Work Comp.
74,737	Bob Lisbon, d/b/a Lisbon Associate, Appellee, v. Heatcraft, Inc., a Mississippi Corp., d/b/a Advanced Distributor Products.	Evan H. Ice Brenda L. Head	Douglas

**Kansas Court of Appeals  
Seaman High School, 4850 N.W. Rochester Road  
Topeka, Kansas**

**Before Pierron, P.J.; Rogg, S.J.; and David Prager, C.J., Retired, assigned.**

**Wednesday, November 20, 1996**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
75,002	State of Kansas, Appellee, v. Barbara M. Shaw, Appellant.	County Attorney Attorney General Ralph J. Dezagó	Geary



74,509	David D. Darling, John A. Henderson, Larry G. Hess, Donald F. Kostecki, and Larry M. Sheets, Appellees/Cross Appellants, v. State of Kansas, Kansas Water Office, Appellant/Cross-Appellee.	Patricia E. Riley John W. Campbell William Scott Hesse	Shawnee
10:30 a.m.			
74,419	State of Kansas, Appellee, v. Antony D. Houze, Appellant.	County Attorney Attorney General J. Patrick Lawless, Jr.	Saline
75,062	Midwest Properties, L.C., Appellee, v. Sherry Harvey, Appellant.	Bruce W. Beye Pantaleon Florez, Jr.	Shawnee
1:30 p.m.			
73,899	State of Kansas, Appellee, v. Shane D. Funk, Appellant.	District Attorney Attorney General Benjamin C. Wood	Shawnee
75,031	In the Matter of the Marriage of Brenda Jo Smith, Appellee, and Robert N. Smith, Appellant.	Charles A. Briscoe Robert E. Keeshan	Shawnee
<b>Summary Calendar—No Oral Argument</b>			
75,386	Janet Kay Mardis, Appellee, v. The Boeing Company-Wichita and Aetna Casualty & Surety Co., Appellants, and Kansas Workers Compensation Fund, Appellee.	Jim L. Lawing Scott J. Mann Stephen M. Kerwick	Work Comp.
76,663 76,780 76,781	In the Interest of S.R.D. and S.D., Children Under the Age of Eighteen.	District Attorney Jeffrey C. Barton Kathleen Downey Rene M. Netherton Susan R. Donahue	Shawnee
74,789	State of Kansas, Appellee, v. Donald E. Polson, Appellant.	County Attorney Attorney General Julie A. Gorenc	Lyon

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

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

**Tuesday, November 19, 1996**

9:00 a.m.

Case No.	Case Name	Attorneys	County
75,357	Michael L. Alkire, et al., Appellants, v. Paul J. Fissel and Sharon D. James, Appellees.	W. Thomas Gilman John C. Greiner Teresa James	Sedgwick
75,311	James A. and Susan K. Waits, Appellants, v. Fire Insurance Exchange, Appellee.	Jack Focht Walter C. Williamson E. Craig Kennedy	Sedgwick

(continued)

10:45 a.m.

75,135 Jimmie Simpson,  
v.  
Douglas D. Johnson  
Vincent Bogart  
Work Comp.  
American Salt Corporation, and Liberty  
Mutual Insurance Co., Appellants, and  
Workers Compensation Fund, Appellee.

76,427 In the Matter of M.D.M., DOB 11/18/77,  
A Child Under 18 Years of Age.  
Lee A. Johnson  
County Attorney  
Sumner

1:30 p.m.

75,064 Nathan Wells, Appellant,  
v.  
Ryan Hodge  
Robb W. Rumsey  
Sedgwick  
Air Capital Travel, Appellee.

75,409 State of Kansas, Appellee,  
v.  
County Attorney  
Attorney General  
Monte L. Miller  
Lyon  
Ryan O. Brooks, Appellant.

3:15 p.m.

73,580 State of Kansas, Appellee,  
v.  
District Attorney  
Attorney General  
Edward G. Collister, Jr.  
Sedgwick

73,582 Glen L. Anderson, Appellant.

74,888 State of Kansas, Appellee,  
v.  
District Attorney  
Attorney General  
John V. Wachtel  
Sedgwick  
Charles Frazee Anderson, Appellant.

Wednesday, November 20, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
74,303	Linda N. Barrier, Appellant, v. Ronald L. Goodwyn; Troy W. Griggs; Paul Schmidt; and the Board of County Com- missioners of the County of Sedgwick, Appellees.	Alvin D. Herrington Ed L. Randels	Sedgwick

74,415	State of Kansas, Appellee, v. Terry W. Hardyway, Appellant.	District Attorney Attorney General Elizabeth Seal Cateforis	Sedgwick
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10:45 a.m.

74,116	Arthur L. Kyburg and Mary M. Kyburg, Appellants, v. Wayne L. Franklin, Secretary of Human Resources, State of Kansas, and Pat Kettler, Register of Deeds, Sedgwick County, Kansas, Appellees.	John C. King Don Doesken Glenn H. Griffith Richard A. Euson	Sedgwick
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75,278	In the Matter of the Marriage of Stephen C. Howell, Appellant, and Kristina K. Howell, Appellee.	Stanley R. Juhnke Steven R. Wiechman	Reno
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## Summary Calendar—No Oral Argument

76,905	Glenn Charles Graham, Jr., Appellant, v. State of Kansas, Appellee.	Glenn Charles Graham, Jr., pro se Jon D. Graves	Reno
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74,897	State of Kansas, Appellee, v. Steve Harmon, Appellant.	County Attorney Attorney General Rhonda Keylon Levinson	Brown
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74,879	State of Kansas, Appellee, v. Tyrone E. Carter, Appellant.	County Attorney Attorney General Jean K. Gilles Phillips	Reno
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(Published in the Kansas Register October 31, 1996.)

**Notice of Redemption to Holders of  
Crawford County, Kansas**

**Single Family Mortgage Revenue Bonds  
Series 1980**

Notice is hereby given, pursuant to the terms of the indenture dated as of 3.01 of the indenture between Crawford County, Kansas, as issuer, and Continental Illinois National Bank and Trust Company of Chicago (succeeded by First Trust of Illinois), as trustee, that the bonds listed below or on the attached notice have been selected by lot for redemption on December 1, 1996 (the redemption date), at a price of 100 percent of the principal amount (the redemption price) together with interest accrued to the redemption date.

**\*CUSIP No.: 224851AS4, 8.30%, Due: 12/01/97**  
**Bearer bonds called in the amount of \$5,000 each:**  
 880

**\*CUSIP No.: 224851AT2, 8.40%, Due: 12/01/98**  
**Bearer bonds called in the amount of \$5,000 each:**  
 995

**\*CUSIP No.: 224851AU9, 8.50%, Due: 12/01/99**  
**Bearer bonds called in the amount of \$5,000 each:**  
 1111

**\*CUSIP No.: 224851AW5, 9.00%, Due: 12/01/10**  
**Bearer bonds called in the amount of \$5,000 each:**  
 1701 1892 1966 2048 2224 2383 2512 2727  
 2741 2778 2789 2904 2909 3032 3118

Payment of the redemption price on the bonds called for redemption will become due and payable on the redemption date upon presentation and surrender thereof in the following manner:

**If by Mail (Fully Reg.):**

First Trust National Association  
 First Trust Center  
 P.O. Box 64111  
 St. Paul, MN 55164-0111

**If by Mail (Bearer BDS):**

First Trust National Association  
 First Trust Center  
 P.O. Box 64452  
 St. Paul MN, 55164-0452  
 (612) 973-6700

**If by hand or overnight mail:**

First Trust National Association  
 180 E. 5th  
 4th Floor-Bond Drop Window  
 St. Paul, MN 55101

**Co-Paying Agent:**

Intrust Bank N.A.  
 Attn: Corporate Trust  
 105 N. Main  
 Wichita, KS 62702

Bondholders presenting their bonds in person for same day payment *must* surrender their bond(s) by 1 p.m. on the redemption date, and a check will be available for pick up after 2 p.m. Checks not picked up by 4:30 p.m. will be mailed out to the bondholder via first class mail.

If payment of the redemption price is to be made to the registered owner of the bond, you are not required to endorse the bond to collect the redemption price.

Interest on the principal amount designated to be redeemed shall cease to accrue on and after the redemption date.

Under the Interest and Dividend Tax Compliance Act of 1983, as amended by the Energy Policy Act of 1992, 31 percent will be withheld if tax identification number is not properly certified.

\*The trustee shall not be held responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the redemption notice. It is included solely for convenience of the holders.

Date: October 31, 1996.

By: First Trust of Illinois, N.A.  
 as Trustee

Doc. No. 018324

**State of Kansas**

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

**Public Notice No. KS-AG-96-728/758**

Name and Address of Applicant	Legal Description	Receiving Water
Duwayne Wiebe Route 1, Box 38 Burns, KS 66840	NW/4, Sec. 29, T23S, R5E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S026

This is an existing facility for 350 head of cattle (350 animal units) and 800 head of swine (320 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
C-Ho Dairy Charles Hornberger 440 E. 900 Road Baldwin, KS 66006	SW/4, Sec. 29, T14S, R19E, Douglas County	Marais des Cygnes River Basin

Kansas Permit No. A-MCDG-M007

This is an existing facility for 100 head (140 animal units) of dairy cattle.  
 (continued)

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Northglen Farms Paul McRae 1616 Locust Grove Road Hays, KS 67601	NW/4, Sec. 34, T12S, R18W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-B004

This is an existing facility for 900 head of cattle (900 animal units) and 75 head of dairy cows (105 animal units).

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Ford County Feed Yard Highway 154 Ford, KS 67842	N/2, Sec. 29, T27S, R22W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-C009 Federal Permit No. KS-0115657

This is an expansion of an existing facility. The proposed capacity of the facility is 54,000 head (54,000 animal units) of beef cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Jamison Dairy Calvin D. Jamison Route 3, Box 38 Quinter, KS 67752	SW/4, Sec. 10, T12S, R26W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-M003

This is an existing facility for 130 head (182 animal units) of dairy cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Calvin D. Jamison Route 3, Box 38 Quinter, KS 67752	SW/4, Sec. 14, T11S, R26W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-S004

This is an existing facility for 980 head (392 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Montezuma Feeders P.O. Box 436 Montezuma, KS 67867	N/2 & SW/4, Sec. 31, T28S, R29W, Gray County	Cimarron River Basin

Kansas Permit No. A-CIGY-C001 Federal Permit No. KS-0115738

This is an expansion facility for 12,000 head (12,000 animal units) of beef cattle. The total capacity of the facility including the expansion is 29,540 head (29,540 animal units).

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, proposed controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Albert Wiggins Route 2, Box 49 Eureka, KS 67045	SE/4, Sec. 34, T24S, R10E, Greenwood County	Verdigris River Basin

Kansas Permit No. A-VEGW-B002

This is an existing facility of 120 head (120 animal units) of beef cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Coolidge Dairy LLC P.O. Box 199 Coolidge, KS 67836	S/2 & NE/4, Sec. 21, T23S, R42W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-D001 Federal Permit No. KS-0093343

This is a new facility for 4,280 head (5,992 animal units) of dairy cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, proposed controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Sublette Feeders P.O. Box 917 Sublette, KS 67877	E/2 & NW/4, Sec. 17, & SE/4, Sec. 8, T29S, R31W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C001 Federal Permit No. KS-0038075

This is an existing facility for 46,000 head (46,000 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** A water level gauge (staff gauge) shall be installed in each runoff impoundment. The gauge shall be marked in increments of feet and shall be readable to the nearest 1/2 foot. The water level at which minimum required storage volume is available shall be clearly marked.

A record of waste disposal activities and coincident weather and soil conditions, and the wastewater storage capacity shall be maintained on operation logs provided by the department. Information provided on the logs shall include, but not be limited to, the following: available storage depth in all wastewater storage structures on the 1st, 15th, and last day of each month, air temperature and soil condition (frozen/thawed) on all disposal days, dairy quantity of waste applied to land, application area, and vegetation on application area.

Whenever the water level infringes on the required freeboard or the required runoff storage volume is not available in any impoundment, the available storage depth shall be recorded daily until required storage capacity is achieved.

Operational logs shall be submitted to the department for each calendar month by the 10th day of the following month to verify proper management of pollution controls. Logs shall be kept on file at the facility for a period of one year and shall be available upon request by the department.

Name and Address of Applicant	Legal Description	Receiving Water
Farrel Holliday 2974 246 Road Soldier, KS 66540	NW/4, Sec. 28, T6S, R13E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-M004

This is an existing facility for 40 head (56 animal units) of dairy cattle.  
**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Frances Oelschlaeger 18735 Metro Ave. Tonganoxie, KS 66086	SW/4, Sec. 30, T11S, R22E, Leavenworth County	Kansas River Basin

Kansas Permit No. A-KSLV-S006

This is an existing facility for 600 head (240 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On days when it is unsuitable for land application of waste and the top six inches of the concrete pit at the finishing building is being infringed upon due to having marginal storage, wastewater shall be transferred to the concrete storage pit at the farrowing building which has excess storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Bornholdt Farm James C. Bornholdt 272 Cimarron Inman, KS 67546	SE/4, Sec. 28, T20S, R5W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-B002

This is an existing facility for 550 head (550 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** A water level gauge (staff gauge) shall be installed in each runoff impoundment. The gauge shall be marked in increments of feet and shall be readable to the nearest 1/2 foot. The water level at which minimum required storage volume is available shall be clearly marked.

A record of waste disposal activities and coincident weather and soil conditions, and the wastewater storage capacity shall be maintained on operation logs provided by the department. Information provided on the logs shall include, but not be limited to, the following: available storage depth in all wastewater storage structures on the 1st, 15th, and last day of each month, air temperature and soil condition (frozen/thawed) on all disposal days, dairy quantity of waste applied to land, application area, and vegetation on application area.

Whenever the water level infringes on the required freeboard or the required runoff storage volume is not available in any impoundment, the available storage depth shall be recorded daily until required storage capacity is achieved.

Operational logs shall be kept on file at the facility for a period of two years and shall be available upon request by the department.

Name and Address of Applicant	Legal Description	Receiving Water
Player Farms, Inc. William Player 38633 W. 303 Paola, KS 66071	NE/4, Sec. 13, T17S, R21E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-M007

This is an existing facility for 100 head (140 animal units) of dairy cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Keith and Donna Olson Route 1, Box 30 Alta Vista, KS 66834	SW/4, Sec. 10, T14S, R8E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-M003

This is an existing facility for 40 head (56 animal units) of dairy cows.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Tom Niehues Route 1, Box 35 Goff, KS 66428	SE/4, Sec. 15, T5S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S010

This is an existing facility for 1,000 head (400 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Montgomery Farms, Inc. Route 3, Box 154 Sabetha, KS 66534	SE/4, Sec. 19, T1S, R14E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S007

This is an existing facility for 1,500 head of swine (600 animal units) and 500 head of cattle (500 animal units).

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
William J. Boeckman Route 1 Goff, KS 66428	SW/4, Sec. 9, T4S, R13E, Nemaha County	Nemaha River Basin

Kansas Permit No. A-MONM-M018

This is an existing facility of 50 head (70 animal units) of dairy cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 2.0 acre inch per acre year and solids shall be applied at not greater than 23 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Stahel 6715 E. 125th Overbrook, KS 66524	NW/4, Sec. 16, T14S, R17E, Osage County	Marais des Cygnes River Basin

Kansas Permit No. A-MCOS-B004

This is an existing facility for 350 head (350 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

(continued)

Compliance Schedule: Dewatering equipment shall be available when needed.

On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
H. Curtis Wolters Box 55 Portis, KS 67474	NW/4, Sec. 14, T6S, R12W, Osborne County	Solomon River Basin

Kansas Permit No. A-SOQB-S008

This is an existing facility for 300 head (120 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Timothy A. Beim Interior Farms, LLC Route 3, Box 91 Phillipsburg, KS 67661	NW/4, Sec. 13, T4S, R18W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S011

This is an existing facility for 2,000 head of (800 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Good Farms, Inc. Craig Good 17690 Oak Grove Road Olsburg, KS 66520	SE/4, Sec. 8, T7S, R8E, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S005

This is an existing facility for 550 head (220 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The livestock waste management plan developed for this facility by the Soil Conservation Service and approved by this department shall be adhered to as a condition of this permit. Livestock wastes are to be applied to land at rates determined by nutrient analysis of both wastes and soils to meet crop uptake needs. If nutrient analysis is not conducted, lagoon water shall be applied at not greater than 2 ac-in/ac and sludge at not greater than 10 tons/ac annually.

Name and Address of Applicant	Legal Description	Receiving Water
George J. Hieger 4995 Genn Road Wamego, KS 66547	SW/4, Sec. 36, T9S, R10E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S002

This is an existing facility for 650 head (260 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage

structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Double R Ranch Bob Ruda Route 1, Box 72 Atwood, KS 67730	SE/4, Sec. 9, & NE/4, Sec. 16, T5S, R33W, Rawlins County	Upper Republican River Basin

Kansas Permit No. A-URRA-S005

This is an existing facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Perry A. Beachy 4408 W. Red Rock Road Hutchinson, KS 67501	SW/4, Sec. 20, T24S, R0W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M013

This is an existing facility for 85 head (119 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Pigs Unlimited Dale Love 14010 Lake Cable Road Partridge, KS 67566	SW/4, Sec. 31, T24S, R7W, Reno County	Arkansas River Basin

Kansas Permit No. A-ARRN-S009

This is an existing facility for 1,500 head of swine (600 animal units) and 500 head of cattle (500 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The east unused cattle pens will be grassed into filter the runoff from the four pens which will be utilized. On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Cal-Maine Foods, Inc. P.O. Box 347 Hutchinson, KS 67522	SW/4, Sec. 17, T22S, R4W, Reno County	Little Arkansas River Basin

Kansas Permit No. A-LARN-P001 Federal Permit No. KS-0088013

This is an existing facility for 250,000 head (8,250 animal units) of poultry.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Operational logs shall be submitted to the department for each calendar month by the 10th day of the following month to verify proper management of pollution controls.

Name and Address of Applicant	Legal Description	Receiving Water
N & R Land & Cattle Ent., Inc. 2712 N. 5th Salina, KS 67401	SW/4, Sec. 25, T13S, R3W, Saline County	Saline River Basin

Kansas Permit No. A-SASA-T001

This is an existing facility for livestock truck washing.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
HRC Feedyards, Inc. P.O. Box 186 Scott City, KS 67871	S2, Sec. 13, T18S, R34W, Scott County	Upper Arkansas River Basin
Kansas Permit No. A-UASC-C004		Federal Permit No. KS-0039292

This is an existing facility for 20,000 head (20,000 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Cedar Bluff Cattle Feeders Route 2, Box 71 Ellis, KS 67637	Sec. 31, T14S, R21W, Trego County	Smoky Hill River Basin
Kansas Permit No. A-SHTR-C001		Federal Permit No. KS-0043559

This is an expansion facility for 12,500 head (12,500 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
Graff & Sons, Inc. Gary Graff Route 1, Box 3 Marienthal, KS 67863	SE/4, Sec. 34, T18S, R35W, Wichita County	Upper Arkansas River Basin
Kansas Permit No. A-UAWH-B001		

This is an existing facility for 950 head (950 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** A water level gauge (staff gauge) shall be installed in each runoff impoundment. The gauge shall be marked in increments of feet and shall be readable to the nearest 1/2 foot. The water level at which minimum required storage volume is available shall be clearly marked.

A record of waste disposal activities and coincident weather and soil conditions, and the wastewater storage capacity shall be maintained on operation logs provided by the department. Information provided on the logs shall include but not be limited to, the following: available storage depth in all wastewater storage structures on the 1st, 15th, and last day of each month, air temperature and soil condition (frozen/thawed) on all disposal days, dairy quantity of waste applied to land, application area, and vegetation on application area.

Whenever the water level infringes on the required freeboard or the required runoff storage volume is not available in any impoundment, the available storage depth shall be recorded daily until required storage capacity is achieved.

Operational logs shall be kept on file at the facility for a period of two years and shall be available upon request by the department.

**Public Notice No. KS-96-281/288**

Name and Address of Applicant	Waterway	Type of Discharge
City of Bartlett City Hall P.O. Box 4652 Bartlett, KS 67332	Lake Creek	Treated domestic wastewater
Kansas Permit No. M-NE04-0001		Federal Permit No. KS-0080900
Location: NE1/4, S28, T34S, R20E, Labette County		

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment lagoon facility treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Horton 205 E. 8th P.O. Box 30 Horton, KS 66439	Delaware River via Grasshopper Creek	Treated domestic wastewater
Kansas Permit No. M-KS24-0001		Federal Permit No. KS-0047465

**Location:** E1/2, NW1/4, NE1/4, S5, T5S, R17E, Atchison County.

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment mechanical plant treating domestic wastewater. The permit contains a schedule of compliance for the facility to upgrade to meet fecal coliform limits. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Riley County Commissioners Tattarrax Hills Subdivision 110 Courthouse Plaza Manhattan, KS 66502	Big Blue River via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-KS38-0003		Federal Permit No. KS-0080501

**Location:** SE1/4, S35, T9S, R7E, Riley County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment mechanical plant treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Shawnee Co. Parks and Recreation Shawnee North Community Center 3137 S.E. 29th Topeka, KS 66605	Kansas River	Treated domestic wastewater
Kansas Permit No. M-KS72-0006		Federal Permit No. KS-0117561

**Location:** 300 N.E. 43rd Street, SW1/4, NE1/4, S5, T11S, R16E, Shawnee County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment mechanical plant treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-

(continued)

28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Don Hall and Herb Olsen Thunderbird Estates 1752 County Road E Lot 267 Emporia, KS 66801	Neosho River via Cottonwood River via unnamed tributary	Treated domestic wastewater

Kansas Permit No. C-NE24-TO03 Federal Permit No. KS-0117871

Location: SW¼, SE¼, NE¼, S10, T19S, R10E, Lyon County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment mechanical plant treating domestic wastewater. The permit contains a schedule of compliance for the facility to obtain the services of a KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Didde Web Press Corp. P.O. Box 1088 Emporia, KS 66801	Cottonwood River via unnamed drainage	Noncontact cooling water

Kansas Permit No. I-NE24-CO05 Federal Permit No. KS-0088544

Facility Description: The proposed action is to re-issue an existing permit for discharge of once through, noncontact cooling water. The facility fabricates metal parts for graphics arts/printing equipment. Once through, noncontact cooling water is discharged from three heat exchangers. City water is utilized in the heat exchangers which cool distilled water used to cool electronic controls, gear quench water and gun drill oil. No chemical additives are in the cooling water discharges. The intermittent discharge averages approximately 16,000 gallons per day. The requirements of the permit are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
North American Salt Co. 1662 Ave. N Lyons, KS 67554	Arkansas River	Groundwater, condensate, and noncontact cooling water

Kansas Permit No. I-AR56-PO01 Federal Permit No. KS-0000264

Location: S10, S14 & S15, T20S, R8W, Rice County

Facility Description: The proposed action is to re-issue an existing permit for operation of a salt production facility. The facility produces salt products by hard rock and solution mining. Groundwater from a new KDHE chloride remediation project (beginning in 1996, to contain a high chloride groundwater plume upgradient of the permittee's property), groundwater from permittee's chloride remediation well (Plant Interceptor Well) and groundwater from the Hollinger #1 and #2 water supply wells are used for process operations. Salt evaporator condensate and noncontact cooling water are discharged to Owl Creek via Outfall 001. Chloride contaminated water from the groundwater remediation project and process operations is discharged to the Class I Disposal Well #1. Groundwater from permittee's chloride remediation well (Interceptor Well I) located near Saxman, Kansas, discharges to Outfall 002. Groundwater from the East Water Well and the Brine Field Interceptor Well is discharged to a new outfall designated as Outfall 003. This outfall is being added to accommodate the KDHE chloride groundwater remediation project. Maximum flows are: (001) = 350 gpm; (002) = 380 gpm; and (003) = 200 gpm. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Missouri River	Quarry dewatering and stormwater

Kansas Permit No. I-MO01-PO04 Federal Permit No. KS-0083381

Location: NW¼, S32, T5S, R20E, Atchison County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing quarry. This facility is engaged in limestone rock crushing operation with no washing. A rinse screen is utilized to rinse dust off the rock. The requirements of the permit are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

### Public Notice No. KS-ND-96-075

Name and Address of Applicant	Legal Location	Type of Discharge
Thousand Adventures, Inc. Crescent Lake Facility c/o Don Frasier 2484 Fair Road Abilene, KS	NW¼, S6, T13S, R1E, Dickinson County	Nonoverflowing

Kansas Permit No. C-SH01-NO01

Facility Description: The proposed permit is for issuance of an existing permit for operation of an existing nonoverflowing wastewater treatment lagoon. Disposal of treated wastewater is by percolation and evaporation. The permit contains a schedule of compliance requiring the facility to obtain the services of a KDHE-certified operator. The requirements of the permit are pursuant to K.S.A. 65-164 et seq.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received by November 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-728/758, KS-96-281/288, KS-ND-96-075) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 018322



(Published in the Kansas Register October 31, 1996.)

**Summary Notice of Bond Sale**

**\$141,050**

**City of Ulysses, Kansas  
General Obligation Bonds  
Series 1996-1 (Sewers)**

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

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated October 24, 1996, sealed bids will be received by the city clerk of the City of Ulysses, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 115 W. Grant, Ulysses, KS 67880, until 4 p.m. Wednesday, November 13, 1996, for the purchase of \$141,050 principal amount of General Obligation Bonds, Series 1996-1 (Sewers). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,050. The bonds will be dated December 1, 1996, and will become due on October 1 in the years as follows:

Year	Principal Amount
1998	\$11,050
1999	10,000
2000	15,000
2001	15,000
2002	15,000
2003	15,000
2004	15,000
2005	15,000
2006	15,000
2007	15,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

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 October 1, 1997.

**Paying Agent and Bond Registrar**

The bank designated in the official notice of bond sale and preliminary official statement or the Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,821 (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 at such bank or trust company in the contiguous

United States of America as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the city for the year 1996 is \$26,979,078. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$1,278,650.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 356-4600.

Dated October 24, 1996.

City of Ulysses, Kansas  
Paula Shapland, City Clerk  
City Hall  
115 W. Grant  
Ulysses, KS 67880  
(913) 356-4600

Doc. No. 018323

(Published in the Kansas Register October 31, 1996.)

**Summary Notice of Bond Sale**

**\$1,320,000**

**City of Newton, Kansas  
General Obligation Bonds  
Series 1996**

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

**Sealed Bids**

Subject to the notice of bond sale dated October 15, 1996, sealed bids will be received by the clerk of the City of Newton, Kansas (the issuer), on behalf of the governing body at City Hall, 201 E. 6th, Newton, KS 67114, until 10 a.m. November 19, 1996, for the purchase of \$1,320,000 principal amount of General Obligation Bonds, Series 1996. 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 November 1, 1996, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$ 90,000
1998	90,000
1999	90,000
2000	90,000
2001	90,000

(continued)

2002	90,000
2003	90,000
2004	90,000
2005	100,000
2006	100,000
2007	80,000
2008	80,000
2009	80,000
2010	80,000
2011	80,000

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 \$26,400 (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 December 19, 1996, at DTC for the account of the successful bidder or 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 1996 is \$77,235,157. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$7,480,000.

#### 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) 284-6015, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated October 15, 1996.

City of Newton, Kansas

State of Kansas

### State Corporation Commission

#### Permanent Administrative Regulations

#### Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

**82-3-206. Assessment.** In order to pay the conservation division expenses and administration costs not otherwise provided for, an oil conservation assessment shall be made as follows.

(a) A charge of 27.27 mills on each barrel of crude oil or petroleum marketed or used each month shall be assessed to each producer. The charge and assessment shall only apply to the first purchase of oil from the producer.

(b) Each month, the first purchaser of the production shall:

(1) deduct the assessment per barrel of oil marketed or used from the lease before paying for production;

(2) remit the assessment in a single check to the conservation division when making regular oil payments; and

(3) account for the deductions on the regular payment statements to producers and royalty owners or other interested persons. (Authorized by K.S.A. 1995 Supp. 55-604; implementing K.S.A. 55-176, 55-609; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended April 23, 1990; amended Dec. 6, 1993; amended Nov. 15, 1996.)

**82-3-307. Gas conservation assessment.** In order to pay the conservation division expenses and other costs in connection with the administration of the gas conservation regulations not otherwise provided for, an assessment shall be made as follows.

(a) A charge of 5.83 mills shall be assessed on each 1,000 cubic feet of gas sold or marketed each month. The assessment shall apply only to the first purchaser of gas.

(b) Each month, the first purchaser of the production shall:

(1) before paying for the production, deduct an amount equal to the assessment for every 1,000 cubic feet of gas produced and removed from the lease;

(2) remit the amounts deducted, in a single check if the purchaser desires, to the conservation division of the commission at the same time, and for the same period, as the purchaser makes regular gas payments; and

(3) show all deductions on the regular payment statements to producers and royalty owners or other interested parties.

(c) The assessment established by the commission shall not apply to gas that is being returned to the ground for repressuring purposes within the field, but shall apply to gas that is produced and removed from the lease and returned to the ground for storage purposes. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-711; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990; amended Aug. 19, 1991; amended Dec. 6, 1993; amended Nov. 15, 1996.)

Judith McConnell  
Executive Director

State of Kansas

Animal Health Department

Permanent Administrative Regulations

Article 10.—PUBLIC LIVESTOCK MARKETS

**9-10-31. Occasional livestock sale fees.** The annual fee for an occasional livestock sales license shall be as follows:

(a) 1-2 sales per year .....	\$25.00
(b) 3-5 sales per year .....	\$50.00
(c) 6-9 sales per year .....	\$75.00
(d) 10-12 sales per year .....	\$100.00

(Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-10-32. Exemption from occasional livestock sale requirements.** Occasional livestock sales held in conjunction with a county, district, regional, or state exhibition for junior exhibitors shall not be required to apply for or obtain an occasional livestock sale license. (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

Article 18.—ANIMAL FACILITY INSPECTION PROGRAM—LICENSE AND REGISTRATION FEES

**9-18-1. Fees.** Each applicant for a license and each registrant under K.S.A. 47-1701 et seq., and any amendments thereto shall pay the appropriate application fee as set forth below:

(a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq. ....	\$150.00;
(b) License for animal breeder premises of a person not licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(c) License for a pound or shelter .....	\$200.00;
(d) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq. ....	\$150.00;
(e) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(f) License for an operator of a temporary pet shop not licensed under 7 U.S.C. § 2131 et seq. ....	\$50.00;
(1) 1-2 sale days during license year .....	\$75.00;
(2) 3-4 sale days during license year .....	\$100.00;
(3) 4-6 sale days during license year .....	\$200.00;
(4) 7-12 sale days during license year .....	\$200.00;
(g) License for an operator of a temporary pet shop licensed under 7 U.S.C. § 2131 et seq. ....	\$50.00;
(1) 1-2 sale days during license year .....	\$75.00;
(2) 3-4 sale days during license year .....	\$100.00;
(3) 4-6 sale days during license year .....	\$125.00;
(4) 7-12 sale days during license year .....	\$150.00;
(h) License for an operator of a pet shop licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(i) License for an operator of a pet shop not licensed under 7 U.S.C. § 2131 et seq. ....	\$150.00;
(j) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(k) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq. ....	\$75.00;
(l) License for hobby breeders or kennel operators .....	\$300.00;
(m) License for animal distributor licensed under 7 U.S.C. § 2131 et seq. ....	\$150.00;
(n) License for animal distributor not licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(o) Out-of-state distributor permit licensed under 7 U.S.C. § 2131 et seq. ....	\$150.00;

(p) Out-of-state distributor permit not licensed under 7 U.S.C. § 2131 et seq. ....	\$300.00;
(q) Closing permit for any licensee other than a hobby breeder or boarding kennel operator licensee .....	\$75.00;
(r) Closing permit for any hobby breeder or kennel operator licensee .....	\$35.00.

(Authorized by and implementing K.S.A. 47-1721, as amended by L. 1996, Ch. 151, Sec. 21; effective, T-9-7-22-89, July 27, 1989; amended Sept. 11, 1989; amended, T-9-7-1-91, July 1, 1991; amended, T-9-10-22-91; Oct. 22, 1991; amended Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

Article 19.—ANIMAL BREEDERS AND DISTRIBUTORS; FACILITY STANDARDS, ANIMAL HEALTH, HUSBANDRY, AND OPERATIONAL STANDARDS

**9-19-1. Housing facilities, general.** (a) Structure; construction. Each housing facility for dogs and cats shall be designed and constructed in such a manner that it:

- (1) is structurally sound;
- (2) protects the animals from injury;
- (3) contains the animals securely; and
- (4) restricts other animals from entering.

Each licensee shall maintain the housing facility in good repair.

(b) Condition and site. Each breeder licensee and each distributor licensee shall ensure that the areas used for storing animal food or bedding are free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. The licensee shall keep animal areas inside each housing facility neat and free of clutter, including equipment, furniture, and stored material, but the animal areas may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices. Each housing facility shall be physically separated from any other business. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(c) Surfaces.

(1) General requirements.

(A) The surfaces of each housing facility, including houses, dens, and fixtures and objects in the facility which are similar to furniture, shall be:

(i) constructed in a manner and made of materials that allow them to be readily cleaned and sanitized as required in paragraph (3); or

(ii) removed or replaced when worn or soiled.

(B) All interior surfaces and any surfaces that come into contact with dogs or cats shall:

(i) be free of excessive rust which prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and

(ii) be free of jagged edges or sharp points that might injure the animals.

(2) Maintenance and replacement of surfaces. Each licensee shall maintain all surfaces in the housing facility on a regular basis. Any such surface that cannot be readily cleaned and sanitized, including houses, dens, and fix-

(continued)

tures and objects in the facility which are similar to furniture, shall be replaced when worn or soiled.

(3) Cleaning. Each licensee shall spot clean daily all hard surfaces with which the dogs or cats come into contact and sanitize such surfaces in accordance with K.A.R. 9-19-10(b)(3) to prevent accumulation of excreta and reduce disease hazards. Each licensee shall rake and spot clean floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure that all animals are free to avoid contact with excreta. The licensee shall replace contaminated material whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors or insect, pest, or vermin infestation. Each licensee shall clean and sanitize all other surfaces of housing facilities when necessary to satisfy generally-accepted husbandry standards and practices. The licensee may use any of the sanitation methods provided in K.A.R. 9-19-10(b)(3) for primary enclosures.

(d) Water and electric power. Every housing facility shall have reliable electric power which is adequate for heating, cooling, ventilation, and lighting and for carrying out other husbandry requirements in accordance with the regulations in this article. The housing facility shall provide adequate, running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(e) Storage. Each licensee shall store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The licensee shall store supplies off the floor and away from walls to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. Each licensee shall keep all open supplies of food and bedding in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the dogs or cats but is required for normal husbandry practices in food storage and preparation areas, but may store such substances in cabinets in the animal areas.

(f) Drainage and waste disposal.

(1) Each licensee shall provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead animals in a manner that minimizes contamination and disease risks.

(2)(A) Each housing facility shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. The disposal and drainage systems shall minimize vermin and pest infestation, insects, odors and disease hazards. All drains shall be properly constructed, installed and maintained.

(B) If a closed drainage system is used, it shall be equipped with traps and shall prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough from the animal area of the

housing facility to prevent odors, diseases, pests, and vermin infestation.

(3) Each licensee shall ensure that standing puddles of water in animal enclosures are drained or mopped up so that animals stay dry.

(4) Each licensee shall use trash containers in housing facilities and in food storage and food preparation areas that are leak-proof and shall keep tightly-fitted lids on the containers at all times.

(5) Dead animals, animal parts, and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(g) Washrooms and sinks. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 28, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-2. Indoor housing facilities.** (a) Heating, cooling and temperature. Each breeder licensee and each distributor licensee operating an indoor housing facility for dogs and cats shall ensure that the indoor housing facility is sufficiently heated and cooled when necessary to protect dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility shall not permit the ambient temperature in the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

(C) any dog or cat that is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature is below 50° F. or 10° C.

(3) Each licensee shall ensure that, when dogs or cats are present, the ambient temperature does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(b) Ventilation. The licensee shall ensure that, when dogs or cats are present, each indoor housing facility for dogs and cats is sufficiently ventilated at all times to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning. The licensee shall maintain the relative humidity at a level that ensures the health and well-being of the dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(c) Lighting. Every licensee shall provide enough lighting for each indoor housing facility for dogs and cats to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the animal facility and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(d) Interior surfaces. The floors and walls of each indoor housing facility, and any other surfaces in contact with the animals, shall be impervious to moisture. The ceilings of each indoor housing facility shall be impervious to moisture or shall be replaceable. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-3. Sheltered housing facilities.** (a) Heating, cooling, and temperature. Each breeder licensee and each distributor licensee operating a sheltered housing facility for dogs and cats shall ensure that the sheltered portion of the facility is sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, the licensee shall not permit the ambient temperature in the sheltered portion of the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress and discomfort, including short-haired breeds; or

(C) any dog or cat which is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature is below 50° F. or 10° C.

(3) The licensee shall ensure that, when dogs or cats are present, the ambient temperature does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(b) Ventilation. The licensee shall ensure that the enclosed or sheltered portion of the housing facility is sufficiently ventilated at all times dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans, or air conditioning. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning.

(c) Lighting. Each licensee shall provide enough lighting for each sheltered housing facility for dogs and cats to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Each animal area

shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(d) Shelter from the elements. Each licensee shall provide one or more shelter structures which adequately shelter the dogs or cats from the elements at all times to protect their health and well-being. The shelter structure or structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(e) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material, including wire, wood, metal, or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may be compacted earth, absorbent bedding, sand, gravel, or grass. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-4. Outdoor housing facilities.** (a) Restrictions.

(1) A breeder licensee or distributor licensee shall not keep any of the following categories of dogs or cats in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(A) any dog or cat that is not acclimated to the temperatures prevalent in the area or region in which the animal is maintained;

(B) any dog or cat of a breed that cannot tolerate the prevalent temperatures of the area without stress or discomfort, including short-haired breeds in cold climates; and

(C) any dog or cat which is sick, infirm, aged, or young.

(2) If a licensee operating an outdoor housing facility does not know whether a dog or cat is acclimated, the licensee shall not keep such a dog or cat in the outdoor facility when the ambient temperature is less than 50° F. or 10° C.

(b) Shelter from the elements. Each outdoor facility for dogs or cats shall include one or more shelter structures that are accessible to each animal in the outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, each licensee shall provide one or more separate, outside areas of shade which are large enough to contain all the animals at one time and protect them from the

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direct rays of the sun. Each shelter structure in an outdoor facility for dogs or cats shall contain a roof, four sides, and a floor, and shall:

(1) provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) provide the dogs and cats with protection from the direct rays of the sun and the direct effects of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry bedding material if the ambient temperature is below 50° F. or 10° C. The licensee shall provide additional clean, dry bedding material when the temperature is 35° F. or 1.7° C. or lower.

(c) Construction. All building surfaces in outdoor housing facilities which come into contact with animals shall be impervious to moisture. A licensee shall not use metal barrels, cans, refrigerators, freezers, or similar items as shelter structures. The floor of each outdoor housing facility may be compacted earth, absorbent bedding, sand, gravel, or grass.

(d) Maintenance. Each licensee shall replace floor materials if there are any prevalent odors, diseases, insects, pests, or vermin. The licensee shall maintain all surfaces on a regular basis. The licensee shall replace the surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, including houses, dens, and similar structures, when the surfaces are worn or soiled. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-5. Primary enclosures; minimum requirements for dogs and cats.** Each primary enclosure for dogs and cats shall meet the following minimum requirements.

(a) General requirements.

(1) Each primary enclosure shall be designed and constructed of suitable materials so that it is structurally sound. Each breeder licensee and each distributor licensee shall keep the primary enclosure in good repair.

(2) Each primary enclosure shall be constructed and maintained in such a manner that the enclosure:

(A) has no sharp points or edges that could injure the dogs and cats;

(B) protects the dogs and cats from injury;

(C) contains the dogs and cats securely;

(D) keeps other animals from entering the enclosure;

(E) enables the dogs and cats to remain dry and clean;

(F) provides shelter and protection to all the dogs and cats from extreme temperatures and weather conditions that may be uncomfortable or hazardous;

(G) provides sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;

(H) provides all the dogs and cats with easy and convenient access to clean food and water;

(I) enables all surfaces in contact with dogs and cats to be readily cleaned and sanitized in accordance with K.A.R. 9-19-10(b), or to be replaced when worn or soiled;

(J) has floors that are constructed in a manner which protects the dogs' and cats' feet and legs from injury, and

if the floor is constructed of mesh or with slats, does not allow the dogs' and cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, the licensee shall provide one or more solid resting surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure comfortably at the same time; and

(K) provides sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

(b) Additional requirements for cats.

(1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat, including weaned kittens, housed in any primary enclosure.

(A) Each primary enclosure housing cats shall be at least 24 inches or 60.96 cm. high.

(B) Each cat with a weight up to and including 8.8 lbs. or 4 kg. shall be provided with at least 3.0 sq. ft. or 0.28 m<sup>2</sup> of floor space.

(C) Each cat with a weight over 8.8 lbs. or 4 kg. shall be provided with at least 4.0 sq. ft. or 0.37 m<sup>2</sup> of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space available for each nursing kitten is less than five percent of the minimum requirement for the queen, the housing shall be approved by the livestock commissioner.

(E) The minimum floor space required by this regulation shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if properly clean and sanitized.

(2) Compatibility. Each licensee shall ensure that cats housed in the same primary enclosure are compatible, as determined from observation.

(A) The licensee shall not house more than 12 adult non-conditioned cats in the same primary enclosure.

(B) The licensee shall not house queens in heat in the same primary enclosure with sexually mature males, except for breeding purposes. Except when maintained in breeding colonies, queens with litters shall not be housed in the same primary enclosure with other adult cats. The licensee shall not house kittens four months of age or less in the same primary enclosure with adult cats other than their dams or foster dams.

(C) The licensee shall house any cat exhibiting a vicious or overly aggressive disposition separately.

(3) Litter. The licensee shall provide a receptacle in each primary enclosure which contains sufficient clean litter to contain excreta and other body wastes.

(4) Resting surfaces. Each primary enclosure housing cats shall contain one or more resting surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure comfortably at the same time. Each resting surface shall be elevated, impervious to moisture, and easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(c) Additional requirements for dogs.

(1) Space.

(A) The licensee shall provide a minimum amount of floor space for each dog housed in a primary enclosure, including each weaned puppy, which shall be calculated as follows:

(i) find the mathematical square of the sum of the length of the dog in inches, measured from the tip of its nose to the base of its tail, plus six inches; and

(ii) divide the product by 144.

This calculation shall be expressed as follows: (the length of the dog in inches + 6 inches) x (the length of the dog in inches + 6 inches) = required floor space in square inches. The required floor space in square inches divided by 144 shall equal the required floor space in square feet.

(B) The licensee shall provide each bitch with nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five percent of the minimum requirement for the bitch, the housing shall be approved by the livestock commissioner.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Dogs on tethers.

(A) A licensee may keep dogs on tethers only in outside housing facilities that meet the requirements of K.A.R. 9-19-4 and only when the tether meets the requirements of this paragraph.

(i) The tether shall be attached either to the front of the dog's shelter structure or to a post in front of the shelter structure. The tether shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail.

(ii) The tether shall allow the dog convenient access to the shelter structure and to food and water containers.

(iii) The tether shall be of the type and strength commonly used for the size of dog involved and shall be attached to the dog by a well-fitted collar that will not cause trauma or injury to the dog. The licensee shall not use collars made of wire, flat chains, chains with sharp edges, chains with rusty or non-uniform links, or collars made of similar materials.

(iv) The tether shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing facility, and so the dog can roam to the full range of the tether.

(B) Each outside housing area where dogs are kept on a tether shall be enclosed by a perimeter fence that is of sufficient height to keep unwanted animals out. Fences less than six feet high shall be approved by the livestock commissioner. The fence shall be constructed so that it protects the dogs by preventing animals the size of dogs, skunks, and raccoons from going through it or under it and having contact with the dogs inside.

(3) Compatibility. Each licensee shall ensure that dogs housed in the same primary enclosure are compatible, as determined from observation.

(A) The licensee shall not house more than 12 adult non-conditioned dogs in the same primary enclosure.

(B) The licensee shall not house bitches in heat in the same primary enclosure with sexually mature males, except for breeding purposes. Except when maintained in breeding colonies, bitches with litters shall not be housed in the same primary enclosure with other adult dogs. The licensee shall not house puppies four months of age or less in the same primary enclosure with adult dogs other than their dams or foster dams.

(C) The licensee shall house any dog exhibiting a vicious or overly aggressive disposition separately.

(d) Innovative primary enclosures. With the approval of the livestock commissioner, any licensee may use an innovative primary enclosure not precisely meeting the floor area and height requirements provided in this regulation, if the primary enclosure provides the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-6. Compatible grouping.** With the following additional restrictions, each breeder licensee and each distributor licensee shall ensure that dogs and cats that are housed in the same primary enclosure are compatible, as determined from observation.

(a) The licensee shall not house females in heat or estrus in the same primary enclosure with sexually mature males, except for breeding purposes.

(b) The licensee shall house any dog or cat exhibiting a vicious or overly aggressive disposition separately.

(c) The licensee shall not house puppies or kittens four months of age or less in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies. Except when maintained in breeding colonies, queens or bitches with litters shall not be housed in the same primary enclosure with other adult cats or dogs.

(d) Dogs or cats shall not be housed in the same primary enclosure with any other species of animals, unless they are compatible.

(e) The licensee shall isolate dogs and cats that have or are suspected of having a contagious disease from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-7. Exercise for dogs.** Each breeder licensee and each distributor licensee shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The attending veterinarian shall approve the plan. The licensee shall make the plan available to the livestock commissioner upon request. The plan

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shall include written standard procedures to be followed in providing the opportunity for exercise. At a minimum, the plan shall comply with each of the following requirements.

(a) Dogs housed individually. The licensee shall provide the opportunity for exercise regularly to each dog over 12 weeks of age, except bitches with litters, which are housed, held, or maintained by the licensee individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-15-5(c)(1).

(b) Dogs housed in groups. Any licensee housing, holding, or maintaining dogs over 12 weeks of age in groups shall not be required to provide additional opportunities for regular exercise if the dogs are maintained in cages, pens, or runs that provide, in total, at least 100 percent of the space required in K.A.R. 9-15-5(c)(1) for dogs which are maintained separately. Such animals may be maintained in compatible groups, unless:

(1) in the opinion of the attending veterinarian, such a housing arrangement would adversely affect the health or well-being of one or more dogs; or

(2) any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise.

(2) In developing the plan, each licensee shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, the licensee shall provide the dog with positive physical contact with humans at least daily.

(3) The opportunity for exercise may include the following:

(A) providing group housing in cages, pens, or runs that provide at least 100 percent of the space that is required under the minimum floor space requirements of K.A.R. 9-19-5(c)(1) for dogs maintained separately;

(B) maintaining individually-housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-19-5(c)(1);

(C) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(D) other similar activities.

(4) Forced exercise methods or devices, including swimming, treadmills, or carousel-type devices, shall not meet the exercise requirements of this regulation.

(d) Exemptions.

(1) If in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this regulation for those dogs. The attending veterinarian shall document such an exemption, and unless the basis for exemption is a permanent condition, shall review the exemption at least every 30 days.

(2) The licensee shall maintain records of any exemptions. These records shall be made available to the live-

stock commissioner upon request. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; amended Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-8. Feeding.** (a) Each breeder licensee and each distributor licensee shall feed all dogs and cats at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b)(1) Each licensee shall provide food receptacles for dogs and cats, which shall:

(A) be readily accessible to all dogs and cats;

(B) be located so as to minimize contamination by excreta and pests;

(C) be protected from rain and snow; and

(D) be disposable or made of a durable material that can be easily cleaned and sanitized. If the food receptacles are not disposable, the licensee shall keep the receptacles clean and sanitized using one of the methods described in K.A.R. 9-19-10(b). If the food receptacles are disposable, the licensee shall discard the receptacles after one use.

(2) Any licensee may use self-feeders for feeding dry food. If self-feeders are used, the licensee shall keep the self-feeders clean and sanitized in accordance with K.A.R. 9-19-10(b). Each licensee shall take measures to ensure that there is no molding, deterioration, or caking of feed. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-9. Watering.** If potable water is not continually available to the dogs and cats, the breeder licensee or distributor licensee shall offer potable water to the dogs and cats as often as necessary to ensure their health and well-being, but no less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. In accordance with K.A.R. 9-19-10(b), each licensee shall keep the water receptacles cleaned and sanitized while in use and shall clean and sanitize water receptacles before they are used to water a different dog, cat, or social grouping of dogs or cats. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-10. Cleaning, sanitization, housekeeping, and pest control.** (a) Cleaning of primary enclosures.

(1) Each breeder licensee and each distributor licensee shall remove excreta and food waste from the inside of each primary enclosure daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.



(2) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall remove dogs and cats, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. The licensee shall remove standing water from the primary enclosure, and shall protect animals in other primary enclosures from contamination with water and other wastes during the cleaning.

(3) The licensee shall clean the pans under each primary enclosure with a grill-type floor and the ground area under each raised run with a wire or slatted floor as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) The licensee shall clean and sanitize each used primary enclosure and each used food and water receptacle using one of the methods prescribed in paragraph (b)(3) before the primary enclosure or food and water receptacle is used to house, feed, or water another dog, cat, or social grouping of dogs or cats.

(2) The licensee shall sanitize used primary enclosures and food and water receptacles for dogs and cats at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Each licensee shall sanitize hard surfaces of primary enclosures and food and water receptacles using one of the following methods:

(A) spraying all surfaces with live steam under pressure;

(B) washing all surfaces with hot water which is at least 180° F. or 82.2° C. and soap or detergent, using a mechanical cage washer or similar device; or

(C)(i) washing all soiled surfaces with appropriate detergent solutions and disinfectants, or with a product that is a combination of a detergent and a disinfectant that accomplishes the same purpose;

(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and

(iii) rinsing with clean water.

(4) Each licensee shall sanitize all pens, runs, and outdoor housing areas containing material that cannot be sanitized using the methods provided in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Housekeeping for premises. Each licensee shall keep the premises where housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required by subsection (b), and to reduce or eliminate breeding and living areas for rodents and other pests or vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate

cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) Pest control. Each licensee shall establish and maintain an effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

**9-19-11. Employees.** Each breeder licensee and each distributor licensee shall employ enough individuals to carry out the level of husbandry practices and care required in article 19 of these regulations. Each employee who provides husbandry and care, or who handles animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall ensure that the supervisor and other employees can perform to these standards. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996.)

#### Article 25.—RETAIL BREEDERS FACILITY STANDARDS; ANIMAL HEALTH, HUSBANDRY AND OPERATIONAL STANDARDS

**9-25-1. Housing facilities, general.** (a) Definition. "Housing facility" means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

(b) Structure; construction. Each housing facility for dogs and cats shall be designed and constructed as follows:

(1) in a manner which is structurally sound; and

(2) in a manner that protects animals from injury, contains the animals securely, and restricts other animals from entering.

(c) Condition and site.

(1) Housekeeping for premises. Each retail breeder licensee shall keep the premises where housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required by K.A.R. 9-25-6(b), and to reduce or eliminate breeding and living areas for rodents and other pests or vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(2) Food and supply storage areas. Each licensee shall ensure that the areas used for storing animal food or bedding are free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. The licensee shall keep animal areas inside each housing facility neat and free of clutter, including equipment, furniture and

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stored material, but the animal areas may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

(3) Location with other businesses. Each housing facility shall be physically separated from any other business. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(d) Surfaces.

(1) General requirements.

(A) The surfaces of each housing facility, including houses, dens, and fixtures and objects in the facility which are similar to furniture, shall be:

(i) constructed in a manner and made of materials that allow them to be readily cleaned and sanitized as required in paragraph (d)(3); or

(ii) removed or replaced when worn or soiled. Any such surface that cannot be readily cleaned and sanitized shall be replaced when worn or soiled.

(B) All interior surfaces and any surfaces that come into contact with dogs or cats shall:

(i) be free of excessive rust which prevents the required cleaning and sanitization, or which affects the structural strength of the surface; and

(ii) be free of jagged edges or sharp points that might injure the animals.

(2) Maintenance and replacement of surfaces. Each licensee shall maintain all surfaces on a regular basis.

(3) Cleaning. Each licensee shall spot clean daily all hard surfaces with which the dogs or cats come into contact and sanitize such surfaces in accordance with K.A.R. 9-25-6(b) to prevent accumulation of excreta and reduce disease hazards. Each licensee shall rake and spot clean floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure that all animals are free to avoid contact with excreta. The licensee shall replace contaminated material whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors or insect, pest, or vermin infestation. Each licensee shall clean and sanitize all other surfaces of housing facilities when necessary to satisfy generally-accepted husbandry standards and practices. The licensee may use any of the sanitation methods provided in K.A.R. 9-25-6(b)(3) for primary enclosures.

(e) Water and electric power. Every housing facility shall have reliable electric power which is adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this article. The housing facility shall provide adequate, running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(f) Storage. Each licensee shall store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The licensee shall store supplies off the floor and away from walls to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive

value. Each licensee shall keep all open supplies of food and bedding in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the dogs or cats but is required for normal husbandry practices in food storage and preparation areas, but may store such substances in cabinets in the animal areas.

(g) Drainage and waste disposal.

(1) Each licensee shall provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead animals in a manner that minimizes contamination and disease risks.

(2)(A) Each housing facility shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. The disposal and drainage systems shall minimize vermin and pest infestation, insects, odors, and disease hazards. All drains shall be properly constructed, installed, and maintained.

(B) If a closed drainage system is used, it shall be equipped with traps and shall prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation.

(3) Each licensee shall ensure that standing puddles of water in animal enclosures are drained or mopped up so that animals stay dry.

(4) Each licensee shall use trash containers in housing facilities and in food storage and food preparation areas that are leak-proof and shall keep tightly-fitted lids on the containers at all times.

(5) Dead animals, animal parts, and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(h) Washrooms and sinks. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-2. Indoor housing facilities.** (a) Definition. "Indoor housing facility" means any structure or building with environmental controls that houses or is intended to house animals and that is constructed in the following manner.

(1) The building or structure is constructed so that the temperature within the building or structure can be controlled within the limits set forth for that species of animal, humidity levels of 30 to 70 percent can be maintained, and odors can be eliminated rapidly from within the building.

(2) The building or structure is an enclosure created by the continuous connection of a roof, floor, and walls. A shed or barn set on top of the ground is not considered

to have a continuous connection between the walls and the ground unless a foundation and floor are provided.

(3) The building or structure has at least one door for entry and exit that can be opened and closed. Any windows or openings which provide a natural light are covered with a transparent material, which may include glass or hard plastic.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating an indoor housing facility for dogs and cats shall ensure that the indoor housing facility is sufficiently heated and cooled when necessary to protect dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility shall not permit the ambient temperature in the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

(C) any dog or cat that is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the facility is below 50° F. or 10° C.

(3) Each licensee shall ensure that, when dogs or cats are present, the ambient temperature in the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that, when dogs or cats are present, each indoor housing facility for dogs and cats is sufficiently ventilated at all times to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units. The licensee shall maintain the relative humidity at a level that ensures the health and well-being of the dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(d) Lighting. Each licensee shall provide enough lighting for each indoor housing facility for dogs and cats to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the animal facility and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Interior surfaces. The floors and walls of each indoor housing facility, and any other surfaces in contact

with the animals, shall be impervious to moisture. The ceilings of each indoor housing facility shall be impervious to moisture or shall be replaceable. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-3. Sheltered housing facilities.** (a) Definition. "Sheltered housing facility" means a housing facility which provides the animals with the following:

(1) shelter;

(2) protection from the elements; and

(3) protection from temperature extremes at all times.

A sheltered housing facility may consist of runs or pens which are totally enclosed in a barn or building, or outside runs or pens connecting with the inside pens in a totally enclosed building.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating a sheltered housing facility for dogs and cats shall ensure that the sheltered portion of the facility is sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, the licensee shall not permit the ambient temperature in the sheltered portion of the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress and discomfort, including short-haired breeds; or

(C) any dog or cat which is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the sheltered portion of the facility is below 50° F. or 10° C.

(3) The licensee shall ensure that, when dogs or cats are present, the ambient temperature in the sheltered portion of the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that the enclosed or sheltered portion of the housing facility is sufficiently ventilated at all times dogs or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units.

(d) Lighting. Each licensee shall provide enough lighting for each sheltered housing facility for dogs and cats which is sufficient to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities

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and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Shelter from the elements. Each licensee shall provide one or more shelter structures which adequately shelter the dogs or cats from the elements at all times to protect their health and well-being. The shelter structure or structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(f) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) Indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material, including wire, wood, metal, or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may be compacted earth, absorbent bedding, sand, gravel, or grass. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-4. Outdoor housing facilities.** (a) Definition. "Outdoor housing facility" means any structure, building, land, or premises:

(1) which houses or is intended to house animals;

(2) which does not meet the definition of any other type of housing facility provided in the regulations; and

(3) in which temperatures cannot be controlled with limits established by these regulations.

(b) Restrictions.

(1) A retail breeder licensee shall not keep any of the following categories of dogs or cats in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(A) any dog or cat that is not acclimated to the temperatures prevalent in the area or region in which the animal is maintained;

(B) any dog or cat of a breed that cannot tolerate the prevalent temperatures of the area without stress or discomfort, including short-haired breeds in cold climates; and

(C) any dog or cat which is sick, infirm, aged, or young.

(2) If a licensee operating an outdoor housing facility does not know whether a dog or cat is acclimated, the licensee shall not keep such a dog or cat in the outdoor facility when the ambient temperature is less than 50° F. or 10° C.

(c) Shelter from the elements. Each outdoor facility for dogs or cats shall include one or more shelter structures that are accessible to each animal in the outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter struc-

tures, each licensee shall provide one or more separate, outside areas of which are large enough to contain all the animals at one time and protect them from the direct rays of the sun. Each shelter structure in an outdoor facility for dogs or cats shall contain a roof, four sides, and a floor, and shall:

(1) provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) provide the dogs and cats with protection from the direct rays of the sun and the direct effects of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry bedding material if the ambient temperature is below 50° F. or 10° C. The licensee shall provide additional clean, dry bedding material when the temperature is 35° F. or 1.7° C. or lower.

(d) Construction. All building surfaces in outdoor housing facilities which come into contact with animals shall be impervious to moisture. A licensee shall not use metal barrels, cans, refrigerators, freezers, or similar items as shelter structures. The floor of each outdoor housing facility may be compacted earth, absorbent bedding, sand, gravel, or grass.

(e) Maintenance. Each licensee shall replace floor materials if there are any prevalent odors, diseases, insects, pests, or vermin. The licensee shall maintain all surfaces on a regular basis. The licensee shall replace the surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, including houses, dens, and similar structures, when the surfaces are worn or soiled. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-5. Primary enclosures.** Each primary enclosure for dogs and cats shall meet the following minimum requirements.

(a) Definition. "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, including a room, pen, run, cage, compartment, hutch, or tether. In the case of animals restrained by a tether, primary enclosure includes the shelter structure and the area within reach of the tether.

(b) General requirements.

(1) Each primary enclosure shall be designed and constructed of suitable materials so that it is structurally sound. Each retail breeder licensee shall keep the primary enclosure in good repair.

(2) Each primary enclosure shall be constructed and maintained in such a manner that the enclosure:

(A) has no sharp points or edges that could injure the dogs and cats;

(B) protects the dogs and cats from injury;

(C) contains the dogs and cats securely;

(D) keeps other animals from entering the enclosure;

(E) enables the dogs and cats to remain dry and clean;

(F) provides shelter and protection to all the dogs and cats from extreme temperatures and weather conditions that may be uncomfortable or hazardous;

(G) provides sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;

(H) provides all the dogs and cats with easy and convenient access to clean food and water;

(I) enables all surfaces in contact with dogs and cats to be readily cleaned and sanitized in accordance with K.A.R. 9-25-6(b), or to be replaced when worn or soiled;

(J) has floors that are constructed in a manner which protect the dogs' and cats' feet and legs from injury, and if the floor is constructed of mesh or with slats, does not allow the dogs' and cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, the licensee shall provide one or more solid resting surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure comfortably at the same time; and

(K) provides sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

(c) Additional requirements for cats.

(1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat, including weaned kittens, that is housed in any primary enclosure.

(A) Each primary enclosure housing cats shall be at least 24 inches or 60.96 cm. high.

(B) Each cat with a weight up to and including 8.8 lbs. or 4 kg. shall be provided with at least 3.0 sq. ft. or 0.28 m<sup>2</sup> of floor space.

(C) Each cat with a weight over 8.8 lbs. or 4 kg. shall be provided with at least 4.0 sq. ft. or 0.37 m<sup>2</sup> of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space available for each nursing kitten is less than five percent of the minimum requirement for the queen, the housing shall be approved by the livestock commissioner.

(E) The minimum floor space required by this regulation shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

(2) Litter. The licensee shall provide a receptacle in each primary enclosure which contains sufficient clean litter to contain excreta and other body wastes.

(3) Resting surfaces. Each primary enclosure housing cats shall contain one or more resting surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure comfortably at the same time. Each resting surface shall be elevated, impervious to moisture, and easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(d) Additional requirements for dogs.

(1) Space.

(A) The licensee shall provide each dog with a minimum amount of floor space, calculated as follows:

(i) find the result of the following formula: (the length of the dog in inches + 6 inches) × (the length of the dog in inches + 6 inches) = required floor space in square inches; and

(ii) convert the result of the formula to square feet as follows: Required floor space in square inches/144 = required floor space in square feet. The length of the dog shall be measured from the tip of the dog's nose to the base of the dog's tail.

(B) The licensee shall provide each bitch with nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian. The additional amount of floor space for each nursing puppy shall not be less than five percent of the minimum requirement for the bitch.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Dogs on tethers.

(A) A licensee may keep dogs on tethers only in outside housing facilities that meet the requirements of K.A.R. 9-25-4 and only when the tether meets the requirements of this paragraph.

(i) The tether shall be attached either to the front of the dog's shelter structure or to a post in front of the shelter structure. The tether shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail.

(ii) The tether shall allow the dog convenient access to the shelter structure and to food and water containers.

(iii) The tether shall be of the type and strength commonly used for the size of dog involved and shall be attached to the dog by a well-fitted collar that will not cause trauma or injury to the dog. The licensee shall not use collars made of wire, flat chains, chains with sharp edges, chains with rusty or non-uniform links, or collars made of similar materials.

(iv) The tether shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing facility, and so the dog can roam to the full range of the tether.

(B) Each outside housing area where dogs are kept on a tether shall be enclosed by a perimeter fence that is of sufficient height to keep unwanted animals out. Fences less than six feet high shall be approved by the livestock commissioner. The fence shall be constructed so that it protects the dogs by preventing animals the size of dogs, skunks, and raccoons from going through it or under it and having contact with the dogs inside.

(e) Innovative primary enclosures. With the approval of the livestock commissioner, any licensee may use an innovative primary enclosure not precisely meeting the floor area and height requirements provided in this regulation, if the primary enclosure provides the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-6. Cleaning, sanitization, housekeeping, and pest control.** (a) Cleaning of primary enclosures.

(1) Each retail breeder licensee shall remove excreta and food waste from the inside of each primary enclosure

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daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pets, and odors.

(2) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall remove dogs and cats, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. The licensee shall remove standing water from the primary enclosure, and shall protect animals in other primary enclosures from contamination with water and other wastes during the cleaning.

(3) The licensee shall clean the pans under each primary enclosure with a grill-type floor and the ground area under each raised run with a wire or slatted floor as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) The licensee shall clean and sanitize each primary enclosure and each food and water receptacle using one of the methods prescribed in paragraph (b)(3) before the primary enclosure and food and water receptacle is used to house, feed, or water another dog, cat, or social grouping of dogs or cats.

(2) The licensee shall sanitize used primary enclosures and food and water receptacles for dogs and cats at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Each licensee shall sanitize hard surfaces of primary enclosures and food and water receptacles using one of the following methods:

(A) spraying all surfaces with live steam under pressure;

(B) washing all surfaces with hot water which is at least 180° F. or 82.2° C., and soap or detergent, using a mechanical cage washer or similar device; or

(C)(i) washing all soiled surfaces with appropriate detergent solutions and disinfectants, or with a product that is a combination of a detergent and a disinfectant that accomplishes the same purpose;

(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and

(iii) rinsing with clean water.

(4) Each licensee shall sanitize all pens, runs, and outdoor housing areas containing material that cannot be sanitized using the methods provided in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Pest control. Each licensee shall establish and maintain an effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests so as to promote the health and well-being of the animals and reduce contamination by

pests in animal areas. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-7. Compatible grouping.** With the following additional restrictions, each retail breeder licensee shall ensure that dogs and cats that are housed in the same primary enclosure are compatible, as determined from observation.

(a) The licensee shall not house females in heat or estrus in the same primary enclosure with sexually mature males, except for breeding purposes.

(b) The licensee shall house any dog or cat exhibiting a vicious or overly aggressive disposition separately.

(c) The licensee shall not house puppies or kittens four months of age or less in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies. Except when maintained in breeding colonies, queens or bitches with litters shall not be housed in the same primary enclosure with other adult cats or dogs.

(d) Dogs or cats shall not be housed in the same primary enclosure with any other species of animals, unless they are compatible.

(e) The licensee shall isolate dogs and cats that have or are suspected of having a contagious disease from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(f)(1) The licensee shall not house more than 12 adult non-conditioned cats in the same primary enclosure. The licensee shall not house more than 12 adult non-conditioned dogs in the same primary enclosure.

(2) "Non-conditioned" means that an animal has not been subjected to special care and treatment for a sufficient time for the animal to stabilize, and where necessary, to improve its health. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-8. Exercise for dogs.** Each retail breeder licensee shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The attending veterinarian shall approve the plan. The licensee shall make the plan available to the livestock commissioner upon request. The plan shall include written standard procedures to be followed in providing the opportunity for exercise. At a minimum, the plan shall comply with each of the following requirements.

(a) Dogs housed individually. The licensee shall provide the opportunity for exercise regularly to each dog over 12 weeks of age, except bitches with litters, which are housed, held, or maintained by the licensee individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-25-5(d)(1).

(b) Dogs housed in groups. Any licensee housing, holding, or maintaining dogs over 12 weeks of age in groups shall not be required to provide additional op-

opportunities for regular exercise if the dogs are maintained in cages, pens, or runs that provide, in total, at least 100 percent of the space required in K.A.R. 9-25-5(d)(1) for dogs which are maintained separately. Such animals may be maintained in compatible groups, unless:

(1) in the opinion of the attending veterinarian, such a housing arrangement would adversely affect the health or well-being of one or more dogs; or

(2) any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise.

(2) In developing the plan, each licensee shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, the licensee shall provide the dog with positive physical contact with humans at least daily.

(3) The opportunity for exercise may include the following:

(A) providing group housing in cages, pens, or runs that provide at least 100 percent of the space that is required under the minimum floor space requirements of K.A.R. 9-25-5(d)(1) for dogs maintained separately;

(B) maintaining individually-housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-25-5(d)(1);

(C) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(D) other similar activities.

(4) Forced exercise methods or devices, including swimming, treadmills, or carousel-type devices, shall not meet the exercise requirements of this regulation.

(d) Exemptions.

(1) If in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this regulation for those dogs. The attending veterinarian shall document such an exemption, and unless the basis for exemption is a permanent condition, shall review the exemption at least every 30 days.

(2) The licensee shall maintain records of any exemptions. These records shall be made available to the livestock commissioner upon request. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-9. Feeding.** (a) Each retail breeder licensee shall feed all dogs and cats at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b)(1) Each licensee shall provide food receptacles for dogs and cats, which shall:

(A) be readily accessible to all dogs and cats;

(B) be located so as to minimize contamination by excreta and pests;

(C) be protected from rain and snow; and

(D) be disposable or made of a durable material that can be easily cleaned and sanitized. If the food receptacles are not disposable, the licensee shall keep the receptacles clean and sanitized using one of the methods described in K.A.R. 9-25-6(b). If the food receptacles are disposable, the licensee shall discard the receptacles after one use.

(2) Any licensee may use self-feeders for feeding dry food. If self-feeders are used, the licensee shall keep the self-feeders clean and sanitized in accordance with K.A.R. 9-25-6(b). Each licensee shall take measures to ensure that there is no molding, deterioration, or caking of feed. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-10. Watering.** If potable water is not continually available to the dogs and cats, the retail breeder licensee shall offer potable water to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Each licensee shall make potable water continuously available if the ambient temperature is more than 85° F. In accordance with K.A.R. 9-25-6(b), each licensee shall keep the water receptacles clean and sanitized while in use and shall clean and sanitize water receptacles before they are used to water a different dog, cat, or social grouping of dogs or cats. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-11. Employees.** Each retail breeder licensee shall employ enough individuals to carry out the level of husbandry practices and care required in article 25 of these regulations. Each employee who provides husbandry and care, or who handles animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall ensure that the supervisor and other employees can perform to these standards. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-12. Age of animal.** A retail breeder licensee shall not sell, offer, or exchange any dog or cat unless the dog or cat is at least six weeks of age and has been weaned. "Weaned" means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five days. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-13. Access to and inspection of records and property.** Each retail breeder licensee shall, during business hours, allow the livestock commissioner or the com-

(continued)

missioner's representatives to take any of the following actions:

- (a) enter its place of business;
- (b) examine records required to be kept under K.A.R. 9-25-14;
- (c) make copies of the records;
- (d) inspect and photograph the facilities, property, and animals to the extent the livestock commissioner or the commissioner's representatives consider necessary to enforce the Kansas pet animal act, and article 25 of these regulations;
- (e) document, by the taking of photographs and other means, conditions and areas of noncompliance; and
- (f) use a room, table, or other facility necessary for the proper examination of the records and inspection of the property or animals. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-14. Records.** (a) Each retail breeder licensee shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or disposed of in some other manner. The records shall include the following:

- (1) the name and address of the person from whom each animal was acquired;
- (2) the date each animal was acquired;
- (3) a description of each animal, including the following:
  - (A) the animal's age, size, color markings, sex, and breed;
  - (B) any available information regarding vaccinations; and
  - (C) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and
- (4) the name and address of the person to whom any animal is sold, given, bartered, or otherwise delivered and the date the transaction took place. The record shall show the method of disposition.

(b) Each licensee shall store records on the premises where the animals are located and shall make the records available for inspection.

(c) Each licensee shall keep records for the current fiscal year and the previous fiscal year. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**9-25-15. Adequate medical veterinary care.** Each retail breeder licensee shall have an attending veterinarian who shall provide, to the licensee's animals, adequate veterinary care, as defined in K.S.A. 47-1701(dd). (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

**Article 26.—EUTHANASIA**

**9-26-1. Euthanasia methods.** (a) Adoption by reference. The report entitled "1993 Report of the AVMA Panel on Euthanasia," Journal of the American Veterinary Medical Association (JVMA), Vol. 202, No. 2, pages 229-249, including all tables and references, as in effect on January 15, 1993, is adopted by reference.

(b) Acceptable methods of euthanasia. Except as indicated in subsection (c), each licensee shall only use those methods of euthanasia identified in the "1993 Report of the AVMA Panel on Euthanasia" as "acceptable" as a form of euthanasia.

(c) Conditionally acceptable methods of euthanasia. With the written approval of the livestock commissioner, any licensee may use a "conditionally acceptable" form of euthanasia as defined by the "1993 Report of the AVMA Panel on Euthanasia."

(d) Proper handling of animals during euthanasia procedure. Each licensee and permit holder euthanizing animals shall follow the recommendations and guidelines for handling and care of animals during the euthanasia process, as set out in the "1993 Report of the AVMA Panel on Euthanasia." (Authorized by K.S.A. 1995 Supp. 47-1712; implementing K.S.A. 47-1718, as amended by L. 1996, Ch. 151, § 18; effective Nov. 15, 1996.)

George Teagarden  
Kansas Livestock Commissioner

Doc. No. 018316

**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 1996 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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1-1-3	Revoked	V. 15, p. 704	1-2-88	Amended	V. 15, p. 704	1-9-16	Revoked	V. 15, p. 709
1-1-4	Revoked	V. 15, p. 704	1-3-1	Revoked	V. 15, p. 704	1-9-19a	Amended	V. 15, p. 709
			1-3-3	Revoked	V. 15, p. 704	1-9-23	Amended	V. 15, p. 710
			1-3-4	Revoked	V. 15, p. 704	1-9-27	New	V. 15, p. 711
			1-4-2	Amended	V. 15, p. 704	1-10-6	Amended	V. 15, p. 713
			1-4-6	Revoked	V. 15, p. 704	1-10-8	Revoked	V. 15, p. 713
			1-5-1	Amended	V. 15, p. 704	1-10-9	Revoked	V. 15, p. 713
			1-5-2	Revoked	V. 15, p. 704	1-11-1	Amended	V. 15, p. 713
			1-5-3	Revoked	V. 15, p. 704	1-13-1a	Amended	V. 15, p. 713
			1-5-6	Revoked	V. 15, p. 704	1-13-2	Revoked	V. 15, p. 714
			1-5-7	Amended	V. 15, p. 704	1-13-3	Revoked	V. 15, p. 714
			1-5-12	Amended	V. 15, p. 705	1-13-4	Revoked	V. 15, p. 714
			1-5-15	Amended	V. 15, p. 705	1-14-6	Revoked	V. 15, p. 714
			1-5-22	Amended	V. 15, p. 706	1-14-7	Amended	V. 15, p. 714
			1-5-24	Amended	V. 15, p. 706	1-14-10	Amended	V. 15, p. 715
			1-5-26	Amended	V. 15, p. 707	1-14-11	Amended	V. 15, p. 715
			1-6-22a	Amended	V. 15, p. 707	1-16-18a	Amended	V. 15, p. 317
			1-6-23	Amended	V. 15, p. 708	1-18-1a	Amended	V. 15, p. 308
			1-6-24	Amended	V. 15, p. 708			
			1-6-31	Amended	V. 15, p. 708			
			1-8-1	Revoked	V. 15, p. 709			
			1-8-5	Amended	V. 15, p. 709			



**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

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7-18-3	New	V. 15, p. 1508

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111-2-32	New	V. 14, p. 311	111-4-220	Revoked	V. 10, p. 1213	111-4-379	New	V. 11, p. 136-139
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111-2-34	Amended	V. 14, p. 722	111-4-221	through		111-4-379	Revoked	V. 12, p. 1373
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111-2-43	New	V. 15, p. 287	111-4-244	Revoked	V. 12, p. 1371	111-4-400	New	V. 11, p. 478-481
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111-3-9	Revoked	V. 11, p. 1793	111-4-286	Revoked	V. 11, p. 413, 414	111-4-408	Amended	V. 14, p. 723
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111-3-31	New	V. 7, p. 201-206	111-4-300	New	V. 10, p. 883-886	111-4-411	Amended	V. 14, p. 1094
111-3-11	Amended	V. 13, p. 35	111-4-287	through		111-4-412	Amended	V. 11, p. 1475
111-3-12	Amended	V. 13, p. 1826	111-4-290	Revoked	V. 12, p. 1371	111-4-413	Amended	V. 11, p. 1475
111-3-13	Amended	V. 11, p. 1148	111-4-291	through		111-4-414	through	
111-3-14	Amended	V. 13, p. 1826	111-4-291	through		111-4-428	Revoked	V. 14, p. 8
111-3-16	Amended	V. 9, p. 1566	111-4-291	through		111-4-414	Amended	V. 11, p. 1150
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111-3-22	Amended	V. 9, p. 30	111-4-291	through		111-4-432	Revoked	V. 12, p. 1373
111-3-19	Revoked	V. 13, p. 1827	111-4-300	Revoked	V. 12, p. 114	111-4-433	through	
111-3-20	Amended	V. 11, p. 1148	111-4-301	through		111-4-436	Revoked	V. 12, p. 1374
111-3-21	Amended	V. 11, p. 1148	111-4-307	Revoked	V. 13, p. 1402	111-4-437	through	
111-3-22	Amended	V. 11, p. 1148	111-4-301	Amended	V. 12, p. 1115	111-4-444	New	V. 11, p. 1475-1477
111-3-23	Revoked	V. 10, p. 883	111-4-303	Amended	V. 12, p. 1115	111-4-437	through	
111-3-25	Amended	V. 13, p. 1827	111-4-304	Amended	V. 12, p. 1115	111-4-440	Revoked	V. 12, p. 1374
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111-3-27	Amended	V. 11, p. 1149	111-4-308	through		111-4-443	Revoked	V. 14, p. 8
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**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-3-17	Amended	V. 15, p. 182
112-3-19	Amended	V. 15, p. 222
112-4-1	Amended	V. 15, p. 223
112-4-4a	New	V. 15, p. 182
112-4-14b	Amended	V. 15, p. 1379
112-5-1	Amended	V. 15, p. 1125
112-5-2	Amended	V. 15, p. 224
112-6-1	Amended	V. 15, p. 1126
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112-10-35	Amended	V. 15, p. 1126
112-10-38	Amended	V. 15, p. 887
112-11-13a	Amended	V. 15, p. 1127
112-11-20	Amended	V. 15, p. 1127

112-17-15	Amended	V. 15, p. 888
112-18-21	New	V. 15, p. 1589
112-18-22	New	V. 15, p. 1590

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

Reg. No.	Action	Register
115-2-5	Amended	V. 15, p. 1093
115-4-1	Amended	V. 15, p. 546
115-4-3	Amended	V. 15, p. 547
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**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 15, p. 489
117-6-3	Amended	V. 15, p. 489
117-8-1	Amended	V. 15, p. 490

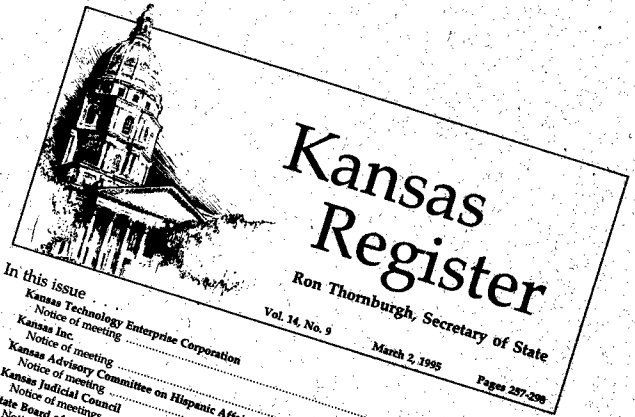
**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-2-1	New	V. 15, p. 887
121-3-1	New	V. 15, p. 1474

**AGENCY 122: POOLED MONEY INVESTMENT BOARD**

Reg. No.	Action	Register
122-3-11	New	V. 15, p. 1583

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