

Kansas Register

Ron Thornburgh, Secretary of State

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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 98-00 by adding the following project:

Project X-2001-01, New lens for railroad signals and crossing surface, BNSF and K-53 (Bridge St.) in Mulvane, Sumner County

The STIP amendment requires a 30-day public comment period. To receive more information on this project or to make comments 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, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude January 18.

E. Dean Carlson
 Secretary of Transportation

Doc. No. 020021

State of Kansas
Department of Administration
Division of Architectural Services

Notice to Consulting Architects and Engineers

The Kansas Department of Administration is inviting all consulting firms who are interested in providing architectural and engineering services for capital improvement projects to prequalify themselves with the Division of Architectural Services, a division of the Department of Administration. Architectural work shall include landscape architecture.

In order to prequalify, the firm must have an architect or engineer registered with the State Board of Technical Professions in any discipline in which the firm is seeking work; i.e., a structural engineer must seal the structural drawings with his or her Kansas engineering seal.

In addition to the above, the statutes require that firms annually submit a statement of qualifications and performance data. In this regard, a completed federal SF 254 form must be submitted to Gary Grimes, Deputy Director, Planning and Project Management, Division of Architectural Services, 625 Polk, Topeka, 66603, by 5 p.m. February 6. For further information, contact Gary Grimes at (785) 233-9367, ext. 204, fax (785) 233-9398.

Thaine Hoffman, AIA
 Director, Division of
 Architectural Services

Doc. No. 020019

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State of Kansas

Social and Rehabilitation Services

Public Notice

The Kansas Department of Social and Rehabilitation Services has space available for leasing in the following locations:

Location	Estimated Square Feet	Contact	Phone
Abilene	500	Sandy Petitjean	(785) 826-8074
Beloit	500	Sandy Petitjean	(785) 826-8074
El Dorado	Negotiable	Mary Beth Stapp	(316) 342-2505, x209
Howard	Negotiable	Mary Beth Stapp	(316) 342-2505, x209
Kansas City	Negotiable	Steve Kohnle	(913) 279-7545
Lyndon	Negotiable	Mary Beth Stapp	(316) 342-2505, x209
Marion	Negotiable	Mary Beth Stapp	(316) 342-2505, x209
Sedan	Negotiable	Mary Beth Stapp	(316) 342-2505, x209
Topeka	11,500	Don Bears	(785) 296-4470

Please contact the individuals listed above for additional information.

Rochelle Chronister
Secretary of Social and Rehabilitation Services

Doc. No. 019990

State of Kansas

**Department of Administration
Division of Architectural Services**

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

Notice is hereby given of the commencement of negotiations for engineering services for the Kansas Department of Corrections. One engineer is being sought to provide the services listed below:

Hutchinson Correctional Facility:

Remove two 10,000-gallon underground steel diesel fuel tanks and replace with two aboveground diesel fuel tanks near the same site. Review the existing pump for any required modifications. Design cathodic protection for approximately 1,200 feet of related steel piping to the power plant, as required by Kansas Department of Health and Environment regulations.

Remove one 2,000-gallon steel gasoline tank and one 6,000-gallon steel gasoline tank. Replace with two aboveground gasoline tanks at a new site and provide a new pump and pump island for the tanks.

Norton Correctional Facility:

Remove one 1,000-gallon underground diesel fuel tank and replace it with an aboveground tank. Provide cathodic protection for any underground piping that remains in place and review the existing pump for any necessary modifications.

For information regarding the scope of services, contact Peggy Sneeegas, Capital Improvements and Facilities Maintenance, Department of Corrections, (785) 296-4489.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for sub-

mittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. January 2.

Thaine Hoffman, AIA
Director, Division of Architectural Services

Doc. No. 020028

(Published in the Kansas Register December 18, 1997.)

**City of Wichita, Kansas
Human Services Department**

**Request for Proposals for
Academic Enrichment Training**

The Job Training Partnership Act (JTPA) provides federal funds to states to establish programs to prepare youth and adults for entry into the labor force. Under JTPA, each state is divided into service delivery areas (SDAs). Within each SDA, private and public sector representatives are appointed to a Private Industry Council (PIC), which is responsible for policy, program development and oversight of programs operated within the SDA. SDA IV's PIC has selected the City of Wichita to be a grant recipient and program administrator for SDA IV.

Scope of Work

In anticipation of program operations for the summer of 1998, the PIC and the City of Wichita are seeking agents qualified to provide academic enrichment training for youth (aged 14-21) in coordination with the JTPA Summer Youth Employment and Training Program. The academic enrichment training to be provided will be work-based learning using the SCANS (Secretary's Commission on Achieving Necessary Skills) foundation skills and competencies. Proposals for such training may be submitted for any portion of SDA IV that is outside of the Wichita city limits. The six counties available for program services include Butler, Cowley, Harper, Kingman, Sedgwick (excluding the city of Wichita) and Sumner. Proposals to serve as few as 10 youth will be accepted.

Instructions for Submittal

All instructions are in the Request for Proposal (RFP) packet, which may be requested 8 a.m. to 5 p.m., Monday-Friday, from Sarah Gilbert, Neighborhood Services Director, or Joe Dermid, Associate Planner, at the Human Services Department, 2nd Floor, City Hall, 455 N. Main, Wichita, 67202, (316) 268-4591, fax (316) 268-4219.

Proposal Due Date

Initial letters of interest are due by noon January 9, and final proposals are due by noon March 11, both at the address above. An RFP calendar, which includes other mandatory dates, is included in the RFP packet.

City of Wichita, Kansas
Human Services Department

Doc. No. 020017

State of Kansas

Social and Rehabilitation Services**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, February 18, in the SRS board room, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of new and amended rules and regulations on a permanent basis effective April 1, 1998. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to or during the hearing to Hope Burns, Office of the Secretary, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views; it may be necessary to request each participant to limit any oral presentation to five minutes. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

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 Hope Burns at (785) 296-3969 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulations will take place at 9 a.m. February 23 in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulations and the economic impact statements may be obtained by contacting Hope Burns. A summary of the proposed regulations and the economic impact follows.

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

30-5-300. Definitions. This regulation is being amended to add the definition for the "Severe Emotional Disturbance" waiver.

Economic Impact: There will be no cost or savings.

30-5-310. Scope and reimbursement for home- and community-based services for persons with a severe emotional disturbance. This new waiver will allow for the provision of HCBS services to children with severe emotional disturbance to allow them to remain in the home or a community facility and out of a state mental health hospital. This regulation will allow services to be available to eligible children effective January 1, 1998, on a temporary basis and effective April 1, 1998, on a permanent basis.

Economic Impact:

Cost: FY 98: \$3,000,000 All Funds
\$1,131,287 State General Funds
FY 99: \$9,311,000 All Funds
\$3,775,611 State General Funds

Bearer of Cost: The State of Kansas through the SRS budget and the federal government through the Title XIX Program.

Affected Parties: Children with severe emotional disturbances, their families, and HCBS providers enrolled in the Kansas Medicaid Program.

Other Methods: No other method was appropriate for the desired outcome.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 020016

State of Kansas

**Department of Commerce
and Housing****Notice of Hearings on Kansas Consolidated Plan**

The Department of Commerce and Housing will conduct public hearings for comment on the preliminary draft of the Action Plan of the Kansas Consolidated Plan for federal fiscal year 1998 (state fiscal year 1999). The Consolidated Plan is the state's proposed framework for business development, community development and housing development. The proposed Action Plan will be available for public examination beginning January 5 at county seat public libraries, selected local government offices and video conferences sites (January 21 only). The public comment period ends February 4.

The public hearings will be conducted as a video conference from 9:30 to 11:30 a.m. (Central Standard Time) January 21. Persons attending should arrive by 9:15 a.m. All conference sites are accessible to persons with disabilities. The video conference sites are as follows:

- Kansas State Board of Education, ITV Room, 120 S.E. 10th, Topeka
- Mitchell County Hospital, Library, 400 W. 8th, Beloit
- Northwest Kansas Area Health Education Center, 217 E. 32nd, Hays
- Northwest Kansas Regional Medical Center, Classroom, 220 W. 2nd, Goodland
- Southeast Kansas Education Service Center, Video Conference Room, Route 4, Greenbush
- University of Kansas School of Medicine, Women's Resource Center, Wichita Room, 1010 N. Kansas, Wichita
- Garden City Community College, Academic Building, Room B142, 801 Campus Drive, Garden City

Gary Sherrer
Secretary of Commerce
and Housing

Doc. No. 020027

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, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, December 29, 1997

32823

Kansas State University—Bulk liquid nitrogen

32856

Various state agencies—Microfilm chemistry and supplies

6793 Rebid

El Dorado Correctional Facility—Furnish and install folding acoustical door

6948

Kansas State University—Doors, frames and hardware

Tuesday, December 30, 1997

32851

University of Kansas Medical Center—Animal feed

32852

State Corporation Commission—Well plugging, Wilson Darby

6950

Department of Transportation—Aggregate (Coffey County)

6951

Department of Transportation—AB-3 aggregate, various locations

6953

Department of Transportation—Plan files

Wednesday, December 31, 1997

32853

State Corporation Commission—Well plugging, Casper #1 Lease Project

32854

State Corporation Commission—Well plugging, Moon Bennett Lease Project

6956

University of Kansas—Furnish all labor and materials to replace condensate tanks

6957

Department of Transportation—Wood signposts, Chanute

6958

Department of Wildlife and Parks—Furnish and install water transfer system, McPherson

Friday, January 2, 1998

6965

Emporia State University—Office chairs

6966

Kansas State University—Air cooled split system air conditioner

6968

Department of Transportation—Global positioning system

6972

Hutchinson Correctional Facility—Building materials

6976

El Dorado Correctional Facility—Floor tile and adhesive

6977

Department of Wildlife and Parks—Furnish and install restrooms, Topeka

Tuesday, January 13, 1998

A-8394 and A-8438

Department of Wildlife and Parks—New campground building, Cheney State Park

A-8401

Wichita State University—Reroof, Intensive English Language Center

Thursday, January 15, 1998

A-8104d

El Dorado Correctional Facility—Security system modifications required for replacement of thermal piping system

A-8141

Fort Hays State University—Window replacement, Albertson and McCartney Halls

A-8455

Pittsburg State University—Sidewalk improvements to Kansas Technology Center

32828

Kansas Lottery—Single premium immediate annuities

Friday, January 16, 1998

A-8215

University of Kansas Medical Center—O.R. HVAC corrections, Bell Memorial Hospital

A-8392

Kansas State University—Dog Research Facility

Thursday, January 22, 1998

A-8389

Norton Correctional Facility—Medium security housing unit and industries building

Thursday, January 29, 1998

A-7987, 7987a and 7987b

Fort Hays State University—Renovation of Albertson, Martin Allen and McCartney Halls

John T. Houlihan
Director of Purchases

Doc. No. 020032

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, January 26, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 *et seq.*

W. Newton Male
State Bank Commissioner

Doc. No. 020018

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has received and reviewed permit modification information for the Barber County municipal solid waste landfill. Barber County has submitted amended design drawings and a new operating plan for the landfill. KDHE is providing public notice of its intent to amend the county's current permit to incorporate the changes. As a condition of the amended permit, the county will be required to modify environmental monitoring procedures. Once this information is submitted and approved, the requirements of new state and federal regulations for small arid landfills, which became effective October 9, 1997, will be fulfilled. The landfill is located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 6, Township 34S, Range 11W, south of Medicine Lodge. The landfill currently occupies an area of approximately 44 acres.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until Monday, January 19, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section

Bureau of Waste Management

Forbes Field, Building 740

Topeka, 66620

Contact: Phil Rosewicz

(785) 296-1594

Barber County Courthouse

120 E. Washington

Medicine Lodge, 67104

Contact: Linda McGuire, County Clerk

(316) 886-3961

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than January 19 to Phil Rosewicz (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the amended permit. Notice of the decision will be given to anyone who submitted written

comments during the comment period and to those who requested notice of the final permit decision.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 020023

State of Kansas

Department of Human Resources

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, February 19, at the Kansas Department of Human Resources, Topeka Job Service Office, second floor conference room, 1430 S. Topeka Blvd., Topeka, to consider the adoption of proposed changes in the existing regulation of the Employment Security Law, K.S.A. 44-703 *et seq.* This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Merrill J. Hicklin Befort, Staff Attorney, Kansas Department of Human Resources, 401 S. Topeka Blvd., Topeka, 66603, (785) 296-4902.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained by contacting Merrill J. Hicklin Befort. A summary of the proposed regulation and its economic impact follows.

K.A.R. 48-1-4. The proposed amendment to this regulation would allow the Kansas Department of Human Resources greater flexibility to conduct unemployment insurance appeal hearings by telephone. Currently, the regulation requires that all unemployment insurance appeal hearings be conducted in person except when parties request the hearing by telephone.

Economic Impact: The proposed amendments will reduce costs to the Kansas Department of Human Resources while providing improved service to employers and claimants. Essential savings are anticipated by conducting unemployment insurance appeal hearings by telephone along with reduced travel expenses for hearing officers. Furthermore, hearing officers will be able to handle a larger volume of cases if needed. The Department of Human Resources will incur all costs of conducting telephone hearings. In addition, it is anticipated that employers and claimants will be better served by such actions since they will not have to travel to attend hearings.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 020026

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-97-273/279

Name and Address of Applicant	Legal Description	Receiving Water
Dekalb Swine Breeders, Inc. Farm 11 Finishing 23179 #5 Road Plains, KS 67869	South 1/2 of Section 8, T34S, R30W, Meade County	Cimarron River Basin
Kansas Permit No. A-CIME-H003 Federal Permit No. KS-0089044		
This is a renewal of an existing facility for 4,800 head (1,920 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: Land application of livestock wastes shall be based on nutrient analyses of waste and soils at the application site. Settled sludge, lagoon water and soils in the application sites shall be analyzed at least annually for nitrate, ammonia, phosphorus and potassium. Soil samples shall be taken from at least four locations in each quarter-section to a depth of two feet. Nutrient analyses shall be submitted to the department annually by June 1 of each year. Lagoon wastewater shall be uniformly dispersed over at least 100 acres annually and settled sludge shall be applied to at least 200 acres, unless nutrient analyses show less land area can be utilized. If soil samples show nitrogen accumulation in the soil, additional land area for waste application will be required.

Name and Address of Applicant	Legal Description	Receiving Water
Richard Holthaus 806 30th Road Axtell, KS 66403	NE/4 of Section 12, T2S, R10E, Marshall County	Big Blue River Basin
Kansas Permit No. A-BBMS-S046		

This is a new facility for 360 head (144 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 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 1.0 acre inch per year and solids shall be applied at not greater than 10 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Heritage Cattle Company 3725 W. Road E Garden City, KS 67846	SW/4 of Section 9, T26S, R33W, Finney County	Upper Arkansas River Basin
Kansas Permit No. A-UAFI-C023 Federal Permit No. KS-0094285		

This is a new facility for 2,660 head (2,660 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.

Special Conditions: 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. Permeability test results must be submitted to KDHE by December 31, 1998.

Name and Address of Applicant	Legal Description	Receiving Water
Koch Feeders d/b/a Ulysses Feed Yard 1765 E. Road 21 Ulysses, KS 67880	Section 14, T30S, R37W, Grant County	Cimarron River Basin
Kansas Permit No. A-CIGT-C003 Federal Permit No.: KS-0053481		

This is an expansion facility for 73,000 head (73,000 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: Upon completion of the retention structure, a permeability test must be conducted. The results of the permeability test must be submitted to the KDHE southwest district office at 302 W. McArtor, Dodge City, KS 67801-6098, within six months after the completion of the retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Rick Lambert d/b/a R7 Ranch 13947 N.W. Sun City Road Coats, KS 67028	SW/4 of Section 14, T28S, R14W, Pratt County	Lower Arkansas River Basin
Kansas Permit No. A-ARPR-B004		

This is an expansion facility for a maximum capacity of 950 head (950 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: 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 0.5 acre inch per acre per year and solids shall be applied at not greater than seven ton per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 65 gallons per minute for the west system and 22 gallons per minute for the east system and dispersing the wastewater over a minimum of 50 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Time Line Dairy HC-01, Box 61 Syracuse, KS 67878	NW/4 of Section 7, T27S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-D001 Federal Permit No.: KS-0094277

This is a new facility for 3,800 head (5,320 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: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Charles Ronnau 27155 Oregon Road St. Marys, KS 66538	NW/4 of Section 1, T10S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S031

This is an existing facility for 1,012 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: Existing controls meet KDHE requirements.

Public Notice KS-97-173

Name and Address of Applicant	Waterway	Type of Discharge
USD No. 345 Rochester Elementary School 1124 W. Lyman Road Topeka, KS 66608	Kansas River via Soldier Creek via unnamed tributary	Treated domestic wastewater

Kansas Permit No. M-KS72-0013 Federal Permit No. KS0081663

Location: SE¼, S7, T11S, R16E, Shawnee County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the permittee to meet final fecal coliform limitations by September 1, 1999. The permit requirements 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.

Public Notice No. KS-EG-97-035/037

In accordance with K.A.R. 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 the use of the wells described below within the State of Kansas.

Name and Address of Applicant	Well Location
North American Salt Co. P. O. Box 498 Lyons, KS 67554	
Well Identification #2	NE¼, NE¼, SE¼, S15, T20S, R8W, Rice County
KS Permit No. KS-01-159-004	2360' fsl and 330' fel from SE corner of Section

Description: The facility is a salt production plant. The fluids to be injected are waste brines from the salt manufacturing process, recovered contaminated groundwater from remedial action interceptor wells, flush water from cleanup of salt contaminated soils, laboratory wastewater, displaced brine from Class V wells, and groundwater monitoring well purge water.

Well Identification #3	SW¼, NW¼, S18, T20S, R7W, Rice County
KS Permit No. KS-01-159-005	1390' fsl and 5180' fel from SE corner of Section

Well Identification #4	NW¼, NW¼, SE¼, S29, T20S, R7W, Rice County
KS Permit No. KS-01-159-006	2340' fsl and 2354' fel from SE corner of Section

Description: The facility is a salt production plant. The fluids to be injected are described as recovered contaminated groundwater from the "F" and "G" interceptor wells.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler 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 on or before January 17 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-273/279, KS-97-173, KS-EG-97-035/037) 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.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 020024

**State of Kansas
State Corporation Commission**

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. January 6 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings

should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Dan Riley, Assistant General Counsel, (785) 271-3159. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Public Service:

A & B Trucking, Inc., 320 Stadium, Cunningham, KS 67035; MC ID No. 155359; General commodities (except household goods).

Amigo Carriers, LLC, 305 S. Virginia St., Liberal, KS 67901; MC ID No. 155144; General commodities (except explosives and household goods).

Arnold Transportation Services, Inc., 4410 Industrial Park, Camp Hill, PA 17011; MC ID No. 155352; Bob Alderson, Attorney; General commodities (except household goods, hazardous materials and Classes A and B explosives).

Asphalt Sales & Transportation, Inc., 525 S. Main, Suite 220, Tulsa, OK 74103; MC ID No. 226934; William Parker, Attorney; General commodities (except household goods, Classes A and B explosives, poison gas, highway controlled radioactive materials).

Beaver Express, Inc., 4310 Oklahoma Ave., Woodward, OK 73801; MC ID No. 155367; William Parker, Attorney; General commodities (except household goods, Classes A and B explosives, poison gas, highway controlled radioactive materials).

Boswell & Lee Trucking, LLC, 933 Walker, Kansas City, KS 66101; MC ID No. 155247; Robert Zeldin, Attorney; General commodities (except household goods and hazardous materials).

Chris Cook, dba Chris Cook Trucking, 11665 Lariat Way, Dodge City, KS 67801-7341; MC ID No. 155366; General commodities (except household goods and explosives).

Doug Dale, dba Dale Brothers, Route 2, Box 29, Ulysses, KS 67880; MC ID No. 155353; General commodities (except household goods and explosives).

Jim Gormley, dba Gormley Trucking, Route 1, Grinnell, KS 67738; MC ID No. 155357; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

J.D. Miller & Sons, Inc., 1066 Road 130, Emporia, KS 66801; MC ID No. 155358; Stanley Ausemus, Attorney; General commodities (except household goods and hazardous materials).

A.R. Lawrence, dba Lawrence Trucking, 744 South Lane, Dighton, KS 67839; MC ID No. 155356; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Kelly McNett, dba McNett Trucking, 325 N. Main, Medicine Lodge, KS 67104; MC ID No. 155361; William Barker, Attorney; General commodities (except household goods and hazardous materials).

Roger W. Nitsch, HC 61, Box 25, Hunter, KS 67452; MC ID No. 155355; General commodities (except explosives and household goods).

James H. Perriman, dba Perriman's Towing, 1600 S.E. 30th, Topeka, KS 66605-2605; MC ID No. 155365; Wrecked, disabled, repossessed and replacement vehicles.

Kristofer Bjornson Ritchie, dba Affordable Towing and Auto Repair, 115 E. Wichita Ave., Russell, KS 67665; MC ID No. 155368; Wrecked, disabled, repossessed and replacement vehicles.

Sederstrom Trucking, Inc., 5755 Road 16, Goodland, KS 67735; MC ID No. 155362; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Kevin Semisch, dba K & A Trucking, 206 Huron, Plains, KS 67869; MC ID No. 155364; General commodities (except household goods and hazardous materials).

Seven Iron Trucking, L.L.C., 105 N. Pine, Mullinville, KS 67109; MC ID No. 155354; General commodities (except household goods).

Billy M. Shively, dba Shively Harvesting, Route 2, Box 100, Lebanon, KS 66952-9737; MC ID No. 155253; General commodities (except household goods and hazardous materials).

Stillwagoner Trucking, Inc., P.O. Box 205, Great Bend, KS 67530; MC ID No. 155255; John Jandera, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials).

Sylvester Transport, Inc., 1906 Kingman Road, Ottawa, KS 66067; MC ID No. 155363; Clyde Christey, Attorney; General commodities (except household goods).

Application for Transfer of Certificate of Public Service:

Eileen R. Rice, dba Packaging Store, 832 E. Hwy. 54, Liberal, KS 67901, MC ID No. 153406, to: R.B.S.T. LLC, E. Hwy. 54, Liberal, KS 67901; General commodities including furniture and appliances (except household goods and hazardous materials).

Application for Certificate of Convenience and Necessity:

George Ferdinand, 5400 S.E. Adams, Topeka, KS 66619; MC ID No. 155360; General commodities.

Application for Extension of Certificate of Public Service:

Doll Truck Line, Inc., 824 E. St. Louis, Conway Springs, KS 67031; MC ID No. 100273; Paul Dugan, Attorney; General commodities (except household goods and hazardous materials).

Application for Name Change of Certificate of Public Service:

Delbert Shive, dba Triple "S" Shive Salt Water Service, 11216 E. Longview Road, Burrton, KS 67020, MC ID No. 100629, to: Triple "S" Tank Truck Service, Inc., Route 1, Box 67, Burrton, KS 67020-9801; John Jandera, Attorney; Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water.

Lester Knott, dba Knott Trucking, 809½ N. Hoy, Buffalo, OK 73834, MC ID No. 153825, to: Lester and Becky Knott, dba Knott Trucking, 809½ N. Hoy, Buffalo, OK 73834; General commodities (except household goods and hazardous materials).

Application for Abandonment of Certificate of Public Service:

Dalworth Trucking, Inc., 3375 High Prairie, Grand Prairie, TX 75050; MC ID No. 128794.

Beaver Express Service, Inc., dba Beaver Express, 4310 Oklahoma Ave., Woodward, OK 73801; MC ID No. 100685; William Parker, Attorney.

Don Carlile
Administrator
Transportation Division

Doc. No. 020030

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-15-97 through 12-21-97	
Term	Rate
1-89 days	5.47%
3 months	5.29%
6 months	5.47%
9 months	5.64%
12 months	5.62%
18 months	5.59%
24 months	5.52%

William E. Lewis
Chairman

Doc. No. 020015

(Published in the Kansas Register December 18, 1997.)

Summary Notice of Bond Sale

City of Hoxie, Kansas

Sheridan County, Kansas

\$160,000

General Obligation Street Bonds

Series 1998

Dated January 1, 1998

(General obligation bonds payable from special assessments and unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated December 8, 1997, sealed bids will be received by the city clerk of the City of Hoxie, Sheridan County, Kansas (the issuer), on behalf of the governing body at the City Hall, P.O. Box 898, 1024 Royal Ave., Hoxie, KS 67740, until 7 p.m. Monday, January 12, 1998, for the purchase of the principal amount of \$160,000 General Obligation Street Bonds, Series 1998.

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 January 1, 1998, and will become due on October 1 in the years as follows:

Year	Principal Amount
1999	\$10,000
2000	\$15,000
2001	\$15,000
2002	\$15,000
2003	\$15,000
2004	\$15,000
2005	\$15,000
2006	\$20,000
2007	\$20,000
2008	\$20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as here-

inafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1999.

Interest Rates

The difference between the highest and lowest interest rate submitted shall not exceed 3 percent. Only one rate of interest shall apply to any single maturity date.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's check or certified check payable to the city drawn on a bank located in the United States in the amount of \$3,200 (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 about February 13, 1998, at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Bid Price

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.

Assessed Valuation and Indebtedness

The equalized assessed taxable, tangible valuation of the city for computation of bonded debt limitations for the year 1997 is \$4,975,278, which the county clerk believes includes the motor vehicle valuation of the city. The county clerk of Sheridan County has advised the city that the county does not have a separate valuation amount for the city's motor vehicles. The total general obligation bonded indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$160,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, 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.

Redemption

Bonds maturing on or after October 1, 2004, shall be subject to call and redemption by the city at its option on October 1, 2003, and on any interest payment date thereafter at par and accrued interest to date of redemption without premium.

Additional Information

Additional information regarding the bonds may be obtained from Heather Bracht, City Clerk, City Hall, P.O. Box 898, 1024 Royal Ave., Hoxie, KS 67740, (785) 675-3291; or from Fred W. Rausch, Jr., Bond Counsel, 220 S.W. 33rd, Suite 201, Topeka, KS 66611, (785) 267-3470. Preliminary official statements will be sent to prospective bidders upon request to bond counsel.

City of Hoxie
Sheridan County, Kansas

Doc. No. 020029

(Published in the Kansas Register December 18, 1997.)

Summary Notice of Note Sale
\$5,627,500

City of Manhattan, Kansas
Notes, Series 1998-01 through 1998-03
(General obligation notes payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of note sale dated December 18, 1997, bids will be received by the accounting/treasury officer of the City of Manhattan, Kansas (the issuer), at 100 Manhattan Town Center, Suite 545, Manhattan, KS 66502, until 2 p.m. January 8, 1998, for the purchase of \$5,627,500 principal amount of Temporary Notes, Series 1998-01 through 1998-03. No bid of less than 98.5 percent of the principal amount of the notes and accrued interest thereon to the date of delivery will be considered.

Note Details

At the option of the successful bidder, the notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof, except one note of each series, registered under a book-entry only system administered through DTC, or shall consist of bearer instruments in denominations specified by the successful bidder. The notes will be dated January 15, 1998, and will become due on January 15, 1999. The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity or earlier redemption.

Paying Agent and Note Registrar

To be designated by the successful bidder.

Delivery

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before January 30, 1998, at DTC or at such bank or trust company in the contiguous United States 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 1997 is \$192,851,659. The total general obligation indebtedness of the issuer as of the date of delivery of the notes, including the notes being sold but excluding temporary notes to be retired in conjunction therewith, is \$43,556,000.

Approval of Bonds

The notes 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 notes will be furnished and paid for by the issuer and delivered to the successful bidder when the notes are delivered.

Additional Information

Additional information regarding the notes may be obtained from Laura Oakley, accounting/treasury officer, (785) 587-2465, fax (785) 587-2464.

Dated December 18, 1997.

City of Manhattan, Kansas

Doc. No. 020031

State of Kansas

Kansas Lottery

Temporary Administrative
Regulations

Article 2.—LOTTERY RETAILERS

111-2-66. Pull-tab retailer sales incentive. In addition to the compensation specified in K.A.R. 111-2-4 and K.A.R. 111-2-6, for the period from December 1, 1997, through January 16, 1998, all Kansas lottery retailers certified to sell Kansas lottery pull-tabs who purchase and have delivered a quarter carton each on Twister, Blaze of Glory, Casino Action and Cherrybell pull-tab games shall receive a quarter carton of a similar size of pull-tab game selected by the lottery at no additional charge. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

Article 3.—INSTANT GAME RULES

111-3-13. Ticket validation requirements. (a) Each instant game ticket shall be validated prior to payment of a prize. Submission of a valid winning ticket to and receipt of the ticket by the lottery or one of its authorized retailers shall be the sole method of claiming a prize or prizes.

(b) Besides meeting all other requirements in these rules and those printed on the back of each instant ticket, the following validation requirements shall apply to all tickets for these instant games:

(1) The ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part.

(2) The ticket shall be intact to the extent that the lottery can determine whether the ticket is a winning ticket.

(3) The ticket must not be altered or tampered with in any manner.

(4) The ticket must not be blank or partially blank, mis-cut, misregistered, defective, or printed or produced in error.

(5) The display printing on the ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery.

(6) The ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery.

(7) Play symbols must appear in the play area. Each play symbol must be exactly as described in specific game rules.

(8) Each play symbol must have a play symbol caption underneath, and each play symbol caption must agree with its play symbol. Each play symbol caption must be exactly as described in specific game rules.

(9) Each of the play symbols and play symbol captions must be present in its entirety, fully legible, right side up, not reversed in any manner, and correspond precisely to the artwork on file at the Kansas lottery.

(10) The ticket must have exactly one ticket validation number, one book-ticket number and one retailer validation code, each of which must be present to the extent that the lottery can determine whether the ticket is a winning ticket, and correspond precisely to the artwork on

(continued)

file at the Kansas lottery. The ticket validation number shall correspond, using the Kansas lottery codes, to the play symbols on the ticket.

(11) The ticket validation number of an apparent winning ticket shall appear on the Kansas lottery's official list of ticket validation numbers of winning tickets and a ticket with that ticket validation number shall not have been paid previously.

(12) The ticket must pass all additional confidential validation tests of the Kansas lottery.

(c) Any ticket not passing all of the validation checks in this paragraph is void and ineligible for any prize. However, the executive director may, solely at his or her option, reimburse the player for the cost of an invalid ticket. In the event that a defective ticket is purchased, the only responsibility or liability of the Kansas lottery shall be for reimbursement of the cost of the defective ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-89-7, Feb. 26, 1988; amended, T-111-3-14, Mar. 2, 1990; amended, T-111-6-19-91, June 14, 1991; amended T-111-7-1-92, June 26, 1992; amended, T-111-12-2-97, Nov. 21, 1997.)

Article 4.—INSTANT GAMES

111-4-995. Determination of prize winners. (a) An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the prize symbols and captions in the three play areas. The first is a key number match game. If either of "YOUR NUMBERS" matches one or more of the 10 "WINNING NUMBERS," the player wins the prize amount below that number. If a \$500/Mo. symbol is found in any of the "YOUR NUMBER" spots, the player wins \$500 per month for a year. In this play area, a player will be eligible to win up to 10 prizes. The second is a match game entitled "Fast \$25" in which a player wins \$25 if the two symbols in this play area match.

(b) The grand prize winner in the "Win for Life" drawing(s) shall receive \$500 per month for life with a minimum prize totaling \$100,000 payable to the winner and/or the duly appointed representative of the winner's estate or to such other person or persons appearing to be legally entitled thereto. Payments shall commence at once, but no sooner than the eighteenth birthday of the grand prize winner. Payments following the death of the grand prize winner shall be the difference between the amount that was paid to the winner and \$100,000, and that amount shall be paid in a lump sum.

(c) There will be 10 additional winners drawn after the grand prize winner is drawn, and each will receive \$1,000.

(d) The grand prize and 10 additional prizes of \$1,000 are funded from unclaimed prizes. (Authorized by K.S.A. 1996 Supp. 74-8710(a)(1) and (2); implementing K.S.A. 1996 Supp. 74-8710(a)(1), (2) and (3), K.S.A. 1996 Supp. 74-8718(a)(3), and K.S.A. 74-8720(b), (d) and (f); effective, T-111-4-17-97, March 21, 1997; amended, T-111-12-2-97, Nov. 21, 1997.)

RULES FOR INSTANT GAME NO. 23 "WINDFALL"

111-4-1142. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Windfall" commencing on or after November 24, 1997. The specific rules for the "Windfall" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1142 through 111-4-1145. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1143. Definitions. The following definitions shall apply to the "Windfall" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of the six play spots within the play area. Each game symbol for this instant game is one of the following: FREE — \$2.00 — \$5.00 — 10.00 — 15.00 — 50.00 — \$500\$.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE\$
10.00	TEN\$
15.00	FIFTEEN
50.00	FIFTY
\$500\$	FIVE-HUN

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; FTY = \$50.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and

implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1144. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. If three like prize amounts are revealed, the player wins the amount shown. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1145. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2	72,000	144,000
\$5	40,800	204,000
\$10	12,000	120,000
\$15	6,600	99,000
\$50	6,600	330,000
\$500	30	15,000
	<u>354,030</u>	<u>\$921,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.08.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f); effective, T-111-12-2-97, Nov. 21, 1997.)

**RULES FOR INSTANT GAME NO. 24
"HOME ON THE RANGE"**

111-4-1146. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Home on the Range" commencing on or after November 24, 1997. The specific rules for the "Home on the Range" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1146 through 111-4-1149. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1147. Definitions. The following definitions shall apply to the "Home on the Range" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE

- \$1.⁰⁰ - \$2.⁰⁰ - \$5.⁰⁰ - 10.⁰⁰ - 20.⁰⁰ - 30.⁰⁰ - \$1000 - TRIPLE PRIZE.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
20. ⁰⁰	TWENTY
30. ⁰⁰	THIRTY
\$1000	ONE-THOU
TRIPLE PRIZE	3XPRIZE

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free Ticket; ONE = \$1.00; THR = \$3.00; FIV = \$5.00; SIX = \$6.00; TEN = \$10.00; FTN = \$15.00; TWY = \$20.00; TRY = \$30.00; SXY = \$60.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1148. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal six prize amounts or five prize amounts and a tripler symbol. If three like prize amounts match, the player wins the amount shown. If two like prize amounts match and a tripler symbol is found, the player wins triple the prize amount. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1996 Supp. 75-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 75-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

(continued)

111-4-1149. Number and value of instant prizes.

(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - FREE's	Free Ticket	180,000	\$ 0
3 - \$1's	\$1	30,000	30,000
2 - \$1's (*)	\$3	72,000	216,000
3 - \$5's	\$5	24,000	120,000
2 - \$2 (*)	\$6	18,000	108,000
3 - \$10's	\$10	12,000	120,000
2 - \$5's (*)	\$15	6,000	90,000
3 - \$20's	\$20	6,000	120,000
3 - \$30's	\$30	600	18,000
2 - \$10's (*)	\$30	2,400	72,000
2 - \$20's (*)	\$60	300	18,000
3 - \$1,000's	\$1,000	12	12,000
2 - \$1,000's (*)	\$3,000	6	18,000
		<u>351,318</u>	<u>\$942,000</u>

(*) - Denotes tripler

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.12.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-12-2-97, Nov. 21, 1997.)

**RULES FOR INSTANT GAME NO. 43
"SMELL THE MONEY"**

111-4-1150. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Smell the Money" commencing on or after November 24, 1997. The specific rules for the "Smell the Money" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1150 through 111-4-1153. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1151. Definitions. The following definitions shall apply to the "Smell the Money" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.00 - \$5.00 - 10.00 - 15.00 - 50.00 - \$500\$.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET

\$2.00	TWO\$
\$5.00	FIVE\$
10.00	TEN\$
15.00	FIFTEEN
50.00	FIFTY
\$500\$	FIVE-HUN

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; FTY = \$50.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1152. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. If three like prize amounts are revealed, the player wins the amount shown. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 75-8710(b), (c) and (i), and K.S.A. 75-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1153. Number and value of instant prizes.

(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2	72,000	144,000
\$5	40,800	204,000
\$10	12,000	120,000
\$15	6,600	99,000
\$50	6,600	330,000
\$500	30	15,000
	<u>354,030</u>	<u>\$912,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.08.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-12-2-97, Nov. 21, 1997.)

**RULES FOR INSTANT GAME NO. 44
"WINDS OF FORTUNE"**

111-4-1154. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Winds of Fortune" commencing on or after November 24, 1997. The specific rules for the "Winds of Fortune" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1154 through 111-4-1157. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1155. Definitions. The following definitions shall apply to the "Winds of Fortune" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.⁰⁰ - \$5.⁰⁰ - 10.⁰⁰ - 15.⁰⁰ - 50.⁰⁰ - \$500\$ - \$1500 - \$3000 - \$7500.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
50. ⁰⁰	FIFTY
\$500\$	FIVE-HUN
\$1500	FIFTN-HUN
\$3000	THR-THOU
\$7500	SVFVHN

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book

number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; FTY = \$50.00; FHN = \$500.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1156. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal six prize game symbols and captions. If three of the six concealed prize amounts match, the player wins the amount shown. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1996 Supp. 75-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 75-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1157. Number and value of instant prizes.

(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2	72,000	144,000
\$5	40,800	204,000
\$10	12,000	120,000
\$15	6,000	90,000
\$50	4,800	240,000
\$500	60	30,000
\$1,500	24	36,000
\$3,000	6	18,000
\$7,500	6	45,000
	<u>351,696</u>	<u>\$927,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.12.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-12-2-97, Nov. 21, 1997.)

(continued)

**RULES FOR INSTANT GAME NO. 28
"GIMME 10"**

111-4-1158. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Gimme 10" commencing on or after November 24, 1997. The specific rules for the "Gimme 10" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1158 through 111-4-1161. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1159. Definitions. The following definitions shall apply to the "Gimme 10" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of the six play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.⁰⁰ - \$5.⁰⁰ - 10.⁰⁰ - 15.⁰⁰ - 20.⁰⁰ - \$500\$ - symbol of a hand.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
\$500\$	FIVE-HUN
Symbol of a hand	Hand

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.⁰⁰; FIV = \$5.⁰⁰; TEN = \$10.⁰⁰; FTN = \$15.⁰⁰; TWY = \$20.⁰⁰; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1160. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six prize game symbols and captions. If three of the six concealed prize amounts match, the player wins that amount shown. If two of the six concealed prize amounts match and a hand symbol appears, the player wins that prize amount. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1161. Number and value of instant prizes.

(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2	66,000	132,000
\$5	30,000	150,000
\$10	42,000	420,000
\$15	7,800	117,000
\$50	4,800	96,000
\$500	30	15,000
	<u>366,630</u>	<u>\$930,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.91.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-12-2-97, Nov. 21, 1997.)

**RULES FOR INSTANT GAME NO. 47
"KANSAS ROAD TRIP"**

111-4-1162. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Kansas Road Trip" commencing on or after November 24, 1997. The specific rules for the "Kansas Road Trip" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1162 through 111-4-1166. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1163. Definitions. The following definitions shall apply to the "Kansas Road Trip" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in each of the four play areas of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game

symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of the 16 play spots within each of the three play areas. Each game symbol for this instant game is one of the following: \$1.⁰⁰ - \$2.⁰⁰ - \$4.⁰⁰ - \$5.⁰⁰ - 10.⁰⁰ - 20.⁰⁰ - 50.⁰⁰ - \$100\$ - 10000 - 01 - 02 - 03 - 04 - 05 - 06 - 07 - 08 - 09 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - symbol of a cone - symbol of gasoline - symbol of a drink - symbol of a suitcase - symbol of a hot dog - symbol of a sandwich - symbol of a burger - symbol of stop lights - symbol of a tire - symbol of a sunflower.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$4. ⁰⁰	FOUR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
50. ⁰⁰	FIFTY
\$100\$	HUNDRED
10000	TEN-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELEVEN
12	TWELVE
13	THIRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGTN
19	NINTN
20	TWENTY
Symbol of a cone	CONE
Symbol of gasoline	GAS
Symbol of a drink	DRINK
Symbol of a suitcase	SUITCSE
Symbol of a hot dog	HOTDGT
Symbol of a burger	BURGER
Symbol of stop lights	STOPLITES
Symbol of a sandwich	SNDWICH
Symbol of a tire	TIRE
Symbol of a sunflower	DOUBLER

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below

the game symbols under the latex covering in the play area on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 149. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols in each of the three play areas. The codes and their meanings are as follows: TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; TEN = \$10.00; TWY = \$20.⁰⁰; TRY = \$30.00; FRY = \$40.00; HUN = \$100.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1164. Cost of ticket. The price of "Kansas Road Trip" instant tickets sold by a retailer shall be \$2.00 each. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1165. Determination of instant prize winners. An instant prize winner is determined in "Game 1" when the player matches any of the eight "Your Number" spots to either of the two "Lucky Numbers." If a match is made, the player wins the prize amount shown below the number. If a sunflower symbol is revealed, the player wins double the prize amount shown. An instant winner is determined in "Game 2" and "Game 3" when the player matches two of the three symbols revealed. If two identical symbols are revealed in "Game 2," the player wins an instant \$10. If two identical symbols are revealed in "Game 3," the player wins an instant \$20. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1166. Number and value of instant prizes.

(a) There will be approximately 1,200,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

	Match			Prizes	Expected Number of Prizes in Game	Expected Value in Game
	Game 1	Game 2	Game 3			
\$2				\$2	48,000	\$ 96,000
\$1+D				\$2	80,000	160,000
\$1×4				\$4	8,000	32,000
\$1+D+\$1×2				\$4	24,000	96,000
\$2+D				\$4	40,000	160,000
\$2+\$1×3				\$5	8,000	40,000
\$1+D+\$1×3				\$5	24,000	120,000
\$1×5				\$5	20,000	100,000

(continued)

\$1×6+\$2×2		\$10	2,000	20,000
\$4+D+\$2		\$10	2,000	20,000
\$2×5		\$10	8,000	80,000
\$5+D		\$10	2,000	20,000
	\$10	\$10	6,000	60,000
\$5×4		\$20	2,000	40,000
\$10+D		\$20	3,000	60,000
\$10	\$10	\$20	3,000	60,000
		\$20	6,672	133,440
\$10×3		\$30	600	18,000
	\$10	\$30	300	9,000
\$20+D		\$40	80	3,200
\$1×6+\$2×2	\$10	\$40	160	6,400
\$100		\$100	40	4,000
\$20×4		\$100	60	6,000
\$50+\$20	\$10	\$100	40	4,000
\$50+D		\$100	40	4,000
\$10,000		\$10,000	6	60,000
TOTAL			<u>287,998</u>	<u>\$1,412,040</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.17.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f); effective, T-111-12-2-97, Nov. 21, 1997.)

**RULES FOR INSTANT GAME NO. 31
"DOUBLE BINGO"**

111-4-1167. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Double Bingo" commencing on or after November 24, 1997. The specific rules for the "Double Bingo" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1167 through 111-4-1171. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1168. Definitions. The following definitions shall apply to the "Double Bingo" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10-point WGI font and in 15-point WGI font. A 10-point game symbol appears in each of the 120 play spots within the "game card" play areas. Each 10-point game symbol for this instant game is one of the following:

"PLAYER'S CARDS"

01	02	03	04	05	06	07	08	98	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	FREE B I N G O DBL				

"Caller's Card" and "Bonus Numbers" are printed in black ink in 15-point WGI font. A 15-point game symbol appears in each of the 30 play spots within the "Caller's Card" and "Bonus Numbers" play areas. Each 15-point game symbol for this instant game is one of the following:

B01	B02	B03	B04	B05	B06	B07	B08	B98	B10
B11	B12	B13	B14	B15	I16	I17	I18	I19	I20
I21	I22	I23	I24	I25	I26	I27	I28	I29	I30
N31	N32	N33	N34	N35	N36	N37	N38	N39	N40
N41	N42	N43	N44	N45	G46	G47	G48	G49	G50
G51	G52	G53	G54	G55	G56	G57	G58	G59	G60
O61	O62	O63	O64	O65	O66	O67	O68	O69	O70
O71	O72	O73	O74	O75					

(b) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the game symbols under the removable covering in the play area on the front of each instant ticket.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 149. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(d) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six locations at either end of the game symbols on the "CALLER'S CARD." The codes and their meanings are as follows: TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; NTN = \$19.00; TWY = \$20.00; FTY = \$50.00; HUN = \$100.00; FHN = \$500.00.

(e) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1169. Cost of ticket. The price of "Double Bingo" instant tickets sold by a retailer shall be \$2.00 each. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1170. Determination of instant prize winners. This game is played similarly to the traditional "BINGO" game. The player removes the scratch-off material on the area of the ticket indicated as the "CALLER'S CARD" and "BONUS NUMBERS" to reveal 30 "Bingo" letter/number combinations, respectively. The player then checks to see if any of the letter/number combinations on the "CALLER'S CARD" match the letter/number combinations on any of the four "PLAYER'S CARDS." The player may then mark matching combinations by scratching or marking the matched spot on the "PLAYER'S CARDS." If the player gets a "BINGO" by matching the letter/number combinations on one of the four "PLAYER'S CARDS" in any horizontal, vertical, or diagonal line as shown in illustration number one on the back of each "BINGO" card, or by matching combinations in all four corners as shown in illustration number two on the back of each "BINGO" card, or by matching combinations in both diagonals forming an "X" as shown in illustration number three on the back of each "BINGO"

card, the player wins the prize amount indicated on the appropriate winning "PLAYER'S CARD." Players can win up to four times on this ticket, but can win only one way on any of the four "PLAYER'S CARDS" on each ticket; that is there will only be one winning pattern per "PLAYER'S CARD." If a DBL symbol appears in any winning "Bingo" pattern, the prize is doubled. Prizes a player can win are as follows:

	Get	Win
	\$2 (Card 1)	\$2
	\$2 (Card 2)	\$2
	\$2 (Card 1) + (Card 2)	\$4
	\$2 (Card 1) & DBL	\$4
	\$2 (Card 2) & DBL	\$4
	\$5 (Card 3)	\$5
	\$5 (Card 3) & DBL	\$10
	\$10 (Card 4)	\$10
	\$5 (Card 3) + \$10 (Card 4)	\$15
	\$2 (Card 1) + \$2 (Card 2) + \$5 (Card 3) + \$10 (Card 4)	\$19
	\$2 (Card 1 & DBL) + \$5 (Card 3) + \$10 (Card 4)	\$19
	\$10 (Card 4) & DBL	\$20
	\$20 (Card 1)	\$20
	\$50 (Card 2)	\$50
	\$100 (Card 1)	\$100
	\$100 (Card 3)	\$100
	\$100 (Card 4)	\$100
	\$500 (Card 2)	\$500
	\$1,000 (Card 3)	\$1,000
	\$7,500 (Card 4)	\$7,500
	\$7,500 (Card 4) & DBL	\$15,000

(Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-12-2-97, Nov. 21, 1997.)

111-4-1171. Number and value of instant prizes.

(a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value of Game
\$2	204,000	\$ 408,000
\$4	66,000	264,000
\$5	36,000	180,000
\$10	26,400	264,000
\$15	5,400	81,000
\$19	17,400	330,600
\$20	15,600	312,000
\$50	3,000	150,000
\$100	180	18,000
\$500	72	36,000
\$1,000	12	12,000
7,500	2	15,000
\$15,000	8	120,000
TOTAL	<u>374,074</u>	<u>\$2,190,600</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.81.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and

(f), and K.S.A. 74-8720; effective, T-111-12-2-97, Nov. 21, 1997.)

Article 6.—ON-LINE GENERIC RULES

111-6-7. Validation requirements. (a) To be a valid winning on-line ticket, all of the following conditions must be met:

(1) All printing on the ticket shall be present which is necessary, through means available to the lottery, to determine whether the ticket is a winning ticket.

(2) The ticket shall be intact to the extent that the lottery can determine whether the ticket is a winning ticket.

(3) The ticket shall not be mutilated to the extent that the lottery is unable to determine whether the ticket is a winning ticket.

(4) The ticket shall not be altered or tampered with in any manner to the extent that the lottery is unable to determine whether the ticket is a winning ticket.

(5) The ticket shall not be counterfeit or an exact duplicate of another winning ticket.

(6) The ticket must have been issued by an authorized on-line retailer in an authorized manner.

(7) The ticket must not have been stolen or cancelled.

(8) The ticket must not have been previously paid.

(9) The ticket must contain numbers which make it eligible to win a prize pursuant to specific game rules as determined by the lottery.

(10) The ticket shall pass all other confidential security checks of the lottery.

(b) Any ticket failing any of the validation requirements listed above is invalid and ineligible for a prize. The final decision on whether a prize is paid will be made by the executive director.

(c) In the event of a dispute between the executive director and a claimant as to whether a ticket is a valid winning ticket, and if the executive director determines that the ticket is not a valid winning ticket and a prize is not paid, the executive director may replace the disputed ticket with a ticket of equivalent sales price for a future drawing of the current game or refund the cost of the ticket. These shall be the sole and exclusive remedies of the claimant.

(d) In the event a defective on-line ticket is purchased, the only responsibility or liability of the lottery or the on-line retailer shall be the replacement of the defective on-line ticket with another on-line ticket for a future drawing of the same game.

(e) In the event an incorrect number is entered into the lottery's on-line computer system terminals following a drawing described in specific game rules and the incorrect number is reflected in reports generated by the computer system, the lottery shall not be responsible for the payment of claims presented as a result of the entry of an incorrect number in a computer system terminal which may have been used in the validation process. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-89-4, Jan. 22, 1988; amended, T-111-9-1-92, Aug. 28, 1992; amended, T-111-12-2-97, Nov. 21, 1997.)

Gregory P. Ziemak
Executive Director

Doc. No. 020002

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 24.—SANITARY REGULATIONS
FOR COSMETOLOGISTS

28-24-2. Personal cleanliness. (a) The person and the uniform or attire worn by an individual serving a patron shall at all times be clean. The uniform or attire shall cover the body from the shoulders to mid thigh, including the armpits. Short sleeves shall be acceptable.

(b) Each person shall thoroughly wash that person's hands with soap and water or any equally effective cleansing solution before serving each patron. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-4. Towels. (a) After a towel has once been used, it shall be deposited in a closed receptacle and shall not again be used until properly laundered and sanitized.

(b) Used towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process including immersion in water of at least 140 degrees Fahrenheit for no fewer than 15 minutes during the washing or rinsing operation.

(c) Laundering facilities shall be in an area not open to the public.

(d) All clean towels shall be stored in a closed cabinet. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-10. Disinfecting nonelectrical instruments and equipment. (a) Before use upon a patron, all nonelectrical instruments and equipment shall be disinfected in the following manner:

(1) clean with soap or detergent and water; and
(2) totally immerse in an EPA-registered, hospital-grade disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity when used according to manufacturer's instructions.

(b) All nonelectrical instruments and equipment that have come in contact with blood or other body fluids shall be disinfected in the following manner:

(1) clean with soap or detergent and water; and
(2) totally immerse in an EPA-registered, hospital-grade disinfectant with demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity when used according to the manufacturer's instructions.

(c) The disinfectant solutions specified in sections (a) and (b) shall remain covered at all times and shall be changed at least once per week or more frequently, as when visibly cloudy or dirty.

(d) Manufacturer-labeled containers for the disinfectant solutions specified in sections (a) and (b) shall be available at all times in the establishment or school.

(e) All non-disinfected instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled, covered receptacle.

(f) All disinfected instruments shall be stored in a clean, enclosed cabinet or covered container reserved for instruments only.

(g) If instruments and equipment specified in this regulation are sterilized in accordance with the requirements outlined in K.A.R. 28-24-12, the requirements of this section shall be deemed to have been met. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-13. Physical facilities. (a) The school or establishment shall be kept well lighted, in a sanitary condition, and ventilated by natural or mechanical methods that remove or exhaust fumes, vapor, or dust to prevent hazardous conditions from occurring and to allow the free flow of air in a room in proportion to the size and the capacity of the room. Floors, walls, ceilings, furniture and other fixtures and apparatus, and all other exposed surfaces in each school or establishment shall be kept clean, free from dust, hair and other debris, and in good repair at all time. All curtains shall be kept carefully laundered or chemically cleaned.

(b) If a room used for residential purposes is the same room or adjacent to a room used for the practice of cosmetology, then a solid partition shall separate the premises used for residential purposes from the cosmetology area. The partition may contain a door, if it remains closed except for entering and leaving.

(c) If a room used for non-cosmetology business purposes is the same room or adjacent to a room used for the practice of cosmetology and if there are conditions that the board of cosmetology, upon consultation with the secretary of health and environment, considers a possible threat to the health of the employees, the customers, or the public, then one or more of the following provisions may be required by the board of cosmetology to be met.

(1) A solid partition shall separate the premises used for non-cosmetology business purposes from the cosmetology area. The partition may contain a door, if it remains closed except for entering and leaving.

(2) A separate outside entrance shall be provided for the school or establishment.

(d) All schools or establishments shall be supplied with sanitary drinking water facilities.

(e) Each establishment and school shall have a toilet and handwashing sink that shall be kept in a sanitary condition and shall be located in or adjacent to the establishment.

(f) Each handwashing sink shall have a soap dispenser and disposable towels or an air dryer for hands. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-14. Prohibitions. (a) The following shall be prohibited in the working area of an establishment or school:

- (1) Smoking, eating, or food preparation;
- (2) alcoholic beverages;
- (3) neck dusters;
- (4) animals, except for trained animals accompanying disabled persons;
- (5) sleeping facilities, except cribs and playpens;
- (6) devices, tools, or instruments to remove calluses or skin blemishes;
- (7) skin-removal techniques and practices that affect the living layers of skin;

(8) application of electricity that contracts the muscle; and

(9) open waste containers.

(b) No school or establishment shall permit an excessive accumulation of waste or refuse. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 020025

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 97-47

Written December 4, 1997, to Robert Woodard, Chief Investment Officer, KPERS, Topeka.

This opinion is in response to your letter of October 23, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion on behalf of the Kansas Public Employees Retirement System (KPERS). You advise us that Section 4 of HB 2064 prohibits certain state officers and employees from receiving gifts and free meals except under certain exceptions. You further advise us that subsection (b)(3) allows state officers and employees to accept "anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state."

Question

Does this section imply that if the state would otherwise pay an expense, that the expense could be paid by a third party rather than be passed on to the state? For example, could an employee on KPERS business accept a cab or meal offered by an investment manager under contract to the agency, when the cost of such item would be passed on to the state?

Opinion

The provisions of Section 4 of HB 2064, found in Chapter 155 of the 1997 *Session Laws of Kansas*, concern the receipt of gifts and meals which apply to all classified employees and those unclassified employees whose salaries are subject to the direct approval of the Governor. All other unclassified employees fall under the provisions of K.S.A. 46-237. Section 4 of HB 2064 in pertinent part states:

... (b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity,

loan, gratuity, special discount or service provided because of such person's official position, except:

... (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state or. . . .

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

(2) meals provided at public events in which the person is attending in an official capacity;

(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and

(4) food such as soft drinks, coffee or snack foods not offered as part of a meal.

Applying this language to your question, subsection (b)(3) applies only to the receipt of gifts. The receipt of free or discounted meals found in subsection (c) does not have a similar exception. Therefore, a meal could not be paid for unless one of the exceptions in subsection (c) applies.

Turning to the issue of the payment of the cab fare, it is the commission's opinion that items received on behalf of the state must benefit the state as a whole rather than any one individual or agency. For example, items donated to the state that would be on display in a state museum would be permissible. Therefore, it is our opinion that payment of the cab fare would not fit under this exception and would not be permissible.

In closing, we note that the answer to your question is different for unclassified employees who fall under the provisions of K.S.A. 46-237. Under that statute, those employees may accept gifts up to an aggregate of \$40 in a calendar year from any one person with a "special interest" as defined by K.S.A. 46-228. In addition, they may accept unlimited food and beverage so long as it is consumed in the presence of the donor.

Advisory Opinion No. 97-48

Written December 4, 1997, to Daniel J. Carroll, Staff Attorney, Department of Administration, Division of Architectural Services, Topeka.

This opinion is in response to your letter of October 8, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the staff attorney for the Division of Architec-

(continued)

tural Services in the Department of Administration. You advise us that the State of Kansas is a member of the National Association of State Facilities Administrators (NASFA). As part of this association, Kansas will be hosting an annual conference. Your division is the coordinator of the event. In the past, hosting states have funded the conference by soliciting sponsors who provide money and services in return for setting up booths to promote their products.

Question

Is it permissible for employees of the Division of Architectural Services to solicit sponsorships for the NASFA conference?

Opinion

K.S.A. 46-236 applies to your question. That section in pertinent part states:

No state officer or employee . . . shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest. . . .

K.S.A. 46-228 defines "special interest" in pertinent part as the following:

"Special interest" means an interest of any person . . . in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

K.S.A. 46-223 defines "person" as the following:

. . . individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision.

In applying these sections to your question, employees of your division would be prohibited from soliciting sponsorships from any "person" who has a "special interest." This would include persons that your division contracts with, has regulatory or inspection authority over or that has a matter before your agency that does not affect the general public as a whole. Employees of your division could solicit sponsorships from any person not having a "special interest."

Advisory Opinion No. 97-49

Written December 4, 1997, to Arthur L. Morin, Assistant Professor, Fort Hays State University, Hays.

This opinion is in response to your letter of September 15, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as an assistant professor with Fort Hays State University. You advise us that you are in charge of selecting

textbooks to be used in your class. Publishers often send you free copies of books to look at before you make your selection, and desk copies of books and newspapers used in your classroom are usually supplied to you free of charge. The commission's staff was notified by telephone that your position is in the unclassified service of the Kansas civil service act, and your salary is not subject to direct approval by the Governor.

Questions

1. Is it a violation for you to keep copies of books sent to you by publishers who want you to then order the books for your classroom?
2. Is it a violation for you to receive a free desk copy of newspapers and books used in your classroom?

Opinion

Because you are in the unclassified service and your salary is not subject to direct approval by the Governor, K.S.A. 46-237, rather than Section 4 of HB 2064 found in Chapter 155 of the 1997 *Session Laws of Kansas*, applies to your questions. K.S.A. 46-237(a) in pertinent part states:

(a) No state officer or employee . . . shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

K.S.A. 46-237(c) states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

In applying this language to your questions, since you make the decisions on which textbooks are to be used in your classroom, each publisher would have a "special interest" in you. In addition, the books and newspapers are being provided to you in order to influence you in the performance of your official duties in selecting books and newspapers. Therefore, you could not accept these items as your personal property. However, since your university does not license, inspect or regulate the publishers, you could accept the items on behalf of the state and have them become state property.

Advisory Opinion No. 97-50

Written December 4, 1997, to Linda J. Fund, Chief Counsel/Assistant Secretary, Department of Health and Environment, Topeka.

This opinion is in response to your letter of November 10, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common

law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the chief counsel for the Kansas Department of Health and Environment (KDHE). You advise us that Mitch Ummel, an employee of your agency, has been selected to be a member of the UserNet Board. The UserNet Board is a group of representatives responsible for voicing the interest of FileNet customers and providing guidance to the UserNet organization. The board counsels and communicates with users and management on key issues related to strategic product enhancement. KDHE has one FileNet Imaging system currently in place and one being installed.

Mr. Ummel's responsibility as a board member would be to participate in telephone calls, board meetings, chair a council, analyze and implement projects and represent the interests of his region or country as those interests relate to the overall goals of the board. He will be reimbursed for no more than \$750 for travel expenses, including meals. Members also receive a gift at the end of the year for their participation on the board.

Question

Is it a violation of the state level conflict of interest laws for an employee of KDHE to serve on the UserNet Board?

Opinion

K.S.A. 46-233(a) in pertinent part states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest. . . .

K.S.A. 46-229(d) defines "substantial interest" in part as:

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

K.S.A. 46-286(a) states:

No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

In applying these sections, since Mr. Ummel holds a "substantial interest" in the UserNet Board by virtue of being a member of the board, he would be prohibited from participating in the making of any contracts on behalf of KDHE with the UserNet Board (K.S.A. 46-233). In addition, as a state employee he could not license, inspect or regulate the board (K.S.A. 46-286).

In closing, we note that he could accept the gift and be reimbursed for the expenses of serving on the board since these items are being given to him in his capacity as a UserNet Board member rather than as a state employee.

Advisory Opinion No. 97-51

Written December 4, 1997, to all interested persons:

Pursuant to K.S.A. 46-254, the Kansas Commission on Governmental Standards and Conduct takes the opportunity to issue its opinion on the application of K.S.A. 46-237(f) to the receipt of honorarium by members of the state legislature.

Opinion

K.S.A. 46-237(f) states:

No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

In KCGSC Opinion No. 91-21, the commission opined that it would " . . . presume a maximum of \$50 for preparation and a maximum of \$50 for presentation . . ." for any legislator accepting honoraria for a speaking engagement. Anyone seeking an additional amount " . . . will have to request a waiver."

The commission believes that due to the passage of time, this \$100 threshold should be raised. Therefore, the amount of honorarium that can be paid to a legislator for the preparation and presentation of materials at a speaking engagement will depend on the following factors: amount of preparation, complexity of the issues, qualifications of the presenter and the extent of the presenter's participation in the event. The commission will presume a maximum of \$100 for preparation and a maximum of \$100 for presentation for a total of \$200 that will be permissible for a legislator to accept. Any legislator seeking an additional amount shall request a waiver from the commission.

Advisory Opinion No. 97-52

Written December 4, 1997, to John S. Robb, Somers, Robb & Robb, Newton.

This opinion is in response to your letter of October 17, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the lobbying provisions of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the attorney for several unified school districts. You advise us that school superintendents often speak to legislators concerning legislation that affects their dis-

(continued)

tricts. You further advise us that a group of school districts formed a group called "Schools for Fair Funding," whose members met with legislators, testified before legislative committees and hosted dinners where legislators met with teachers, students and parents.

Questions

Based on these facts, you ask us the following questions:

1. Must a U.S.D. superintendent who discusses a school legislative issue with a legislator on state-owned or leased property register as a lobbyist?
2. Is registration required by the superintendents who hosted these dinners or by the attendees such as students, teachers and patrons?

Opinion

K.S.A. 46-225 in pertinent part defines lobbying as the following:

(a) "Lobbying" means: (1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter or the adoption or nonadoption of any rule and regulation by any state agency. . . .

K.S.A. 46-222(a) defines "lobbyist" as the following:

"Lobbyist" means: (1) Any person employed in considerable degree for lobbying; (2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or (3) any person who makes expenditures in an aggregate amount of \$100 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying.

K.A.R. 19-62-1 discusses who must register as a lobbyist according to the definition of "lobbyist." That rule and regulation in pertinent part states:

(a) . . . each person whose employment is, to a considerable degree, for the purpose of lobbying shall register as a lobbyist . . . in determining whether an individual is employed to a considerable degree to lobby, that portion of the employment which relates to preparation for lobbying shall be taken into consideration. . . .

In applying this language to your first question, the first issue is whether the superintendent is appointed to lobby on behalf of the school district. If he or she is appointed to lobby, then that individual must register as a lobbyist. If the superintendent is not appointed to lobby, then the issue becomes to what degree does his or her employment constitute "lobbying."

Based on K.A.R. 19-62-1, we do not believe that every superintendent who talks to legislators must register to lobby. However, the greater the amount of time the superintendent spends "lobbying," the greater the likelihood that he or she must register.

In answer to your second question, it is our opinion that the Schools for Fair Funding is an organization that engages in the business of lobbying.

Therefore, it will be necessary for the organization to appoint an individual to register as its lobbyist, and that individual will report all lobbying expenditures on behalf of the group.

Diane Gaede
Chairwoman

Doc. No. 020020

State of Kansas

Department of Health and Environment

Request for Comments on Proposed Livestock Waste Management Regulations

(Editor's Note: The notice below does not constitute initiation of the formal regulation adoption process.)

The Kansas Department of Health and Environment is soliciting comments regarding proposed draft water pollution control regulations addressing livestock waste management activities. KDHE is seeking input from the public regarding various concepts and proposals prior to initiating formal changes to the current agency water pollution control regulations related to livestock waste management activities.

A copy of the various concepts and proposals currently under consideration by KDHE have been developed in the form of draft regulations. Any person wishing to comment on, or obtain a copy of, the various concepts and proposals should direct their written comments or request to Dorothy Geisler, Kansas Department of Health and Environment, Bureau of Water, Industrial Program Section, Building 283, Forbes Field, Topeka, 66620, (785) 296-5545 or fax (785) 296-5509.

Persons wishing to comment on the concepts and proposals currently under consideration by KDHE may do so by submitting written comments to the address above by January 31.

Several minor changes have been made to the concepts and proposals presented as draft regulations dated October 24, 1997. Specifically, modifications were made to K.A.R. 28-18-1(ww) and 28-18-7(a), with K.A.R. 28-18-13(k) and (l) being added. KDHE also is proposing to change the title of Article 18 from "Agricultural and Related Waste Control" to "Animal Waste Management Control." (New material appears in italic type, and deletions appear with strike type.)

Article 18.—ANIMAL WASTE MANAGEMENT CONTROL

28-18-1. Definitions. For purposes of the regulations in this article, the following words, terms and phrases are hereby defined as follows:

(a) The words "confined feeding" shall mean the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, pools or ponds which are not normally used for raising crops and in which no vegetation, intended for animal food, is growing. This will not include a wintering operation for cows in lots or on farming ground unless the operation causes a pollution problem.

(b) The words "confined feeding operation" shall mean (1) any confined feeding of 300 or more cattle, swine, sheep, or horses at any one time, or (2) any animal feeding operation of less than 300 head using a lagoon, or (3) any other animal feeding operation having a water pollution potential, or (4) any other animal feeding operation whose operator elects to come under these regulations.

(c) The term "operator" shall mean an individual, or corporation, a group of individuals, joint venturers, a partnership, or any business entity having charge or control of one or more confined feeding installations.

(d) "Food animals" shall mean fish, fowl, cattle, swine, and sheep.

(e) "Fur animals" shall mean any animal raised for its pelt.

(f) "Pleasure animals" shall mean dogs and horses.

(g) The words "waste retention lagoon" or "retention ponds" shall mean excavated or diked structures, or natural depressions provided for or used for the purpose of containing or detaining animal wastes consisting of body excretions, feed losses, litter, cooling waters, wash waters, whether separately or collectively, or any other associated materials detrimental to water quality or to public health, or to beneficial uses of the waters of the state. A waste retention structure shall not be construed to be a treatment facility and discharges of waste water therefrom shall not be allowed except as authorized by regulations 28-18-3 and 28-18-4.

(h) The words "waste treatment facilities" shall mean structures and/or devices which stabilize, or otherwise control pollutants so that after discharge of treated wastes, water pollution does not occur and the public health and the beneficial uses of the waters of the state are adequately protected.

(i) The words "water pollution control facilities" shall mean waste retention lagoons, retention ponds, or waste treatment facilities.

(j) The term "department" shall mean the Kansas state department of health.

In addition to definitions set forth in K.S.A. 65-101 et seq.; K.A.R. 28-5-1 et seq.; K.A.R. 28-16-1 et seq.; K.A.R. 28-30-1 et seq.; or the CWA, all words, terms, phrases and abbreviations shall have the following meanings unless otherwise defined in an individual regulation or unless a different meaning of a word is clear from the context in which it is used. Words, terms, phrases and abbreviations not defined in the regulations of this article shall have the meaning defined in K.S.A. 65-101 et seq.; K.A.R. 28-5-1 et seq.; K.A.R. 28-16-1 et seq.; K.A.R. 28-30-1 et seq.; or the CWA.

Differences between state and federal definitions. When the same word is defined both in Kansas statutes or the regulations of this article and any federal regulation adopted by reference in these regulations and the definitions are not identical, the definition prescribed in Kansas statutes or the regulations of this article shall control.

(a) "25-year, 24-hour precipitation event" means the maximum precipitation occurring over a 24-hour period from a precipitation event with a probable recurrence interval of once in 25-years as defined in appendix #2 of "design standards for confined livestock feeding operations" - January 1, 1998 or equivalent state rainfall probability information developed for the location of the confined feeding facility.

(b) "Agronomic rates" means the land application of animal or other process wastes in a manner to provide for the optimum health and growth of the vegetation, crop, or forage and provide nutrients, from all sources, to meet the estimated requirements of the vegetation, crop, or forage being produced based on past or projected yields or generally accepted agronomy practices. In determining the agronomic rate, the operator shall consider the nutrient content of the animal and process waste, available nutrients in the soil, and if applicable, the nutrient content of the irrigation water and the amount of nutrients from commercial fertilizer.

(c) "Alluvial aquifer" means the sediment that is associated with and deposited by a stream, and that contains water capable of being produced from a well.

(d) "Animal unit" as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

(e) "Animal unit capacity" as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

(f) "Animal waste management system" means any land, structures or practices utilized for the collection, containment, storage, distribution or disposal of animal or process wastes generated by confined feeding operations. An animal waste management system includes:

(1) site grading to divert extraneous uncontaminated precipitation runoff around the confined feeding facility;

(2) structures designed and constructed to collect and direct animal or other process wastes;

(3) vegetation cover utilized for controlling erosion or for filtering purposes;

(4) tanks, manure pits or other structures designed and constructed to retain animal and process wastes;

(5) waste retention lagoons or ponds;

(6) land used for the application and disposal of animal or other process wastes; and

(7) waste treatment facilities.

(g) "Application" means the appropriate fee as defined in K.A.R. 28-16-56 et seq., the properly completed and executed documents as furnished by the division, and any additional required documents or information necessary for obtaining a permit including a registration, construction plans, specifications, and a waste management plan.

(h) "Approved program" or "approved state" means a state NPDES permitting program that has been approved or authorized by EPA under 40 CFR Part 123. For the purpose of these regulations, the Kansas department of health and environment administers an approved program and is considered an approved state.

(i) "Bypass" means any diversion of animal or other process wastes from any portion of an animal waste management system or land utilized for the application and disposal of animal or other process wastes.

(j) "Catastrophic precipitation event" means a precipitation event of 24 hours duration or less, that exceeds the amount of precipitation for the 25-year, 24-hour precipitation event for the location of the confined feeding facility that results in an overflow or discharge of animal or other process wastes from a confined feeding facility that is properly designed, constructed, operated, and maintained. A catastrophic precipitation event also includes tornados, straight winds or other weather conditions that could cause an overflow or discharge of animal or other process wastes due to the loss of power or mechanical damage caused by high winds or ice.

(k) "Certification" means a document, in lieu of a permit, from KDHE indicating the facility meets agency requirements.

(l) "Change in operation" or "Modification" means the following:

(1) expansion or enlargement of a facility beyond the boundaries established by a registration, permit, certification, or approved plans and specifications;

(2) the animal unit capacity authorized by a permit or certification; or

(3) a change in construction or operation of a confined feeding facility that may affect the storage, handling, utilization, or disposal of animal or process waste.

(continued)

(m) "Chronic precipitation event" means a time frame, specified by the department, during that either a single or series of precipitation events, none of which individually exceed the amount of precipitation for the 25-year, 24-hour precipitation event for the location of the confined feeding facility, that results in an overflow or discharge of animal or other process wastes from a confined feeding facility that is properly designed, constructed, operated, and maintained and suitable disposal conditions do not exist.

(n) "Clean Water Act" or "CWA" means public law 92-500, as amended by public law 95-217, public law 95-576, public law 96-483 and public law 97-117, and 33 U.S.C. 1251 et seq., as in effect on February 4, 1987.

(o) "Closure plan" means a written document that identifies the procedures by which the operator of a confined feeding facility will close the facility to control, minimize, or eliminate, to the extent necessary to:

- (1) protect public health and the environment, and
- (2) the escape of animal or other process wastes from the facility.

(p) "Confined feeding" means any animals, fowl or fish, that have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where the livestock's movement is restricted by placement in any lot, pen, pool, or pond. Confined feeding does not include wintering operations for cattle in lots, pens, pastures or on farming ground, unless the wintering operation is either determined to be a significant water pollution potential or requires a federal permit.

(q) "Confined feeding facility" as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

Two or more confined feeding facilities under common ownership are considered, for the purpose of the regulations of this article, to be a single confined feeding facility, if the facilities are located on land with a contiguous ownership boundary or if the facilities use a common area or system for the disposal of animal or other process wastes. Facilities located on land without a contiguous ownership boundary shall be classified as separate and each facility shall be permitted individually, if required to be permitted. Property is considered contiguous regardless if it is bisected by roadway or railway right-of-ways. For the purpose of separation distance requirements, areas utilized for land application practices are not considered a part of the confined feeding facility.

(r) "Department" means the Kansas department of health and environment.

(s) "Discharge" means, when used without qualification, the causing or permitting of sewage to enter, either directly or indirectly, into waters of the state through any manner, including:

- (1) uncontrolled precipitation runoff;
- (2) precipitation runoff that is collected or channeled;
- (3) emergency overflow structures;
- (4) grass waterways;
- (5) vegetative filters or filter strips;
- (6) constructed wetland treatment systems;
- (7) improper land application of animal or other process wastes so as to allow runoff of the applied animal or other process wastes during land application;
- (8) pipes;
- (9) sewers;
- (10) pumping;

- (11) injecting;
- (12) pouring;
- (13) emitting;
- (14) emptying;
- (15) dumping;
- (16) escaping;
- (17) leaching;
- (18) leakage;
- (19) seepage; or
- (20) other means of release.

(t) "Director" means the director of the division of environment of the Kansas department of health and environment.

(u) "Division" means the division of environment, Kansas department of health and environment.

(v) "Environmental protection agency (EPA)" means the United States environmental protection agency.

(w) "Existing confined feeding facility" means any confined feeding facility in existence as of July 1, 1994 and registered with the secretary before July 1, 1996 or that was permitted or certified by the secretary on July 1, 1994. For the purpose of these regulations, "in existence" means a confined feeding facility, constructed or in place and capable of confining, feeding, and maintaining animals. If the department has taken final formal administrative action requiring abandonment of the confined feeding facility or cessation of the facility operations for reasons other than separation distances, the department shall conclude the past facility or operation was illegal and not eligible to continue previously legal acts that are defined in K.A.R. 28-18-1 et seq. A facility, for which the department has taken such an action, shall be considered a new confined feeding facility for the purpose of separation distance requirements.

(x) "Federal permit" or "NPDES permit" means an authorization, license, or equivalent control document issued by EPA or an approved state to implement the requirements of 40 CFR Parts 122, 123, and 124.

(y) "Filter strip" or "vegetative filter" means a strip or area of vegetation designed, constructed, maintained, or utilized so as to receive animal or other process wastes for reducing sediment, organic matter and other pollutants contained in the animal or other process wastes.

(z) "Food animals" means animals, fish or fowl produced for consumption.

(aa) "Fur animals" means any animal raised for its skin, pelt or fur.

(bb) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps, or that is held in aquifers or the soil profile.

(cc) "Habitable structure" as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

(dd) "KDHE" means the Kansas department of health and environment.

(ee) "Land application" means the removal of animal or other process wastes from a confined feeding facility for distribution onto, or incorporation into the soil mantle for the purpose of disposal and utilization by crops or vegetation.

(ff) "Liner" means any designed barrier in the form of in situ, layer, membrane, or blanket materials utilized or installed to prevent a significant hydrologic connection between animal or other process waste liquids, controlled or retained by animal waste management systems, and waters of the state.

(gg) "Minimum standards of design, construction, and maintenance" means the following:

(1) effluent standards and limitations;
 (2) other performance standards; and
 (3) other standards of design, construction, and maintenance for confined feeding facilities published by the department, and detailed in "design standards for confined livestock feeding operations" - January 1, 1998.

(hh) "Monitoring" means all procedures using the following methods:

(1) systematically inspect and collect data on the operational parameters of a facility or its pollution controls, or

(2) to systematically collect and analyze data on the quality of the animal or other process wastes, groundwater, surface water, or soils on or in the vicinity of the animal feeding facility or areas utilized for land application of the animal or other process wastes.

(ii) "Nearest habitable structure" or "any habitable structure" means a habitable structure other than those owned by the operator or owner of a confined feeding facility when evaluating separation distance requirements as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

(jj) "New confined feeding facility" for the purpose of separation distance requirements means:

(1) Any confined feeding facility that registers with the department after July 1, 1996;

(2) any confined feeding facility that has been abandoned or unused for a period of five or more years, before July 1, 1996, when all the components required to operate the facility do not reside at the site or the facility can not, with minimal reasonable effort, be placed into service;

(3) an active permit or certification is not in effect;

(4) any confined feeding facility that is permitted and the permit is allowed to expire and the facility remains unpermitted for a period of six years or more; and

(5) any facility the department has taken a final action on requiring abandonment or cessation of facility operations for reasons other than separation distances.

(kk) "Operator" means an individual, association, company, corporation, municipality, group of individuals, joint venture, partnership, state or federal agency or department, or any business owning, leasing, or having charge or control of one or more confined feeding facilities.

(ll) "Pastures" means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained year-round, except in the immediate vicinity of temporary supplemental feeding or watering devices.

(mm) "Permit" means an authorization, license or equivalent control document issued by KDHE. Permit does not include any document that has not yet been the subject of final agency action, including a draft or proposed permit.

(nn) "Pleasure animals" means dogs, cats, rabbits, horses and exotic animals.

(oo) "Point source" means any discernable, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, confined feeding facility, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Point source does not include return flows from irrigated agriculture land or agricultural storm water runoff.

(pp) "Pollution" as defined in K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2.

(qq) "Precipitation runoff" means the rainwater or the meltwater derived from snow, hail, sleet or other forms of atmospheric precipitation, that flows by gravity over the surface of the land.

(rr) "Process wastes" means the following:

(1) excrement from animals, wastewater, animal carcasses;

(2) precipitation that comes into contact with any manure, litter, or bedding; or

(3) other raw material or intermediate or final material or product used in the production of animals or direct products including meat, milk, or eggs.

(4) Process wastes includes the following:

(A) spillage or overflow from animal or poultry watering systems;

(B) washing, cleaning, or flushing pens, barns, manure pits or other associated animal facilities;

(C) washing animals or spraying of animals for cooling;

(D) wastes from dust control;

(E) boiler blowdown and water softener regenerate wastes;

(F) precipitation runoff from confinement, loading and unloading areas;

(G) spillage of feed or manure;

(H) discharges from land application fields that occur during application;

(I) precipitation runoff from land application fields, if wastes are applied during frozen, snow covered or saturated soil conditions or application rates exceed maximum nitrogen or phosphorous utilization of the vegetation grown or specified in the permit or "design standards for confined livestock feeding operations" - January 1, 1998;

(J) composting operations; and

(K) waste storage areas.

Process wastes shall not include animal wastes spilled by trucks hauling livestock on city, township, county, state or federal streets, roads, or highways.

(ss) "Registration" means any required fee and the properly completed and executed documents designated by the division, and any additional required documents or information necessary for determining the need for a permit.

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

(uu) "Severe property damage" means substantial physical damage to property, damage to the animal waste management system that causes it or a part of it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage shall not mean economic loss caused by delays in production.

(vv) "Sewage" as defined in K.S.A. 65-164 as amended by L. 1997, ch. 92, sec.1.

(ww) "Significant water pollution potential" as determined by the secretary of the Kansas department of health and environment means any of the following:

(1) A livestock or animal feeding operation that utilizes an animal waste management system, waste retention lagoons or ponds, or waste treatment facilities;

(2) lots or pens located across or adjacent to creeks, streams, intermittent waterways, or other conveying channel or device;

(3) any operation that can not retain or control animal or other process wastes on the operators facility or property;

(continued)

(4) a livestock or animal feeding operation observed to practice improper collection, handling, or disposal of animal or other process wastes that has the potential to degrade or impair the quality of any waters of the state; or

(5) a facility that generates animal or other process wastes and discharges on a daily, or more frequent basis.

(xx) "Surface waters" as defined in K.A.R. 28-16-28b.

(yy) "Variance" means the department's written approval or permitting authorizing a proposed action that knowingly will result in a lack of conformity with one or more provisions of these regulations or the "design standards for confined livestock feeding operations" - January 1, 1998 that is deemed to adequately protect public health and the environment, comply with the general intent of these regulations, and complies with federal NPDES permit requirements.

(zz) "Waste retention lagoon or pond" means excavated or diked structures, or natural depressions provided for or used for the purpose of containing or detaining animal or other process wastes. Discharges from waste retention lagoons or ponds are not allowed except as authorized by permit.

(aaa) "Waste treatment facilities" means structures or devices that collect, store, stabilize, or otherwise control pollutants so that after the discharge or disposal of treated wastes, water pollution does not occur and the public health and waters of the state are adequately protected.

(bbb) "Water quality standards" means Kansas surface water quality standards as defined in K.A.R. 28-16-28b et seq.

(ccc) "Waters of the state" as defined in K.S.A. 65-161.

(ddd) "Wintering operation" means an animal or livestock feeding operation where animals or livestock are stocked and fed only roughage, during the period of October through April, at a density of one animal per acre of land in the confinement area where fewer than ten percent of the containment area is bare, due to the livestock activities in the immediate vicinity of temporary feeding or watering devices. (Authorized by K.S.A. 65-164, 65-171f, K.S.A. 1967 Supp. 65-165, 65-167, 65-171d, 65-171h; as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 65-165, as amended by L. 1997, ch. 92, sec. 2; K.S.A. 65-166; K.S.A. 1996 Supp. 65-166a; K.S.A. 65-167, 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a; K.S.A. 1996 Supp. 65-171d as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, 65-171i, 65-171u and 65-171v; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended P-____.)

28-18-2. Registration and water pollution control facilities permits. (a) Effective July 1, 1967, the operator of any newly proposed confined feeding operation as defined in regulation 28-18-1 (b) must register with the Kansas state department of health prior to construction and operation of the lot, pen, pool, or pond. The operator of any existing confined feeding operation as defined in regulation 28-18-1 (b) must register by January 1, 1968. Application for registration shall be made on a form supplied by the department.

(b) Applicants shall submit the completed application form to the department together with supplemental information regarding general features of topography, drainage course and identification of ultimate primary receiving streams. Additional information which may be deemed necessary for satisfactory evaluation of the application may be required by and shall be submitted to the department.

(c) If in the judgement of the department, a proposed or existing confined feeding operation does not constitute a potential water pollution problem because of location, topography, or other reasons, provision of water pollution control facilities shall not be required.

(d) If in the opinion of the department a confined feeding operation does constitute a water pollution potential, or if water pollution occurs as a result of any confined feeding operation, the operator shall provide water pollution control facilities which shall be constructed in accordance with plans and specifications approved by the department.

(e) Water pollution control facilities shall not be placed in use until a permit has been issued. Permits for water pollution control facilities will be issued by the executive secretary of the Kansas state board of health upon satisfactory completion of construction in accordance with plans and specifications approved by the department. Water pollution control facilities permits shall be revocable for cause on thirty days' written notice. If a water pollution control facilities permit is revoked, the owner or operator of the confined feeding operation involved shall be allowed to finish feeding existing animals in the lot, pen, pool or pond at the time of revocation but shall not place or allow to be placed in the lot, pen, pool, or pond any other animals until the minimum requirements for water pollution control as set forth in regulation 28-18-3 and 28-18-4 have been met and a new water pollution control facilities permit has been issued.

Registration and application requirements. (a) Operators shall register confined feeding facilities with the department, if the following requirements are met:

(1) The confined feeding facility has an animal unit capacity of 300 or more animal units;

(2) the department has determined the confined feeding facility has significant water pollution potential;

(3) the department has determined the confined feeding facility requires a permit; or

(4) the operator of a confined feeding facility, not required to obtain either a permit or certification, desires to obtain either a permit or certification.

(b) Any registration submitted to the department shall be accompanied by a \$25 fee.

(c) Operators shall submit an application for confined feeding facilities to the department for the following:

(1) Any confined feeding facility, regardless of size, determined by the department to present a significant water pollution potential;

(2) any confined feeding facility with an animal unit capacity of 300 or more and that the department has determined to present a significant water pollution potential;

(3) any confined feeding facility with an animal unit capacity of 1,000 or more; regardless of water pollution potential;

(4) any proposed construction, modification or change in operation of a new or existing confined feeding facility;

(5) sale barns, collection centers, or transfer stations with an average animal unit capacity of more than 300 animal units or that is utilized more frequently than once per week;

(6) any livestock truck wash facilities. For the purpose of these regulations, only those facilities which solely wash trucks utilized for the purpose of transporting animals or livestock are addressed; and

(7) any operator of an animal feeding operation that elects to obtain a permit.

(d) Any application submitted to the department shall be accompanied by the annual permit fee or increase in annual permit fee as designated in K.A.R. 28-16-56 et seq.

(e) The animal unit capacity of a confined feeding facility for species other than those addressed in the definition of animal unit, shall be determined by the department on a case-by-case basis, utilizing the quantity or strength of animal waste produced by the species in comparison to those addressed in the animal unit definition.

(f) Operators of confined feeding facilities with animal unit capacities of 1,000 animal units or more, or which KDHE designates as requiring a federal permit, shall apply for a federal permit to KDHE.

(g) Solely for the purpose of administering the separation distance provisions above, and determining when the proposed new construction or proposed new expansion of a confined feeding facility or a proposed new habitable structure comes into existence, the following shall apply:

(1) The date on which a complete application is received by the department shall constitute the date a proposed confined feeding facility comes into existence.

(2) The date on which either a local building permit is issued or local zoning approval is granted for a proposed habitable structure shall constitute the date of existence for the habitable structure; or

(3) Where no zoning approval or building permit is required for a proposed habitable structure, the date on which completion of construction or installation occurs shall constitute the date of existence for the habitable structure.

(4) Where a proposed habitable structure is found to exist before, the proposed new construction or expansion of a confined feeding facility, application of the separation distance requirements shall be evaluated considering the proposed habitable structure.

(h) Operators shall submit a registration or application to the department before initiating construction or operation of either a confined feeding facility or animal waste management system. When the department finds no permit is required, construction or operation of the confined feeding facility may be initiated upon issuance, by the department, of a certification. When the department determines a permit or permit modification is required for the confined feeding facility, construction may be initiated upon approval of the application, construction plans, specifications and waste management plan. Operation and stocking of facilities, requiring a permit, shall not be initiated until such time as the department issues the permit. Operators of facilities requiring a permit modification, because of a proposed facility expansion, shall not increase the number of animals at the facility beyond that authorized by permit until the modified permit has been issued.

(i) Any proposed new construction or new expansion of a confined feeding facility that will result in the disturbance of more than five acres of land as a result of the construction activities, shall apply to the department for an NPDES permit for stormwater discharges associated with construction activities. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; 65-171f, K.S.A. 1967 Supp. 65-165, 65-166, 65-167, 65-171d, 65-171h; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 65-165, as amended by L. 1997, ch. 92, sec. 2; K.S.A. 65-166; K.S.A. 1996 Supp. 65-166a; K.S.A. 65-167, 65-169, 65-170, 65-170b, 65-

170c, 65-170d, 65-170g, 65-171a, K.S.A. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended P-____.)

28-18-3. Requirements for facilities. Water pollution control facilities required shall be kept at the minimum requirements stated in the following paragraphs: Provided, That when site topography, operating procedures, and other available information indicate that adequate water pollution control can be affected with less than the minimum requirements, the minimum requirements may be waived. Provided further, That if site topography, operating procedures, experience, and other available information indicate that more than the minimum requirements will be necessary to effect adequate water pollution control, additional control provisions may be required.

(a) Cattle: The minimum water pollution control facilities for the confined feeding of cattle shall be retention ponds capable of containing three inches of surface runoff from the feedlot area, waste storage areas, and all other waste contributing areas. Diversion of surface drainage prior to contact with the confined feeding area or manure or sludge storage areas shall be permitted. Waste retained in detention ponds shall be disposed of as soon as practicable to insure adequate retention capacity for future needs.

(b) Swine: Waste retention lagoons for swine feeding operations may be allowed in lieu of waste treatment facilities. Waste retention lagoons must be capable of retaining all animal excreta, litter, feed losses, cooling waters, wash waters, and any other associated materials and shall additionally be capable of retaining three inches of rainfall runoff from all contributing drainage areas. Diversion of surface drainage prior to contact with the confined feeding area or manure or sludge storage areas shall be permitted. Provision must be made for periodic removal of waste material from retention lagoons.

(c) Sheep: The minimum water pollution control facilities for confined feeding of sheep shall be retention ponds capable of containing three inches of surface runoff from the confined feeding area, waste storage areas, and all other waste contributing areas. Diversion of surface drainage prior to contact with the confined feeding area or manure or sludge storage areas shall be permitted. Waste retained in detention ponds shall be disposed of as soon as practicable to insure adequate retention capacity for future needs.

(d) Other animals: Each confined feeding operation registered involving other animals shall be evaluated on its own merits with regard to the water pollution control facilities required, if any. The confined feeding of other animals shall not cause or lead to the pollution of the waters of the state by runoff water from confined feeding areas, release or escape of water from pools or ponds, improper storage or disposal of waste materials removed from the confined feeding area, or by any other means.

(e) Waste treatment facilities shall be designed, constructed, and operated in conformance with the provisions of regulation 28-18-4. If waste treatment facilities consist only of pond or lagoon type structures, there shall be a minimum of two such structures for series operation.

(f) Other methods of water pollution control shall be permitted where in the judgement of the department effective results will be obtained.

(continued)

Separation distance requirements. (a) Separation distances between confined feeding facilities and habitable structures shall conform to the provisions and requirements of K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch.139, sec. 2.

(b) Separation distances shall be measured from the habitable structure to either the designated facility boundary; confined feeding facility; or animal waste management system, exclusive of land utilized for the application and disposal of animal or other process wastes, whichever is closer.

(c) Confined feeding facilities that do not comply with the required separation distances or alternative provisions, pursuant to K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2, shall not receive a permit or certification unless the confined feeding facility animal unit capacity is reduced to the extent the facility complies with the required separation distance requirements or alternative provisions. The reduced animal unit capacity of the facility required to comply with the separation distance requirements shall become the designated animal unit capacity for the facility. If a confined feeding facility is required to cease operation or reduce the number of animal units at the facility, the operator, may at the discretion of the secretary, be allowed to finish feeding existing animals at the facility at the time of notification by the department until such time as the facility is permitted, certified, or complies with the provisions of these regulations, but in no case shall the termination of operations or reduction of the animal unit number exceed five months from the initial notification by the department.

(d) Any proposed new construction or new expansion of a confined feeding facility shall conform with all city, township, county, state or federal agency or other entity with authority for any building, siting, land use, or zoning permit, license, code, or ordinance requirements.

(1) Upon request, the operator shall furnish to the department, assurance these requirements have been fulfilled.

(2) The operator shall be responsible for determining whether any local requirements exist or apply. Issuance of a permit or certification by the department to a confined feeding facility does not relieve the operator of the responsibility of complying with any local permit, license, code, or ordinance requirements nor limits or prohibits any city, township, county, state or federal agency or other entity with appropriate authority from enforcing any local requirements.

(3) The department may terminate processing the permit application, reviewing the construction plans, specifications or waste management plan, or permit issuance if notified by a city, township, county, state or federal agency or other entity with authority for siting, land use, or zoning that the proposed new construction or new expansion has been formally denied. The department may require the operator to provide proof any siting, land use, or zoning requirements have been authorized before initiating or resuming review of the application, processing the permit for issuance, or actual issuance of the permit.

(e) Information required to address any question regarding the distance to the nearest habitable structure or a determination as which habitable structure is nearest shall be provided to the department by the operator. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92; sec. 1 and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; 65-171f, K.S.A. 1967 Supp. 65-165, 65-166, 65-167, 65-171d, 65-171h, implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-

166a; 65-167, 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; 65-171f, 65-171h, and 65-171i; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended P_____.)

See the addendum at the end of the draft regulations addressing K.S.A. 65-166a and K.S.A. 65-171d, which address specific program elements related to separation distance requirements, registration/permitting, fees, and designs by licensed professional engineers.

28-18-4. Operation of facilities. (a) The water pollution control facilities shall be operated and maintained so as to prevent water pollution and to protect the public health and the beneficial uses of the waters of the state.

(b) Waste discharges from retention ponds, lagoons, or waste treatment facilities into any watercourse shall be in conformance with the water quality requirements of the appropriate river basin criteria as set forth in chapter 28, article 16 of regulations adopted by the Kansas state board of health and regulation 28-18-3.

(c) Waste materials removed from retention ponds, waste treatment facilities, and/or confined feeding areas shall be disposed of or stockpiled in a manner which will not contribute to water pollution. Wastes may be used for irrigation or spread on land surface and mixed with the soil in a manner which will prevent runoff of wastes. Other methods of disposal of wastes from retention ponds, retention lagoons, waste treatment facilities, and/or confined feeding areas shall be evaluated and permitted if in the judgement of the department effective water pollution control will be accomplished.

Filing of applications and payment of fees. (a) Applications shall be filed consistent with the provisions and requirements of K.A.R. 28-16-59.

(b) For the purpose of providing adequate public notice regarding a permit for any proposed new construction or proposed new expansion of a confined feeding facility, the operator shall provide to the department, the names and mailing address of the United States post office or offices serving the immediate area of the confined feeding facility, any owner of a habitable structure located within one mile of the facility boundary, and any property owner with property located within one mile of the facility boundary.

(c) Operators are responsible for requesting and assuring permit renewal applications are submitted; to the department, a minimum of 180 days before the expiration date of the permit consistent with the provisions of K.A.R. 28-16-62.

(d) Without further action on the part of the department, a permit shall become void and without effect on its expiration date unless a completed application is filed with the department a minimum of 180 days before the expiration date of the permit.

(e) If an application is received that is not administratively or technically complete, the department shall notify the operator of the deficiencies. If the additional requested information is not received or the deficiencies corrected within 90 calendar days of the deficiency notice, the department shall return the application to the operator. Fees accompanying any application returned to the operator are not refunded. The operator may re-submit the application and appropriate fee at a later date at which time the department shall consider the submission to be a new application for the purpose of these regulations.

(f) The secretary may require the revocation of the permit, removal of the animals, and closure of the facility for failure to pay an annual permit fee within 90 days of notification.

(g) The secretary may reject the application without reviewing the merits of the application or deny issuance of a permit if one of the following requirements are met:

(1) The operator currently holds, or in the past has held, a permit under either article 16 or article 18 of the Kansas water pollution control regulations, and that while the applicant held a permit under either article violated provisions of either K.S.A. 65-167 or K.S.A. 65-169, and amendments;

(2) the operator previously held a permit under either article 16 or article 18 of the Kansas water pollution control regulations and that permit was revoked by the secretary;

(3) the operator failed or continues to fail to comply with any of the provisions of the air, water or waste statutes, including regulations issued thereunder, relating to environmental protection or the protection of public health in this or any other state or federal government of the United States, or any condition of any permit or license issued by the secretary;

(4) if the secretary finds that the applicant has shown a lack of ability or intention to comply with any provision of any law referred to in this article or any regulation adopted, order, or permit issued pursuant to any such law as indicated by past or continuing violations;

(5) The department currently has an enforcement action with the operator that remains unresolved;

(6) The operator has three or more significant violations of department statutes, regulations or permits in a five year period; or

(7) The secretary may reject the application or deny issuance of the permit if the secretary finds that the operator, applicant or any person who holds an interest in, or exercises total or partial control of, or conducts business with the applicant or a principal of the corporation was a principal of another corporation which would not be eligible to receive a permit because of the provisions of this regulation.

(h) The secretary may reject the application without reviewing the merits of the application, deny issuance of a permit or certification, or revoke a permit or certification if the secretary finds:

(1) The operator to be a corporation operating or proposing a confined swine or dairy facility in a county that has voted to not allow such operations pursuant to K.S.A. 17-5901 et seq.; or

(2) the operator is alleged to be a corporation subject to the provisions of K.S.A. 17-5901 et seq. until such time as a formal decision regarding the matter is rendered by either the state attorney general or the district or county attorney for the county in which the facility or proposed facility is located. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; 65-171f, K.S.A. 1967 Supp. 65-165, 65-166, 65-167, 65-171d, 65-171h; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 65-166, K.S.A. 1996 Supp. 65-166a; K.S.A. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, 65-171i; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended P-____.)

28-18-5. Transfer of permits. (a) The transfer of a permit may be allowed by the secretary when the following are met:

(1) The current operator holding a valid permit notifies, in writing, the director a minimum of 30 days before to the proposed transfer date;

(2) The current operator notifies the succeeding operator, a minimum of 45 days before the proposed transfer date, of the existence of the current permit by certified letter and, a copy of the letter shall be forwarded to the department;

(3) The succeeding operator agrees to continue operation of the confined feeding facility in conformance with the provisions of the permit in effect at that time; and

(4) The succeeding operator files with the department an application and the appropriate annual permit fee before the expiration of the permit.

(b) The current operator shall provide to the succeeding operator, a copy of the current permit and the construction plans, specifications, and waste management plan approved by the department.

(c) The director may require modification or revocation and reissuance of the permit to change the name of the operator and to incorporate such other requirements as may be necessary.

(d) The secretary may approve, in writing, the transfer of the permit, otherwise the permit shall be modified with the modified permit being placed on public notice.

(e) Until such time as the official transfer of the permit, the operator holding the current permit remains responsible for complying with the terms and conditions of the permit. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-6. Development of a draft permit. (a) Development of a draft permit shall be consistent with the provisions and requirements of K.A.R. 28-16-60.

(b) Any proposed or existing discharge from a confined feeding facility, permitted or certified or that is required to be permitted or certified, shall be of such quality as to protect existing and designated uses of surface waters in the state and comply with the provisions of K.A.R. 28-16-28 et seq.

(c) Permits or certifications issued by the department shall be consistent with any provisions related to the establishment and administration of critical water quality management areas and provisions of K.A.R. 28-16-69 through K.A.R. 28-16-71.

(d) Unless specifically addressed in the conditions of a permit or certification, these regulations do not address air quality issues related to dust or odors. Where specific conditions are included in a permit or certification issued by the department pursuant to these regulations, they shall be enforceable under the provisions of these regulations as well as any provisions of K.S.A. 1996 Supp. 65-3001 et seq., and K.A.R. 28-19-1 et seq. as appropriate.

(continued)

(e) The issuance or conditions of a permit or certification shall not release the operator from any responsibility or requirements under other statutes, regulations, codes, or ordinances whether federal, state or local.

(f) Each permit to be renewed shall be subject to provisions of those statutes and regulations which apply to the facility at the time of the renewal. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-7. Public notice of permit actions, public comment period, public meetings, and public hearings.

(a) Public notice of permit actions and public hearings shall be consistent with the provisions and requirements of K.A.R. 28-16-61. Public hearings scheduled by the department shall address only those matters for which the secretary has authority.

(b) Notice of a public meeting shall be given a minimum of 10 days before the public meeting. A notice of a public meeting may be combined with the public notice of a permit or hearing.

(c) An operator proposing either new construction of a proposed confined feeding facility or new expansion of an existing confined feeding facility shall publish a single notice of application in the official county newspaper and a newspaper regularly published and generally circulated serving the county and general area of the proposed or existing confined feeding facility notifying the public of the proposal. If a proposed or existing facility site is within one mile of an adjoining county, notification shall also be provided in the official newspaper serving that county as well.

(1) Publication of the notices shall be made prior to the department placing the permit on public notice.

(2) The operator is responsible for the cost of publication.

(3) Information the notice shall contain includes the following:

(A) name, address and telephone number of the operator making application for a permit;

(B) proposed or existing facility name;

(C) brief description of the proposed facility or proposed facility expansion;

(D) proposed animal unit capacity;

(E) if the application is for a proposed facility expansion, the current animal unit capacity and the proposed animal unit capacity; and

(F) the mailing address and telephone numbers of both the KDHE central office and appropriate district office from which the public may obtain information regarding the proposal or request to be placed on a mailing list to receive a public notice regarding the permit action.

(4) The applicant shall notify the department verbally or by facsimile within two working days after the date of publication confirming the notice has been published.

Within 20-calendar days following the date of publication, the operator shall provide the agency a publisher's affidavit of publication or certified copy of the publication. The department shall cease processing the permit, if the operator fails to provide the publisher's affidavit or certified copy of the publication.

(5) For the purpose of these regulations, the publication of the notice by the operator and KDHE's public notice shall constitute adequate notice to persons potentially affected by the proposed new construction or new expansion.

(d) For other than federal permits, permit renewals that do not address a proposed new expansion, modification, or change in operation need not be placed on public notice. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-8. Permit; terms and conditions. (a) No term or condition of a permit shall release the operator from any responsibility or requirements under other statutes, regulations, codes, or ordinances whether federal, state or local.

(b) Terms and conditions of permits shall be pursuant to the requirements and provisions of K.A.R. 28-16-62, as appropriate.

(c) The operator shall retain a copy of the current permit issued by the department. The operator shall retain the construction plans, specifications, and waste management plan approved by the department for the life of the facility.

(d) The operator shall immediately report to the department, if the required amount of land application area utilized by the facility, is not available or accessible for use by the facility for disposal purposes.

(e) A rain gauge and thermometer shall be kept at the facility and properly maintained. A log of all measurable precipitation events shall be kept at the facility. Temperatures shall be recorded on those days in which animal or other process wastes are land applied.

(f) Records of any monitoring shall be maintained for a minimum of three years for the facility.

(g) The operator shall be responsible for advising the department of any changes in mailing address or telephone number regarding the facility or designated facility contact.

(h) Duty to provide information. The operator shall furnish to the director, within a reasonable time, any information that the director may request to determine compliance with this permit. The operator shall also furnish to the director, upon request, copies of records required to be kept by the permittee.

(i) The need to halt or reduce an activity shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permit-

ted activity in order to maintain compliance with the conditions of the permit.

(j) Duty to mitigate. The operator shall take all reasonable steps to minimize or prevent any discharge in violation of the permit that has a reasonable likelihood of adversely affecting human health or the environment.

(k) Proper operation and maintenance. The operator shall, at all times, properly operate and maintain the animal waste management system and control and any related appurtenances that are installed or utilized by the operator to achieve compliance with the conditions of the permit.

(l) Property rights. The issuance of a permit, neither conveys any property rights of any sort, or any exclusive privileges, nor authorizes injury to private property, invasion of personal rights, or infringement of federal, state, or local law or regulations. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-9. Permits; monitoring and reporting. (a) Monitoring and reporting required by the department, terms or conditions of a permit, or terms or conditions of an order shall be conducted pursuant to the provisions of K.A.R. 28-16-63, as appropriate.

(b) The emergency or accidental discharge of animal or other process wastes to surface waters of the state shall be immediately reported to the department as defined in K.A.R. 28-16-27.

(c) Any analysis required by a permit or the department shall be conducted in accordance with the provisions of 40 CFR 136, as in effect on October 1, 1997, or as approved by the department.

(d) Analysis shall be performed by a laboratory that has been certified by the department pursuant to K.S.A. 65-171i, or as approved by the department. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-10. Confined feeding facilities; federal requirements. (a) Pursuant to K.A.R. 28-16-57, the regulations in this article are intended to comply with provisions of the CWA and issuance of federal permits under the NPDES program.

(b) For the purpose of issuing federal permits and administering NPDES program requirements, the definition of "point source" is defined in 40 CFR 122.2, as in effect on October 1, 1997 is adopted by reference.

(c) For the purpose of issuing federal permits and administering NPDES program requirements, the concentrated animal feeding operations exclusions defined in 40 CFR 122.3 (e) and 40 CFR 122.3 (f), as in effect on October 1, 1997, are adopted by reference.

(d) For the purpose of issuing federal permits and administering NPDES program requirements, the provisions addressing concentrated animal feeding operations defined in 40 CFR 122.23 and appendix B to 40 CFR part 122, as in effect on October 1, 1997, are adopted by reference.

(e) For the purpose of issuing federal permits and administering NPDES program requirements, the provisions addressing concentrated aquatic animal feeding operations defined in 40 CFR 122.24 and appendix C to 40 CFR part 122 as in effect on October 1, 1997, are adopted by reference.

(f) For the purpose of issuing federal permits and administering NPDES program requirements, the provisions addressing stormwater runoff discharges defined in 40 CFR 122.26, as in effect on October 1, 1997, are adopted by reference. The provisions associated specifically with the concentrated animal feeding operations shall be considered satisfied with the issuance of the permit for the confined feeding operation.

(g) For the purpose of issuing federal permits and administering NPDES program requirements, effluent guideline standards defined in 40 CFR 412, shall apply pursuant to the provisions of K.A.R. 28-16-57a.

(h) For the purpose of issuing state and federal permits and administering NPDES program requirements, the provisions and test procedures of 40 CFR 136, as in effect on October 1, 1997, are adopted by reference.

(i) General permits shall be issued under the provisions of K.A.R. 28-16-150 through K.A.R. 28-16-154. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-11. Design and construction of animal waste management systems. (a) If the department determines a confined feeding facility represents a significant water pollution potential or requires a permit, the operator shall provide an animal waste management system that shall be designed in accordance with the minimum standards of design, and constructed and operated in accordance with construction plans, specifications and waste management plan approved by the department.

(b) The department's minimum standards of design, construction and operation of animal waste management systems, "design standards for confined livestock feeding operations" - January 1, 1998, are adopted by reference.

(c) Operators shall complete any proposed construction or expansion of a confined feeding facility that has been approved by the department and for which the required

(continued)

permit or permit modification has been issued within two years of the date the permit or permit modification is issued. Failure to complete the approved construction within two years of the date of issuance of the permit or permit modification shall void the department's approval. If the department's approval becomes void, the operator shall resubmit the application to the department for review and approval before initiating the construction or expansion.

(d) Neither the approval of construction plans, specifications or the waste management plan, nor the issuance of a permit or certification by the department, shall constitute a guarantee by the department the animal waste management system adequately protects the waters of the state, shall meet any specified effluent criteria, or assure compliance with state surface water quality standards or constitute a defense by the operator regarding violation of any statute, regulation, permit condition or requirement.

(e) Confined feeding facilities shall not be built in any stream, river, lake, reservoir, natural wetland, or playa lake. Confined feeding facilities shall not be built within the drainage to a state lake or federal reservoir within one mile of the state lake or federal reservoir.

(f) Operators shall notify the department a minimum of seven days in advance of soil sample collection activities or liner integrity testing so as to allow opportunity for department staff to witness the activities.

(g) There shall be no deviation from plans and specifications submitted to and approved by the department, unless amended plans and specifications showing proposed changes have been submitted to and approved by the department.

(h) Operators shall submit a certification to the department, following the completion of construction, acknowledging whether the animal waste management system was constructed in accordance with the plans and specifications approved by the department. The certification shall be signed by the operator, designer, consultant, or inspector that witnessed the construction or installation of the animal waste management system, including any liner. The certification shall be based on actual observations during construction and any field or laboratory data developed during or following construction. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-12. Groundwater monitoring. (a) The department may require the installation and sampling of groundwater monitoring wells in the vicinity of earthen storage basins, land application sites, or other areas known or potentially impacted by animal or other process wastes, or where groundwater, geologic, or construction conditions warrant.

(b) If a groundwater monitoring system is required by the department, the proposed location and design of the

monitoring wells shall be approved by the department before being constructed.

(c) Any water supply or groundwater monitoring well shall be constructed by a water well contractor or driller licensed in Kansas in conformance with regulations adopted pursuant to the Kansas groundwater exploration and protection act, K.S.A. 82a-1201 et seq. and amendments.

(d) For proposed new confined feeding facilities, monitoring wells shall be sampled and analyzed to establish background concentrations of chemical parameters designated by the department before the facility being populated. For installation of monitoring wells at existing facilities, the monitoring wells shall be monitored within two months of installation to establish a baseline for the chemical parameters.

(e) Background or baseline data from monitoring wells shall be maintained for the life of the facility. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-13. Operation of confined feeding facility waste management systems. (a) The animal waste management system shall be designed, constructed, maintained and operated so as to prevent pollution of waters of the state, protect public health and the environment.

(b) Animal waste management systems shall be operated consistent with waste management plans approved by the department.

(c) When a liner is installed or constructed, the operator shall maintain the liner so as to inhibit infiltration of animal or other process wastes. When soil liners are utilized, no trees shall be allowed to grow within the potential distance of the root zone. Any mechanical or structural damage to the liner shall be reported to the department within two workdays of identification and repaired in a time frame approved by the department.

(d) Stored or stockpiled manure, sludges, or solids shall be stored or stockpiled in a well drained area, the top and sides of stockpiles shall be adequately sloped to ensure proper drainage, and the runoff that has come into contact with the stockpiled materials shall be retained at the site.

(e) Stored or stockpiled manure, sludges, or solids shall be maintained at the facility for no longer than two years, unless the stockpile or storage area and animal waste management system has been specifically designed to handle the increased storage volume and the department has approved the practice or proposed practice.

(f) Operators shall haul or transport animal or process wastes to land application sites in a manner so as to prevent loss or spillage during transport.

(g) When land application of animal or other process wastes is practiced, the application shall be conducted at agronomic rates.

(h) Irrigation practices shall be managed so as to minimize ponding or puddling of animal or other process wastes at the land application site.

(i) Adequate equipment and application land shall be available for removal of animal or other process wastes and contaminated stormwater runoff from the confined feeding facility so as to comply with the provisions of the permit and these regulations.

(j) Animal or other process wastes shall not be irrigated when the ground is frozen or saturated or during a precipitation event, unless approved by the department, for use in filtering animal or other process wastes from retention structures that were properly operated and maintained and that are in imminent danger of overflow to surface waters of the state due to chronic or catastrophic precipitation events. Animal or other process wastes may be applied, only with KDHE approval, to frozen ground if the proposed application site and practices would ensure the wastes will be retained at the application site.

(k) The department may require the sampling and analysis of animal or process wastes or sites utilized for the application of animal or process wastes from confined animal feeding facilities, for nutrient and salinity levels to confirm utilization of the animal or process wastes at agronomic rates and to protect soil and water resources. Confined feeding facilities with an animal unit capacity of 1,000 or more shall conduct sampling and analysis of the animal or process wastes or application sites annually pursuant to a waste management plan approved by the department or the conditions stipulated in a permit issued by the department to the facility.

(l) The handling and disposal of dead animals shall be conducted in conformance with the provisions of, and regulations adopted to K.S.A. 47-1201 et seq. and amendments. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-14. Denial or revocation of a permit or certification. (a) A permit or certification may be denied or revoked for any of the following reasons:

(1) Misrepresentation or omission of a significant fact by the operator either in the application for the permit or in information subsequently reported to the department;

(2) improper operation of the confined feeding facility or animal waste management system including the land application areas that causes pollution or a public health hazard;

(3) violation of any provision of K.S.A. 65-159 et seq., any regulations of article 16 and article 18, or other restrictions set forth in the permit, certification, or waiver; or

(4) failure to comply with an order or modification of the permit issued by the secretary.

(b) Procedures and provisions for the denial, revocation, or termination of a permit are pursuant to the provisions of K.A.R. 28-16-62.

(c) Any operator aggrieved by the denial or revocation of a permit or certification may request a hearing in accordance with the provisions of the Kansas administrative procedures act, K.S.A. 77-501 et seq. and amendments.

(d) If a confined feeding facility shall terminate operations or reduce the number of animal units at the facility, the operator, may at the discretion of the secretary, be allowed to finish feeding existing animals at the facility at the time of notification by the department, until such time as the facility is permitted, certified, or complies with the provisions of these regulations, but in no case shall the termination of operations or reduction of animal unit number exceed five months from the initial notification by the department. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-15. Inspections. (a) Upon presentation of credentials and stating the purpose of the visit, the secretary or the secretary's designee, representative, or employee may at any reasonable hour inspect a confined feeding facility or animal waste management system for which a permit application is pending or a permit or certification has been issued by:

(1) Entering any confined feeding facility or onto any land application area that animal or other process wastes are or are proposed to be generated, stored, treated or disposed of to inspect the premises, facilities, animal waste management system, or disposal area to gather information regarding existing conditions and procedures;

(2) obtaining samples of animal or process wastes;

(3) inspecting and copy any records, reports, information, or test results related to any animal or process wastes generated, stored, treated, transported or disposed;

(4) photographing or video taping any animal waste management system facility, device, structure, or equipment;

(5) drilling test wells or groundwater monitoring wells on the confined feeding facility or land application site used for the disposal of animal or process wastes and to obtain samples from the wells;

(6) conducting tests, analyses and evaluations of soil, groundwater, surface water to determine whether the requirements of these regulations are being met;

(7) inspecting the location of a proposed facility and determine whether proposed confined feeding facility and site complies with these regulations; or

(8) conducting post construction inspections to determine if the confined feeding facility animal waste man-

(continued)

agement system was constructed in accordance with approved plans and specifications, including sampling of waste retention lagoon or pond liners.

(b) The operator shall provide all necessary specialized equipment, clothing, and facilities to enable the inspector to enter the facility for inspection. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-16. Facility closure or site abandonment. Operators shall notify the department, as soon as possible, of the closure or abandonment of a facility. If the operator is unwilling or unable to properly close out the facility, it shall be the responsibility of the owner of the property on which the confined feeding facility is located to close out the facility in a manner that shall protect waters of the state, public health, and the environment. The operator or property owner responsible for the facility closure or abandonment shall meet the following requirements:

(a) Submit a closure plan within 30 days of closure or notification by the department;

(b) implement the closure plan as approved by the department;

(c) maintain and comply with the provisions of a valid permit until the confined feeding facility and animal waste management system are properly closed, per the closure plan approved by the department;

(d) Implement closure requirements, that at a minimum, include the collection, removal and land application of all animal and other process wastes. The removed animal and other process wastes shall be land applied at agronomic rates for nitrogen and phosphorous for the vegetation proposed for, or at, the land application site, and applied at rates so there shall be no discharge to surface waters of the state; and

(e) Close out any earthen basin, pond, or lagoon by one of the following methods:

(1) Removing the berms, grading, and revegetation of the site so as to provide erosion control;

(2) leave the structures in place for use as a farm pond or reservoir;

(3) retain the structure for future use as a part of an animal waste management system; or

(4) any other method approved by the department.

(Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-17. Variance of specific requirements. A request for variance to the regulations in this article shall

be submitted to the department, in writing, and shall contain all information relevant to the request.

(a) Any request shall specifically set forth why such variance should be considered.

(b) The department may grant a variance when site specific conditions or proposals are in keeping with the purpose of this article.

(c) Appeals from the decision of the department, shall be made to the director, that after due consideration may affirm, reverse or modify the decision. (Authorized by K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; and K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-165, 65-166, K.S.A. 1996 Supp. 65-167; K.S.A. 65-169, 65-170, 65-170b, 65-170c, 65-170d, 65-170g, 65-171a, K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; K.S.A. 65-171f, 65-171h, and 65-171i; effective P-____.)

28-18-18. Requirements for confined feeding facility operator certification. Each operator of a confined feeding facility with an animal unit capacity of 1,000 or more shall obtain an animal waste management system operator certificate. Operators required to obtain a certification shall register with the department by July 1, 1998 and acquire a certification prior to July 1, 2000. Each operator that desires or is required to obtain an animal waste management system operator certificate shall meet the following requirements:

(a) Each applicant shall own, be employed by or under contract to persons operating a confined feeding facility and animal waste management system, and shall be engaged in the daily operation, maintenance, or both, of the confined feeding facility and animal waste management system.

(b) Each applicant shall submit a completed and approved application and the appropriate fee to the department. The application shall be received by the department, at least two weeks before the test date. Late applications shall not be accepted for that test date.

(c) If, an applicant willfully provides false information on the application, the applicant shall not be accepted for examination and the fee shall not be returned. The applicant shall be notified of the decision and shall not be allowed to take the examination for two consecutive years. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

28-18-19. Eligibility for confined feeding facility operator certification. (a) Applicants for certification shall meet the following requirements:

(1) one year of experience in the daily operation or maintenance of a confined feeding facility and animal waste management system; and

(2) six hours of approved training.

(b) Minimum training requirements for renewal. Each operator who holds a certificate of competency, shall be required to meet minimum training requirements before a certificate can be issued. Certified operators shall acquire a minimum of six hours of approved training every

five years. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

28-18-20. Confined feeding facility operator certification examinations. (a) Each applicant shall pass the appropriate written examination given by the department or their designee, to be certified as a confined feeding facility operator.

(b) Examinations shall be given at least twice each year, at times and locations set by the department. Notice of examinations shall be sent to certified confined feeding facility operators and published in the Kansas register a minimum 30 days before the date of the examination.

(c) The written examinations shall be graded by the department and the applicant shall be notified of the results. Examinations shall not be returned to the applicant.

(d) Failed examination analysis shall be provided to the applicant, upon written request to the department. The analysis shall indicate areas in which the applicant needs further study. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

28-18-21. Operator responsible for the operation and management of confined feeding facilities and animal waste management systems. (a) Each non-certified operator of a new or proposed confined feeding facility and animal waste management system shall notify the department within 30 days of the initial start-up of the facility. When a new operator responsible for the operation or management of the confined feeding facility and animal waste management system is hired, the operator shall within 30 days notify the department. The operator identified shall be designated as an "operator in training (OIT)". After completing one full year of operation as an OIT, the operator shall take the appropriate certification examination, as soon as possible. Upon failing the examination, the applicant shall make additional preparation and take the examination again at the next opportunity.

(b) The OIT designation shall be renewed once, if the operator demonstrates to the department, that the operator is attending training sessions, studying correspondence courses or preparing to pass the operator certification examination. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

28-18-22. Issuance of certificate of competency. Upon satisfactory fulfillment of the requirements as set forth in K.A.R. 28-18-18, 28-18-19, 28-18-21, and upon consideration of the recommendations of the division training officer, a certificate shall be issued to the applicant. The certificate shall designate the operator is qualified to operate and maintain a confined feeding facility and animal waste management system. The certificate shall be good for five years from the date of issuance. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-

171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

28-18-23. Operator certification fees. (a) Fees for certification shall be the following:

(1) Operator in training (one-year certificate)	No charge.
(2) Operator in training (renewal for one year)	\$ 5.00
(3) Examination fee	\$25.00
(4) Five year renewal of certificates	\$50.00
(5) Reinstatement of lapsed certificate up to one year after renewal date	\$70.00
(6) Reinstatement of lapsed certificate between one and two years after renewal date	\$80.00
(7) Reciprocity fee	\$65.00

(b) Fees from applicants who are ineligible to take the certification examination shall be returned. Fees from applicants who fail the examination shall not be returned. Fees for department sponsored training sessions shall be established by the department. (Authorized by and implementing K.S.A. 65-164, as amended by L. 1997, ch. 92, sec. 1; K.S.A. 1996 Supp. 65-171d, as amended by L. 1997, ch. 139, sec. 2; and K.S.A. 65-4512; effective P-____.)

INFORMATION ADDENDUM K.S.A. 65-166a and K.S.A. 65-171d

K.S.A. 65-166a. Fees for administering water pollution control permit systems; expiration of permits; reissuance; disposition of moneys. (a) The secretary of health and environment is authorized and directed to establish by duly adopted rules or regulations a schedule of fees to defray all or any part of the costs of administering the water pollution control permit system established by K.S.A. 65-165 and 65-166 and amendments thereto. The amount of the fees so established shall be based upon the quantity of raw wastes or treated wastes to be discharged, units of design capacity of treatment facilities or structures, numbers of potential pollution units, physical or chemical characteristics of discharges and staff time necessary for review and evaluation of proposed projects. In establishing the fee schedule, the secretary of health and environment shall not assess fees for permits required in the extension of a sewage collection system, but such fees shall be assessed for all treatment devices, facilities or discharges where a permit is required by law and is issued by the secretary of health and environment or the secretary's designated representative. Such fees shall be nonrefundable.

(b) Any such permit for which a fee is assessed shall expire five years from the date of its issuance. The secretary of health and environment may issue permits pursuant to K.S.A. 65-165 and amendments thereto for terms of less than five years, if the secretary determines valid cause exists for issuance of the permit with a term of less than five years. The minimum fee assessed for any permit issued pursuant to K.S.A. 65-165 and amendments thereto shall be for not less than one year. Permit fees may be assessed and collected on an annual basis and failure to pay the assessed fee shall be cause for revocation of

(continued)

the permit. Any permit which has expired or has been revoked may be reissued upon payment of the appropriate fee and submission of a new application for a permit as provided in K.S.A. 65-165 and 65-166 and amendments thereto.

(c) A permit shall be required for:

(1) Any confined feeding facility with an animal unit capacity of 300 to 999 if the secretary determines that the facility has significant water pollution potential; and

(2) any confined feeding facility with an animal unit capacity of 1,000 or more.

(d) At no time shall the annual permit fee for a confined feeding facility exceed:

(1) \$25 for facilities with an animal unit capacity of not more than 999;

(2) \$100 for facilities with an animal unit capacity of 1,000 to 4,999;

(3) \$200 for facilities with an animal unit capacity of 5,000 to 9,999; or

(4) \$400 for facilities with an animal unit capacity of 10,000 or more.

(e) The secretary of health and environment shall remit all moneys received from the fees established pursuant to this act to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

(f) Any confined feeding facility with an animal unit capacity of less than 300 may be required to obtain a permit from the secretary if the secretary determines that such facility has significant water pollution potential.

(g) Any confined feeding facility not otherwise required to obtain a permit or certification may obtain a permit or certification from the secretary. Any such facility obtaining a permit shall pay an annual permit fee of not more than \$25.

K.S.A. 65-171d. Prevention of water pollution; standards; permits; exemption; orders; hearings; appeals; fees; confined feeding facilities, registration prior to construction, separation distance requirements, exemptions. (a) For the purpose of preventing surface and sub-surface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state, and to protect beneficial uses of the waters of the state and to require the treatment of sewage predicated upon technologically based effluent limitations, the secretary of health and environment shall make such rules and regulations, including registration of potential sources of pollution, as may in the secretary's judgement be necessary to: (1) Protect the soil and waters of the state from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas; (2) control the disposal, discharge or escape of sewage as defined in K.S.A. 65-164 and amendments thereto, by or from municipalities, corporations, companies, institutions, state agencies, federal agencies or individuals and any plants, works or facilities owned or operated, or both, by them; and (3) establish water quality standards for the waters of the state to protect their beneficial uses.

(b) The secretary of health and environment may adopt by reference any regulation relating to water quality and

effluent standards promulgated by the federal government pursuant to the provisions of the federal clean water act and amendments thereto, as in effect on January 1, 1989, which the secretary is otherwise authorized by law to adopt.

(c) For the purposes of this act, including K.S.A. 65-161 through 65-171h and amendments thereto, and rules and regulations adopted pursuant thereto:

(1) "Pollution" means: (A) Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to the plant, animal or aquatic life of the state or to other designated beneficial uses; or (B) such discharge as will or is likely to exceed state effluent standards predicated upon technologically based effluent limitations.

(2) "Confined feeding facility" means any lot, pen, pool or pond: (A) Which is used for the confined feeding of animals or fowl for food, fur or pleasure purpose; (B) which is not normally used for raising crops; and (C) in which no vegetation intended for animal food is growing.

(3) "Animal unit" means a unit of measurement calculated by adding the following numbers: The number of beef cattle weighing more than 700 pounds multiplied by 1.0; plus the number of cattle weighing less than 700 pounds multiplied by 0.5; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of horses multiplied by 2.0; plus the number of turkeys multiplied by 0.018; plus the number of laying hens or broilers, if the facility has continuous overflow watering, multiplied by 0.01; plus the number of laying hens or broilers, if the facility has a liquid manure system, multiplied by 0.033; plus the number ducks multiplied by 0.2. However, each head of cattle will be counted as one full animal unit for the purpose of determining the need for a federal permit. "Animal unit" also includes the number of swine weighing 55 pounds or less multiplied by 0.1 for the purpose of determining applicable requirements for new construction of a confined feeding facility for which a permit or registration has not been issued before January 1, 1998, and for which an application for a permit or registration and plans have not been filed with the secretary of health and environment before January 1, 1998, or for the purpose of determining applicable requirements for expansion of such facility. However, each head of swine weighing 55 pounds or less shall be counted as 0.0 animal unit for the purpose of determining the need for a federal permit.

(4) "Animal unit capacity" means the maximum number of animal units which a confined feeding facility is designed to accommodate at any one time.

(5) "Habitable structure" means any of the following structures which is occupied or maintained in a condition which may be occupied: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.

(d) In adopting rules and regulations, the secretary of health and environment, taking into account the varying conditions that are probable for each source of sewage and its possible place of disposal, discharge or escape, may provide for varying the control measures required in each case to those the secretary finds to be necessary to prevent pollution. If a freshwater reservoir or farm pond is privately owned and where complete ownership of the land bordering the reservoir is under common private ownership, such freshwater reservoir or farm pond shall be exempt from water quality standards except as it relates to water discharge or seepage from the reservoir to waters of the state, either surface or groundwater, or as it relates to the public health of persons using the reservoir or pond or waters therefrom.

(e)(1) Whenever the secretary of health and environment or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from underground storage reservoirs of hydrocarbons and liquid petroleum gas or that storage or disposal of salt water not regulated by the state corporation commission or refuse in any surface pond is causing or is likely to cause pollution of soil or waters of the state, the secretary's duly authorized agents shall issue an order prohibiting such underground storage reservoir or surface pond. Any person aggrieved by such order may within 15 days of service of the order request in writing a hearing on the order.

(2) Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(3) Any action of the secretary pursuant to this subsection is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(f) The secretary may adopt rules and regulations establishing fees for the following services:

(1) Plan approval, monitoring and inspecting underground or buried petroleum products storage tanks, for which the annual fee shall not exceed \$5 for each tank in place;

(2) permitting, monitoring and inspecting salt solution mining operators, for which the annual fee shall not exceed \$1,950 per company; and

(3) permitting, monitoring and inspecting hydrocarbon storage wells and well systems, for which the annual fee shall not exceed \$1,875 per company.

(g) Prior to any new construction of a confined feeding facility with an animal unit capacity of 300 to 999, such facility shall register with the secretary of health and environment. Facilities with less than 300 animal units may register with the secretary. Any such registration shall be accompanied by a \$25 fee. Within 30 days of receipt of such registration, the department of health and environment shall identify any significant water pollution potential or separation distance violations pursuant to subsection (h). If there is identified a significant water pollution potential, such facility shall be required to obtain a permit from the secretary. If there is no water pollution potential posed by the facility with an animal unit capacity of less than 300, the secretary may certify that no permit is re-

quired. If there is no water pollution potential nor any violation of separation distances posed by a facility with an animal unit capacity of 300 to 999, the secretary shall certify that no permit is required and that there is no certification conditions pertaining to separation distances. If a separation distance violation is identified, the secretary may reduce the separation distance in accordance with subsection (i) and shall certify any such reduction of separation distances.

(h) Any new construction or new expansion of a confined feeding facility shall meet or exceed the following requirements in separation distances from any habitable structure:

(1) 1320 feet for facilities with an animal unit capacity of 300 to 999; and

(2) 4000 feet for facilities with an animal unit capacity of 1,000 or more.

(i) The separation distance requirements of subsection (h) shall not apply if such person newly constructing or newly expanding a confined feeding facility obtains a written agreement from all owners of habitable structures which are within the separation distance stating such owners are aware of such construction or expansion and have no objections to such construction or expansion. The written agreement shall be filed in the register of deeds office of the county in which the habitable structure is located. The secretary may reduce separation distance requirements if: (1) No substantial objection from owners of habitable structures within the separation distance is received in response to public notice; or (2) the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances.

(j) The separation distances required pursuant to subsection (h) shall not apply to:

(1) Confined feeding facilities which are permitted or certified by the secretary on the effective date of this act;

(2) confined feeding facilities which exist on the effective date of this act and register with the secretary before July 1, 1996; or

(3) expansion of a confined feeding facility, including any expansion for which an application is pending on the effective date of this act, if: (A) In the case of a facility with an animal unit capacity of 1,000 or more prior to the effective date of this act, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or (B) in the case of a facility with an animal unit capacity of less than 1,000 prior to the effective date of this act and, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion the animal unit capacity of the facility after the expansion does not exceed 2,000.

(k) All plans and specifications submitted to the department for new construction or new expansion of confined feeding facilities may be, but are not required to be, prepared by a professional engineer or a consultant.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 020022

INDEX TO ADMINISTRATIVE REGULATIONS

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36-1-9	Revoked	V. 16, p. 1251
36-1-10	Revoked	V. 16, p. 1251
36-1-26	Revoked	V. 16, p. 1251
36-1-27	Revoked	V. 16, p. 1251
36-1-35 through 36-1-38	New	V. 16, p. 1251-1255
36-35-1	Revoked	V. 16, p. 1256
36-39-1	Amended	V. 16, p. 1078
36-39-2	Amended	V. 16, p. 1078
36-39-3	Amended	V. 16, p. 1078
36-39-6	Amended	V. 16, p. 1080

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-19	Amended	V. 16, p. 685
40-2-21	Revoked	V. 16, p. 972
40-2-24	New	V. 16, p. 482
40-2-25	New	V. 16, p. 1988
40-2-26	New	V. 16, p. 1988
40-3-5	Amended	V. 16, p. 686
40-3-26	Amended	V. 16, p. 686
40-3-27	Amended	V. 16, p. 686
40-3-49	Amended	V. 16, p. 686

40-4-41c	Amended	V. 16, p. 686
40-7-20a	Amended	V. 16, p. 483
40-7-21	Amended	V. 16, p. 484
40-8-7	Amended	V. 16, p. 687
40-10-2	Amended	V. 16, p. 1626
40-10-10	Amended	V. 16, p. 1626

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 16, p. 1550

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Reg. No.	Action	Register
47-1-1	Revoked	V. 16, p. 585
47-1-3	Amended	V. 16, p. 585
47-1-4	Revoked	V. 16, p. 585
47-1-8	Amended	V. 16, p. 585
47-1-9	Amended	V. 16, p. 586
47-1-10	Revoked	V. 16, p. 586
47-1-11	Amended	V. 16, p. 586
47-2-14	Revoked	V. 16, p. 586
47-2-21	Amended	V. 16, p. 586
47-2-53	Amended	V. 16, p. 586
47-2-53a	Amended	V. 16, p. 586
47-2-58	Amended	V. 16, p. 586
47-2-64	Amended	V. 16, p. 586
47-2-67	Amended	V. 16, p. 587
47-2-74	Amended	V. 16, p. 587
47-2-75	Amended	V. 16, p. 587
47-3-1	Amended	V. 16, p. 587
47-3-2	Amended	V. 16, p. 588
47-3-3a	Amended	V. 16, p. 588
47-3-42	Amended	V. 16, p. 588
47-4-14a	Amended	V. 16, p. 590
47-4-15	Amended	V. 16, p. 595
47-4-16	Amended	V. 16, p. 598
47-4-17	Amended	V. 16, p. 598
47-5-5a	Amended	V. 16, p. 599
47-5-16	Amended	V. 16, p. 601
47-6-1	Amended	V. 16, p. 601
47-6-2	Amended	V. 16, p. 601
47-6-3	Amended	V. 16, p. 601
47-6-4	Amended	V. 16, p. 602
47-6-6	Amended	V. 16, p. 602
47-6-7	Amended	V. 16, p. 602
47-6-8	Amended	V. 16, p. 603
47-6-9	Amended	V. 16, p. 603
47-6-10	Amended	V. 16, p. 603
47-7-2	Amended	V. 16, p. 603
47-8-9	Amended	V. 16, p. 604
47-8-11	Amended	V. 16, p. 604
47-9-1	Amended	V. 16, p. 604
47-9-2	Amended	V. 16, p. 607
47-9-4	Amended	V. 16, p. 607
47-10-1	Amended	V. 16, p. 608
47-11-8	Amended	V. 16, p. 608
47-12-4	Amended	V. 16, p. 608
47-13-4	Amended	V. 16, p. 609
47-13-5	Amended	V. 16, p. 609
47-13-6	Amended	V. 16, p. 610
47-14-7	Amended	V. 16, p. 610
47-15-1a	Amended	V. 16, p. 610
47-15-3	Amended	V. 16, p. 611
47-15-4	Amended	V. 16, p. 611
47-15-7	Amended	V. 16, p. 611
47-15-8	Amended	V. 16, p. 611
47-15-15	Amended	V. 16, p. 612
47-15-17	Amended	V. 16, p. 612
47-16-1 through 47-16-8	Amended	V. 16, p. 612-614
47-16-9	New	V. 16, p. 614
47-16-10	New	V. 16, p. 614
47-16-11	New	V. 16, p. 614

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-49-1	Amended	V. 16, p. 1120

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-25a through 50-2-25e	New	V. 16, p. 1047

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

Reg. No.	Action	Register
51-9-7	Amended	V. 16, p. 1329

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-104	New	V. 16, p. 436
60-2-101	Amended	V. 16, p. 437
60-2-102 through 60-2-108	New	V. 16, p. 437-440
60-3-106	Amended	V. 16, p. 440

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-3-10	Amended	V. 16, p. 1250

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250
65-10-1	Amended	V. 16, p. 1176

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1f	Amended	V. 16, p. 1176
68-1-2a	New	V. 16, p. 1176
68-2-5	Amended	V. 16, p. 1177
68-2-9	Amended	V. 16, p. 1177
68-20-15a	Amended	V. 16, p. 1177

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-15-1 through 69-15-30	New	V. 16, p. 1281-1288

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1 through 70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441
70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-3	Amended	V. 16, p. 1742
71-1-16	Revoked	V. 16, p. 1742
71-1-17	Revoked	V. 16, p. 1742
71-1-19	New	V. 16, p. 1742
71-3-3	Revoked	V. 16, p. 1742
71-5-3	Amended	V. 16, p. 1742
71-5-4	Amended	V. 16, p. 1742

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-5	Revoked	V. 16, p. 1119
74-1-6	New	V. 16, p. 1119
74-2-1	Amended	V. 16, p. 1119
74-12-1	Amended	V. 16, p. 1120

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 16, p. 1912

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 16, p. 1938
81-3-2	Amended	V. 16, p. 1939

(continued)

81-5-8	Amended	V. 16, p. 1939
81-5-9	Revoked	V. 16, p. 1939
81-5-13	New	V. 16, p. 1939
81-5-14	New	V. 16, p. 1940

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103a	Amended	V. 16, p. 1332
82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332
82-3-123	Amended	V. 16, p. 1333
82-3-129	Revoked	V. 16, p. 1333
82-3-130	Amended	V. 16, p. 1333
82-3-136	Amended	V. 16, p. 1333
82-3-141	Revoked	V. 16, p. 1333
82-3-304	Amended	V. 16, p. 1333
82-3-308	Revoked	V. 16, p. 1334
82-3-309	Revoked	V. 16, p. 1334
82-3-312	Amended	V. 16, p. 1334
82-3-313	Revoked	V. 16, p. 1334
82-3-500 through 82-3-504	Revoked	V. 16, p. 1334

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-3	Amended	V. 16, p. 1669, 1704
86-1-5	Amended	V. 16, p. 1669, 1704
86-1-11	Amended	V. 16, p. 1669, 1705
86-2-8	Amended	V. 16, p. 1670, 1706
86-3-25	Revoked	V. 16, p. 1670, 1706
86-3-26	New	V. 16, p. 1670, 1706
86-3-27	New	V. 16, p. 1672, 1707
86-3-28	New	V. 16, p. 1672, 1707

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-10-2	Amended	V. 16, p. 409

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-1 through 93-6-6	New	V. 16, p. 1552, 1892

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-12	Amended	V. 16, p. 1242-1245
94-2-13 through 94-2-18	New	V. 16, p. 1245, 1246
94-3-1	Amended	V. 16, p. 1246
94-3-2	Amended	V. 16, p. 1246

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 16, p. 737
100-15-1	Amended	V. 16, p. 1176
100-23-1	Amended	V. 16, p. 652, 1806
100-29-1 through 100-29-14	New	V. 16, p. 380-384
100-34-3	Revoked	V. 16, p. 384
100-34-4	Revoked	V. 16, p. 384
100-35-1	Revoked	V. 16, p. 384
100-35-3	Revoked	V. 16, p. 384
100-35-6	Revoked	V. 16, p. 384
100-35-7	Revoked	V. 16, p. 384
100-36-1	Revoked	V. 16, p. 384
100-37-1	Revoked	V. 16, p. 384
100-37-2	Revoked	V. 16, p. 384
100-38-1	Revoked	V. 16, p. 385
100-39-1	Revoked	V. 16, p. 385
100-40-2	Revoked	V. 16, p. 385
100-42-2	Revoked	V. 16, p. 385
100-46-1	Revoked	V. 16, p. 385
100-46-2	Revoked	V. 16, p. 385
100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-49-5	Amended	V. 16, p. 1176
100-54-7	Amended	V. 16, p. 142
100-67-1	New	V. 16, p. 1174, 1549

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 16, p. 1672
102-2-2a	Amended	V. 16, p. 1672
102-2-4a	Amended	V. 16, p. 1673
102-2-4b	Amended	V. 16, p. 1674
102-2-5	Amended	V. 16, p. 1675
102-2-6	Amended	V. 16, p. 1675
102-2-8	Amended	V. 16, p. 1676
102-2-9	Amended	V. 16, p. 1678
102-2-10	Amended	V. 16, p. 1678
102-2-11	Amended	V. 16, p. 1678
102-2-12	Amended	V. 16, p. 1679
102-3-1	Revoked	V. 16, p. 1941
102-3-1a	New	V. 16, p. 1941
102-3-2	Amended	V. 16, p. 1680
102-3-3	Revoked	V. 16, p. 1942
102-3-3a	New	V. 16, p. 1942
102-3-4	Revoked	V. 16, p. 1943
102-3-4a	New	V. 16, p. 1943
102-3-5	Revoked	V. 16, p. 1944
102-3-5a	New	V. 16, p. 1944
102-3-6	Revoked	V. 16, p. 1944
102-3-6a	New	V. 16, p. 1944
102-3-8	Revoked	V. 16, p. 1945
102-3-8a	New	V. 16, p. 1945
102-3-9	Revoked	V. 16, p. 1945
102-3-9a	New	V. 16, p. 1945
102-3-10	Revoked	V. 16, p. 1946
102-3-10a	New	V. 16, p. 1946
102-3-11	Revoked	V. 16, p. 1947
102-3-11a	New	V. 16, p. 1947
102-3-12	Revoked	V. 16, p. 1948
103-3-12a	New	V. 16, p. 1948
102-3-13	Revoked	V. 16, p. 1950
102-4-1	Revoked	V. 16, p. 1950
102-4-1a	New	V. 16, p. 1950
102-4-2	Amended	V. 16, p. 1680
102-4-3	Revoked	V. 16, p. 1951
102-4-3a	New	V. 16, p. 1951
102-4-4	Revoked	V. 16, p. 1953
102-4-4a	New	V. 16, p. 1953
102-4-5	Revoked	V. 16, p. 1954
102-4-5a	New	V. 16, p. 1954
102-4-6	Revoked	V. 16, p. 1954
102-4-6a	New	V. 16, p. 1954
102-4-8	Revoked	V. 16, p. 1955
102-4-8a	New	V. 16, p. 1955
102-4-9	Revoked	V. 16, p. 1955
102-4-9a	New	V. 16, p. 1955
102-4-10	Revoked	V. 16, p. 1956
102-4-10a	New	V. 16, p. 1956
102-4-11	Revoked	V. 16, p. 1958
102-4-11a	New	V. 16, p. 1958
102-4-12	New	V. 16, p. 1958
102-4-13	New	V. 16, p. 1960
102-5-1	Amended	V. 16, p. 1961
102-5-2	Amended	V. 16, p. 1680
102-5-3	Amended	V. 16, p. 1962
102-5-4	Revoked	V. 16, p. 1963
102-5-4a	New	V. 16, p. 1963
102-5-5	Amended	V. 16, p. 1964
102-5-6	Revoked	V. 16, p. 1964
102-5-6a	New	V. 16, p. 1964
102-5-8	Amended	V. 16, p. 1965
102-5-9	Amended	V. 16, p. 1965
102-5-10	Amended	V. 16, p. 1966
102-5-11	Amended	V. 16, p. 1967
102-5-12	Amended	V. 16, p. 1967

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-6-2	Amended	V. 16, p. 1708
109-8-1	Amended	V. 16, p. 685

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1 through 110-4-4	Amended	V. 16, p. 1329-1331
110-4-5	New	V. 16, p. 1331

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1304
111-2-1	Revoked	V. 16, p. 1807
111-2-2	Amended	V. 12, p. 1261
111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 15, p. 1953
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 1180
111-2-31	New	V. 14, p. 170
111-2-32 through 111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	Amended	V. 16, p. 1807
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-2-58	New	V. 16, p. 689
111-2-59	New	V. 16, p. 1043
111-2-60	New	V. 16, p. 1209
111-2-61	New	V. 16, p. 1473
111-2-62	New	V. 16, p. 1209
111-2-63	New	V. 16, p. 1808
111-2-64	New	V. 16, p. 1808
111-2-65	New	V. 16, p. 1883
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113

111-4-66 through 111-4-77	New	V. 7, p. 207-209	111-4-362 through 111-4-365	Revoked	V. 12, p. 114, 115	111-4-607 through 111-4-619	New	V. 13, p. 1436-1438
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610	111-4-366 through 111-4-369	Revoked	V. 12, p. 1373	111-4-610 through 111-4-611	Amended	V. 16, p. 1504
111-4-100 through 111-4-101	Amended	V. 14, p. 972	111-4-370 through 111-4-379	Revoked	V. 14, p. 7, 8	111-4-611 through 111-4-613	Amended	V. 14, p. 1407
111-4-106 through 111-4-106a	Revoked	V. 16, p. 450	111-4-380 through 111-4-383	Revoked	V. 12, p. 1664	111-4-616 through 111-4-623	Revoked	V. 14, p. 978
111-4-107 through 111-4-114	Revoked	V. 16, p. 450, 451	111-4-384 through 111-4-387	Revoked	V. 12, p. 1373	111-4-624 through 111-4-702	Revoked	V. 16, p. 453-455
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-388 through 111-4-391	Revoked	V. 12, p. 1373	111-4-703 through 111-4-723	New	V. 14, p. 909-914
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-392 through 111-4-400	Revoked	V. 16, p. 252	111-4-724 through 111-4-736	New	V. 14, p. 978-981
111-4-213 through 111-4-220	Revoked	V. 10, p. 1213	111-4-401 through 111-4-404	Revoked	V. 12, p. 1373	111-4-737 through 111-4-749	New	V. 14, p. 1095-1098
111-4-221 through 111-4-224	Revoked	V. 10, p. 1585	111-4-405 through 111-4-413	Revoked	V. 16, p. 452	111-4-750 through 111-4-757	New	V. 14, p. 1408, 1409
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585	111-4-414 through 111-4-428	Revoked	V. 14, p. 8	111-4-758 through 111-4-761	New	V. 14, p. 1502, 1503
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-429 through 111-4-432	Revoked	V. 12, p. 1373	111-4-762 through 111-4-778	New	V. 14, p. 1410-1414
111-4-237 through 111-4-240	Revoked	V. 11, p. 413	111-4-433 through 111-4-436	Revoked	V. 12, p. 1374	111-4-779 through 111-4-791	Amended	V. 14, p. 1503
111-4-241 through 111-4-244	Revoked	V. 12, p. 1371	111-4-437 through 111-4-440	Revoked	V. 12, p. 1374	111-4-792 through 111-4-803	New	V. 14, p. 1504-1507
111-4-245 through 111-4-248	Revoked	V. 12, p. 1371	111-4-441 through 111-4-444	Revoked	V. 14, p. 8	111-4-804 through 111-4-816	New	V. 14, p. 1635-1638
111-4-249 through 111-4-256	Revoked	V. 12, p. 113, 114	111-4-445 through 111-4-448	Revoked	V. 12, p. 1374	111-4-817 through 111-4-824	New	V. 15, p. 116-119
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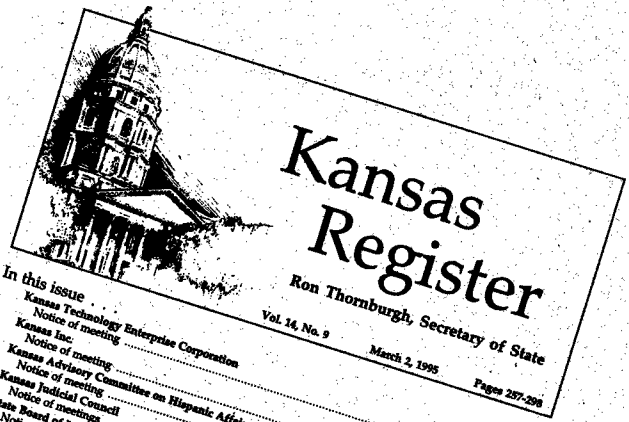
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