

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 19 May 7, 1998 Pages 619-672

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State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for On-Call Engineering, Landscape
Architectural, Surveying and Construction Services**

Notice is hereby given of the commencement of negotiations for on-call engineering, landscape architectural, surveying and construction services for a comprehensive state park renovation program. The Kansas Department of Wildlife and Parks is seeking to obtain these services for the design of multiple renovation projects in the state parks. These projects will include site and utility design for park buildings, campground improvements, beach improvements, water and wastewater design, electrical improvements, parking lots and other miscellaneous projects. This will be a three-year, renewable each year, on-call contract. There will be three contracts awarded, one in each of the following regions:

- Western Region, consisting of the following state parks: Cedar Bluff, Glen Elder, Lovewell, Meade, Prairie Dog, Scott, Webster and Wilson. There is approximately \$3,000,000 in projects in this region.
- Central Region, consisting of the following state parks: Cheney, El Dorado, Kanopolis, Milford, Mushroom, Sand Hills and Tuttle Creek. There is approximately \$3,000,000 in projects in this region.
- Eastern Region, consisting of the following state parks: Clinton, Crawford, Eisenhower, Elk City, Fall River, Hillsdale, Perry, Pomona and Toronto. There is approximately \$4,000,000 in projects in this region.

The successful firms will be expected to put together a comprehensive design team that will be able to provide services year round on multiple projects concurrently. For information regarding the scope of services, interested firms may contact the following persons:

Dennis Glascock, Western Region Project Manager,
(316) 672-5911
Jesse Moore, Central Region Project Manager,
(316) 672-5911
Ed DeTrude, Eastern Region Project Manager,
(785) 296-2281
Fred Badders, Program Manager, (316) 672-5911
Michael Wilson, Chief Engineer, (785) 296-2281

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. A separate set of forms is required for each region if interested in more than one region. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (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. May 22.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 022384

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Room 233-N, State Capitol
(785) 296-3489
Fax (785) 291-3051

State of Kansas

State Emergency Response Commission**Notice of Meeting**

The Kansas State Emergency Response Commission will meet at 10 a.m. Thursday, May 14, in the Salina County Sheriff's training room, 251 N. 10th, Salina. All interested individuals and organizations are invited to attend.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022380

State of Kansas

State Historical Society**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, July 22, in the south classroom of the Center for Historic Research at the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, to consider amendment of the Kansas State Historical Society Deaccessioning Act. Another public hearing will be conducted at 11 a.m. July 22 at the same location to consider adoption of rules and regulations for the review of proposed projects under K.S.A. 75-2724 by the State Historic Preservation Officer.

This 60-day notice of the public hearing shall constitute a public comment period on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the executive director, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 Sandy McDaniel at (785) 272-8681, ext. 240, or (785) 272-8683 (TTY). Handicapped parking is designated in the parking lot, and the museum building entrance is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained from the Kansas State Historical Society.

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

K.A.R. 118-1-1 through 118-1-4. Kansas State Historical Society Deaccessioning Act. Several of the minor amendments to the deaccessioning regulations simplify and clarify notification procedures when property is being deaccessioned from the collections of the Kansas

State Historical Society. The only substantive change to the regulations reduces the number of copies of microfilm required (from three to two) before an original item that has been microfilmed may be deaccessioned. The regulations also are changed to limit the disposition requirement for Kansas newspapers being deaccessioned to institutions rather than to individuals.

These amendments have no economic impact on other governmental entities or the general public. The cost savings to the Kansas State Historical Society would be substantial. The estimated cost of supplies alone to create the third duplicate of the society's microfilm of Kansas newspapers exceeds \$250,000. Meanwhile, the newspapers that cannot be deaccessioned because the third duplicate does not exist are stored in rented space at a cost of about \$30,000 per year. A secondary economic impact on the Historical Society would be that deaccessioning newspapers to specified institutions would be much less expensive and complicated than advertising and then auctioning or selling the papers to the general public. Failure to amend the regulations would forestall deaccessioning the Kansas newspapers for the foreseeable future and impose a major economic burden on the Historical Society.

K.A.R. 118-3-1 through 118-3-16. Review of projects affecting historic properties and their environs. These regulations require the review of projects affecting historic properties and their environs to be based upon specific guidelines. The purpose of the review is to determine the impact of a project on a historic property. The regulations outline the types of projects to be reviewed, notification requirements, content of required review materials, project proponent response procedures, standards and guidelines for project review, state historic preservation officer official responses, and the provisions for transfer of state historic preservation officer's review authority. The adoption of these regulations will formalize a process that has been in effect since 1977.

The general public, project proponents and state employees conducting project reviews will benefit by the adoption of the regulations because it ensures that similar applicable standards are set for the review of all projects. Nationally recognized standards for treatment of historic properties will be utilized in the review process. No economic impact upon the Kansas State Historical Society is anticipated since the state historic preservation officer has been carrying out reviews since the law was passed in 1977 and modified in 1981 and 1988. No economic impact upon other governmental agencies, private business, individuals, etc., is anticipated since no entity other than the state historic preservation officer is required to complete the reviews and submission of reviews has been ongoing since 1977.

Ramon Powers
Executive Director

Doc. No. 022387

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for designing a new facility on the University of Kansas—Lawrence campus for the Robert Dole Institute of Public Policy and Public Service. The facility will house Senator Dole's archives and will provide space for public research. The total project cost including fees and equipment is \$6 million.

For information regarding the scope of services, contact Warren Corman, University Architect, (785) 864-4868.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (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. May 22.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 022383

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 design and construction administration services for Kansas State University. Engineering services are required to implement the modification, correction and improvements to the moveable auditorium ceiling, its structural system and curtain runs inside McCain Auditorium. An engineering study of the ceiling system indicates a two-phase process is required to bring this area of the auditorium into regular operation again. This project team will need to include mechanical/electrical and structural engineering components, as well as a theatrical consultant. Copies of the engineering study will be made available for review by contacting A. Abe Fattey or J. David DeBusman at (785) 532-6377.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines

are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (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. May 22.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 022382

(Published in the Kansas Register May 7, 1998.)

Cloud County Community College

Notice of Intent to Issue Revenue Bonds

The Board of Trustees of Cloud County Community College, Concordia, Kansas (the district), duly adopted a resolution April 30, 1998, declaring necessary and authorizing improvements to the Student Union and dormitory system by constructing and equipping a student union facility on the campus of Cloud County Community College, Concordia, Kansas (the project), at an estimated cost of \$2,000,000 under the authority of K.S.A. 76-6a13 to 76-6a25, inclusive, as amended and supplemented.

The resolution declares necessary and authorizes the issuance and sale of system revenue bonds of the college in an amount of not to exceed \$1,550,000, such bonds to be used, along with other available funds of the college, to pay the costs of the project and provide for bond reserve funds and related costs of issuance.

Unless an action to contest the legality of the proposed revenue bonds of the college shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had taken by the board prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the board, all such revenue bonds shall be conclusively presumed to be legal, and no court shall thereafter have the authority to inquire into such matters.

Dated April 30, 1998.

Board of Trustees
Cloud County Community College
Concordia, Kansas
By Larry Naillieux
Chairperson, Board of Trustees
Attest: Marilyn A. Martin
Clerk of the Board

Doc. No. 022403

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 5-4-98 through 5-10-98

Term	Rate
1-89 days	5.43%
3 months	5.30%
6 months	5.44%
9 months	5.49%
12 months	5.55%
18 months	5.59%
24 months	5.60%

William E. Lewis
Chairman

Doc. No. 022374

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 21, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$9,000,000 principal amount of Housing Development Revenue Bonds for The Piedmont Foundation, Inc., a nonprofit 501(c)(3) organization (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance costs of acquisition, rehabilitation and equipping of the Olde English Manor Apartments and related improvements and equipment to be used for public housing purposes (the project). Olde English Manor Apartments consist of 92 one-bedroom units, 148 two-bedroom units and 24 three-bedroom units located at 2323 N. Woodlawn, Wichita, Sedgwick County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely and only for amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Wm. F. Caton
President

Doc. No. 022398

State of Kansas

Secretary of State

Usury Rate for May

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of May 1, 1998 through May 31, 1998, is 8.55 percent.

Ron Thornburgh
Secretary of State

Doc. No. 022375

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 21, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$3,000,000 principal amount of Housing Development Revenue Bonds for Pioneer Olde Town Apartments, L.P. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance costs of acquisition, rehabilitation and equipping of Pioneer Olde Town Apartments and related improvements and equipment to be used for public housing purposes (the project). Pioneer Olde Town Apartments will consist of 27 efficiency units, 56 one-bedroom units, 36 two-bedroom units and 40 three-bedroom units located at 715 & 723 Taylor, 715 Western and 705 Polk, Topeka, Shawnee County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely and only from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Wm. F. Caton
President

Doc. No. 022397

State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 3 p.m. Tuesday, July 14, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed new rules and regulations and the revocation of an existing rule and regulation.

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

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. Request for accommodation should be made at least five working days in advance of the hearing by contacting the Board of Nursing at (785) 296-5752.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing.

A summary of the proposed regulations and their economic impact follows.

K.A.R. 60-17-101. Definitions. Key words used in the advanced registered nurse practitioner (ARNP) education regulations are defined.

K.A.R. 60-17-102. Requirements for initial accreditation. If a new ARNP school is applying for accreditation, there are specific steps to be taken and certain materials to be provided by the school to the board.

K.A.R. 60-17-103. Reaccreditation requirements. The resurvey process is outlined so that directors of ARNP schools of nursing know the exact procedure.

K.A.R. 60-17-104. Faculty and preceptor qualifications. The required qualifications of nursing faculty and preceptors are contained in the regulation.

K.A.R. 60-17-105. Curriculum requirements. ARNP schools of nursing are required to submit to the board the curriculum for each course. Revisions may be reviewed by the board or staff. The board has identified the minimum number of course hours that must be completed before a student is eligible for graduation.

K.A.R. 60-17-106. Clinical resources. Each ARNP school will be affiliating with various facilities to provide clinical experiences for students. Requirements for clinical resources are in the regulation.

K.A.R. 60-17-107. Educational facilities. Each ARNP school of nursing has to have adequate space, library holdings and instructional media.

K.A.R. 60-17-108. Student policies. Admission, readmission, progression, graduation, and transfer of students is addressed in this regulation.

K.A.R. 60-17-109. Reports. Various reports from the ARNP schools of nursing are required throughout the year.

K.A.R. 60-17-110. Discontinuing an advanced registered nurse practitioner program. Records have to be maintained somewhere after a school closes, and arrangements have to be made by the school.

K.A.R. 60-11-108. Requirements for advanced registered nurse practitioner programs of study. New regulations 60-17-101 through 60-17-110 replace this regulation, so it is being revoked.

K.A.R. 60-17-101 through 60-17-110 are proposed regulations which are similar to the regulations for accreditation of schools of nursing. The directors of ARNP schools of nursing are familiar with those regulations. In 2003, there is an increase in required clinical hours that would effect the clinical nurse specialist (CNS) category. Dependent upon the growth of tuition, there would be an increase in costs to each CNS student of \$200 to \$400 in order to complete the masters degree in nursing.

After discussion with administrators of the three schools offering clinical nurse specialist's tracts not meeting proposed requirements, the additional hours of instructor time could be absorbed by present faculty. There is no anticipated economic impact on either the ARNP schools of nursing or the board.

Patsy Johnson, R.N., M.N.
Executive Director

Doc. No. 022389

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:

Wednesday, May 13, 1998

7546

University of Kansas—Multimedia A/V equipment

Monday May 18, 1998

33071

All agencies of the the State of Kansas—Software

33086

Kansas Department of Wildlife and Parks—Uniform garments, various

33092

Kansas Department of Wildlife and Parks—Heavy equipment dirt work service, Melvern Wildlife Area

33093

Norton Correctional Facility—Fire extinguisher service

33094

Statewide—Water softener salt

33097

Kansas Correctional Industries—Calcium carbonate

7540
University of Kansas—Library shelving

7541
Kansas Sate University—Environmental control system

Tuesday, May 19, 1998
33072
Department of Social and Rehabilitation Services—Janitorial services, Osawatomie

33084
Statewide—1999 calendars

33095
Kansas Correctional Industries—Methyl carbitol and tri-butoxyethyl phosphate

33096
Kansas Correctional Industries—Acrylic polymer emulsion

33098
Kansas Correctional Industries—Ethylene and propylene glycol

7543
Pittsburg State University—Imagesetter

7561
Department of Transportation—Gas chromatograph

7562
University of Kansas—Oscilloscopes

Wednesday, May 20, 1998
33087
Department of Human Resources—Licensed security guard services

33099
Statewide—Automotive batteries

7547
University of Kansas—Draperies and installation

7549
Department of Transportation—Wood signposts

7550
Department of Transportation—Trees, Wichita

7554
University of Kansas—Sheet metal and supplies

7555
University of Kansas—AS/400, software, migration services with trade-in

7556
Department of Transportation—Pavement marking tape

Thursday, May 21, 1998
A-8425(a)
Kansas School for the Deaf—Electrical service upgrade, Roberts Building

7557
University of Kansas—Furnish and install carpet and cove base

7558
Fort Hays State University—Furnish and install fence materials

7559
Fort Hays State University—Furnish and install exhaust gas trim system

7560
University of Kansas—GPS units

7563
Hutchinson Correctional Facility—Furnish and install carpet

Friday, May 22, 1998
7564
Kansas State University—Furnish and install materials to repair cooling tower

Wednesday, May 27, 1998
A-7993(a)
Wichita State University—Alumni drive relocation

A-8373(c)
Pittsburg State University—Demolition of Mitchell Hall and interior demolition of Willard Hall

32496-R
Statewide—Linens

Thursday, May 28, 1998
33089
University of Kansas—Preservation of embrittled library materials

7552
Adjutant General's Department—Painting, McConnell AFB, Wichita

Friday, May 29, 1998
33090
University of Kansas Medical Center—Professional liability insurance

Tuesday, June 2, 1998
A-8270
University of Kansas—Emergency lighting, Leafnred Hall

A-8373
Pittsburg State University—Renovation, Willard Hall

A-8482
University of Kansas—Classlab improvements, Haworth Hall

A-8497
Kansas State University—North wing HVAC renovation, Ward Hall

Thursday, June 4, 1998
A-8096
University of Kansas Medical Center—Partial reroof, Sudler Hall

Request for Proposals

Monday, June 1, 1998

33082

Health risk appraisal and counseling for the Department of Administration, Division of Personnel Services

John T. Houlihan
Director of Purchases

Doc. No. 022392

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 11 a.m. Tuesday, May 12, in the Commander's conference room, Building 65, 184th Bomb Wing, Kansas Air National Guard, McConnell Air Force Base, Wichita. An agenda may be obtained by contacting Charles G. Bredahl, State Defense Building, 2800 S.W. Topeka Blvd., Topeka, 66611-1287, (785) 274-1004.

Charles G. Bredahl
Special Assistant to
The Adjutant General

Doc. No. 022399

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 8:30 a.m. Tuesday, July 14, in Suite 1052, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the revocation of existing regulations of the Division of Health. The revocation of K.A.R. 28-4-525 through 28-4-529 is proposed as a result of the repeal of K.S.A. 65-1,141 through 65-1,147 during the 1998 legislative session.

The proposed revocation will have no impact on human health or the environment.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed revocation. All interested parties may submit written comments prior to the hearing to Cassie Lauver, Department of Health and Environment, Bureau for Children, Youth and Families, Suite 1052, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the proposed revocation of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and regulatory impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cassie Lauver at (785) 291-3368, fax (785) 296-8626.

Complete copies of the regulations and the corresponding regulatory impact statement may be obtained by contacting the Bureau for Children, Youth and Families.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022379

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas Water
Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 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-98-69/74

Name and Address of Applicant	Legal Description	Receiving Water
Circle K Farms c/o Larry D. King 6850 S.E. 10th Baxter Springs, KS 66713	SE/4 of Sec. 18, T34S, R24E, Cherokee County	Spring River

Kansas Permit No. A-NECK-F005

This is a renewal of an existing permit for 33,000 (594 animal units) of turkeys.

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
Ivan Keim 28518 N.W. Road Garnett, KS 66032	NW/4 of Sec. 18, T20S, R19E, Anderson County	Marais des Cygnes

Kansas Permit No. A-MCAN-M012

This is a renewal of permit for an existing facility for 45 head (63 animal units) of dairy cows.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Livingston Farm c/o James Livingston 810 W. 10th St. Baxter Springs, KS 66713	SE/4 of Sec. 30, T32S, R25E, Cherokee County	Neosho River

Kansas Permit No. A-NECK-F007

This is a renewal of a permit for an existing facility for 33,000 (594 animal units) of turkeys.

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
M & K Farms c/o Kim Holle 785 Highway 77 Marysville, KS 66508	SE/4 of Sec. 12, T2S, R6E, Marshall County	Big Blue River

Kansas Permit No. A-BBMS-S047
This is a new facility for 1,200 head (300 animal units) of swine and 100 head (50 animal units) of cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Strawberry Hill Kennel and Grooming c/o Jane Danner 22750 N.E. Texas Road Garnett, KS 66032	NW/4 of Sec. 18, T21S, R21E, Anderson County	Marais des Cygnes

Kansas Permit No. A-MCAN-K001

This is a renewal of an existing permit for 200 dogs (2.5 animal units).
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
R & B Frank Farms c/o Richard Frank 8551 S.W. 20th St. Columbus, KS 66725	SW/4 of Sec. 26, T34S, R23E, Cherokee County	Neosho River

Kansas Permit No. A-NECK-F016

This is a renewal of a permit for an existing facility for 33,000 (594 animal units) of turkeys.
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.

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 June 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-69/74) 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 in-

formation 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. 022388

State of Kansas
Department of Health and Environment
Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Jensen International—Jensen Division has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Jensen International—Jensen Division owns and operates a facility for the fabrication and assembly of general industrial machinery and equipment located at 14th and Pacific Streets, Coffeyville.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southeast district office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Donald J. Law, (785) 291-3271, at the KDHE central office, or Lynn Ranabargar, (316) 431-2390, at the KDHE southeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Donald J. Law, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 8.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 8 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022396

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information.

Wednesday, May 20, 1998

80328

Portable water samplers and accessories

William H. Sesler
Director of Purchasing

Doc. No. 022391

State of Kansas

Department of Human Resources
Employment Security Board of Review

Permanent Administrative
Regulations

Article 1.—APPELLATE PROCEDURE

48-1-4. Conduct of hearing. (a) Each hearing shall be conducted informally and in such a manner as to ascertain all of the facts and the full rights of the parties. The claimant and any other party to an appeal before a referee shall present pertinent evidence regarding the issues involved. The referee shall receive evidence logically tending to prove or disprove a given fact in issue, including hearsay evidence and irrespective of common law rules of evidence. The referee, when any evidence is unnecessarily cumulative in effect or when evidence neither proves nor disproves relevant facts in issue, shall, on objection of appellant claimant, or interested party, or on that individual's own motion, exclude or prohibit any of this evidence from being received.

(b) When a party appears in person, the referee shall examine the party and the party's witnesses, if any, to the extent necessary. During the hearing of any appeal, the referee shall, with or without notice to either of the parties, take any additional evidence deemed necessary to determine the issues involved.

(c) Stipulations. The parties to an appeal, with the consent of the referee, may stipulate in writing or under oath at the hearing as to the facts involved.

(d) Recording of hearing. The referee shall record the hearing by use of a mechanical recording device. The recording shall constitute the official record. Other mechanical recording devices shall not be allowed in the hearing.

(e) Hearings.

(1) Hearings may be conducted in person or by telephone, subject to the following conditions.

(A) The hearing shall be conducted by telephone if none of the parties requests an in-person hearing.

(B) If only one party requests an in-person hearing, the referee shall have the discretion of requiring all parties to

appear in person or allow the party not requesting an in-person hearing to appear by telephone.

(C) If all the parties involved request an in-person hearing before the date of a scheduled telephone hearing, the matter shall be continued and set for an in-person hearing; the reasons for the request shall be set forth in writing and sent to the office of appeals by fax, followed with the original sent by mail.

(D) The party requesting the in-person hearing shall be deemed to have agreed that the hearing will be scheduled at a time and geographic location to be determined by the office of appeals, and shall be deemed to have agreed to a delay of the hearing to accommodate scheduling of the hearing.

(E) An in-person hearing shall be held if deemed necessary by the secretary of human resources or the secretary's designee for the fair disposition of the appeal.

(2) A hearing scheduled in person or by telephone shall meet these requirements:

(A) permit confrontation and cross-examination of the parties and witnesses; and

(B) permit the simultaneous participation of all parties.

(3) A duly authorized representative shall not appear by telephone at a geographic location different from that of the party represented, except when appearing only as a witness.

(4) Documentary evidence shall be submitted in advance of the hearing by mail or faxing it to the referee and opposing party. However, the referee shall allow the submission of documentary evidence at the hearing or after the hearing, if to do so is necessary for the fair disposition of the appeal. (Authorized by and implementing K.S.A. 1996 Supp. 44-709(g), as amended by L. 1997, Ch. 19, § 1; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; amended May 1, 1987; amended May 22, 1998.)

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 022378

State of Kansas

Department of Human Resources
Division of Workers Compensation

Permanent Administrative
Regulations

Article 1.—FORMS

51-1-22. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-567; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended July 1, 1974; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; amended May 1, 1983; revoked May 22, 1998.)

Article 2.—FEES

51-2-4. Distribution of transcripts of hearing or deposition. (a) Each shorthand reporter who takes and transcribes the proceedings at a hearing or testimony at a deposition, either of which is to be used as evidence in a claim before the division of workers compensation,

shall furnish the original transcript of that hearing or deposition to the administrative law judge, one copy to the employer, insurance carrier or its attorney, and one copy to the claimant or the claimant's attorney.

(b) In cases involving the workers compensation fund, the reporter shall also furnish one copy of the transcript of hearing or deposition to the attorney representing that fund.

(c) In settlement cases, the reporter shall furnish the original transcript to the director within two weeks. The transcript of the settlement hearing shall constitute a written final award. Copies of the settlement transcript shall be furnished to other parties only on request. Settlement transcripts shall be bound only by stapling without front or back covers. Reporters' fees in settlement cases shall be paid by the respondent unless otherwise indicated in the settlement.

(d) The fees of the reporter for hearings and depositions, including all copies furnished as provided above, shall be paid by the respondent upon completion of the transcript by the reporter. The fees shall be assessed by the administrative law judge in the final award. If the fees are assessed against a party other than the respondent and if the respondent has paid the fees, the party against whom they are assessed shall make the necessary reimbursement.

(e) A determination of the reasonableness of a reporter fee shall be made by the administrative law judge if this fee is challenged. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-552; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1980; amended May 1, 1983; amended May 22, 1998.)

51-2-5. Special local administrative law judge fees and expenses. (a) Special local administrative law judge fees shall be as follows.

(1) A fee of \$30.00 shall be assessed for each settlement hearing that is heard as part of a regular settlement docket.

(2) A fee of \$35.00 shall be assessed for each settlement hearing heard as an individual setting.

(3) A fee of \$50.00 shall be assessed for each preliminary hearing including a preliminary award or for a full hearing.

(4) A fee of \$50.00 shall be assessed for each prehearing settlement conference held.

(5) A fee of \$60.00 per hour shall be assessed for preparing and rendering a final award. The total fee shall not exceed \$240.00.

(b) If a special local administrative law judge incurs expenses conducting settlement hearings outside the judge's home community, the expenses shall be assessed as costs proportionately among the cases generating the expenses. (Authorized by K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12 and K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective, T-84-16, July 26, 1983; amended, T-88-20, July 1, 1987; effective May 1, 1988; amended May 22, 1998.)

Article 3.—TERMINATION OF COMPENSABLE CASES

51-3-1. Methods of termination. Compensable cases shall be determined and terminated only by five modes of procedure under the act:

(a) by filing a settlement agreement, final receipt and release of liability as provided by K.S.A. 44-527;

(b) by hearing and written award;

(c) by joint petition and stipulation subject to K.A.R. 51-3-16;

(d) by settlement hearing before an administrative law judge; or

(e) by voluntary dismissal by the parties. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-521, K.S.A. 44-523, as amended by L. 1997, Ch. 125, Sec. 6, and K.S.A. 44-534, as amended by L. 1997, Ch. 125, Sec. 8; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998.)

51-3-5. Submission letters. If there is a dispute between the employer and the worker as to the compensation due and hearings are held before the administrative law judge for a determination of the issues, upon completion of submission of its evidence, each party shall write to the administrative law judge a letter submitting the case for decision. The administrative law judge shall not stay a decision due to the absence of a submission letter filed in a timely manner. The submission letter shall contain a list of the evidence to be considered by the administrative law judge in arriving at a decision. That list shall include the following information:

(a) The dates and name of the administrative law judge for each hearing held and a list of exhibits submitted at each hearing;

(b) the date and name of witnesses in each deposition taken and a list of exhibits submitted at each deposition;

(c) a description of any stipulations entered into by the parties outside of a hearing or deposition;

(d) a list of any other exhibits that should be contained in the record;

(e) an itemization of all medical expenses that are in issue;

(f) an itemization of all medical expenses not in issue but that a party wishes itemized in the award; and

(g) a list of the issues to be decided by the administrative law judge, together with a list of those items to which the parties have stipulated. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-523, as amended by L. 1997, Ch. 125, Sec. 6, and K.S.A. 44-534, as amended by L. 1997, Ch. 125, Sec. 8; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended Jan. 1, 1974; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998.)

51-3-5a. Procedure for preliminary hearings. (a) Medical reports or any other records or statements shall be considered by the administrative law judge at the preliminary hearing. However, the reports shall not be considered as evidence when the administrative law judge makes a final award in the case, unless all parties stipulate to the reports, records, or statements or unless the report, record, or statement is later supported by the testimony of the physician, surgeon, or other person making the report, record, or statement. If medical reports are not available or have not been produced before the preliminary

(continued)

hearing, either party shall be entitled to an ex parte order for production of the reports upon motion to the administrative law judge.

(b) If the decision of the administrative law judge is not rendered within five days of the hearing, the applicant's attorney shall notify the director, who shall make demand upon the administrative law judge for this decision.

(c) In no case shall an application for preliminary hearing be entertained by the administrative law judge when written notice has not been given to the adverse party pursuant to K.S.A. 44-534a. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-534a, as amended by L. 1997, Ch. 125, Sec. 9; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; amended May 1, 1983; amended May 22, 1998.)

51-3-6. Out-of-state accidents; venue. When an accident has occurred outside of the state of Kansas and the parties are subject to the jurisdiction of the Kansas workers compensation act, the county in which the hearing will be held shall be designated by the director. Applications by the employee or employer shall be considered in order to accommodate the parties in determining where a claim shall be set for hearing. (Authorized by K.S.A. 44-573 and implementing K.S.A. 44-549; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May 22, 1998.)

51-3-8. Pre-trial stipulations. The parties shall be prepared at the first hearing to agree on the claimant's average weekly wage except when the weekly wage is to be made an issue in the case. (a) Before the first hearing takes place, the parties shall exchange medical information and confer as to what issues can be stipulated to and what issues are to be in dispute in the case. The following stipulations shall be used by the parties in every case:

QUESTIONS TO CLAIMANT

1. In what county is it claimed that claimant met with personal injury by accident? (If in a different county from that in which the hearing is held, then the parties shall stipulate that they consent to the conduct of the hearing in the county in which it is being held.)

2. Upon what date is it claimed that claimant met with personal injury by accident?

QUESTIONS TO RESPONDENT

3. Does respondent admit that claimant met with personal injury by accident on the date alleged?

4. Does respondent admit that claimant's alleged accidental injury "arose out of and in the course" of claimant's employment?

5. Does respondent admit notice?

6. Does respondent admit that the relationship of employer and employee existed?

7. Does respondent admit that the parties are covered by the Kansas workers compensation act?

8. Does respondent admit that claim was made?

9. Did the respondent have an insurance carrier on the date of the alleged accident? What is the name of the insurance company? Was the respondent self-insured?

QUESTIONS TO BOTH PARTIES

10. What was the average weekly wage?

11. Has any compensation been paid?

12. Has any medical or hospital treatment been furnished? Is claimant making claim for any future medical treatment or physical restoration?

13. Has claimant incurred any medical or hospital expense for which reimbursement is claimed?

14. What was the nature and extent of the disability suffered as a result of the alleged accident?

15. What medical and hospital expenses does the claimant have?

16. What are the additional dates of temporary total disability, if any are claimed?

17. Is there a need for the claimant to be referred for a vocational rehabilitation evaluation?

18. Is the workers compensation fund to be impleaded as an additional party?

19. What witnesses will each party have testify at hearing or by deposition in the trial of the case?

20. Have the parties agreed upon a functional impairment rating?

The same stipulations shall be used in occupational disease cases with the exception that questions regarding "accidental injury" shall be changed to discover facts concerning "disability from occupational disease" or "disablement."

(b) An informal pre-trial conference shall be held in each contested case before testimony is taken in a case. At these conferences the administrative law judge shall determine from the parties what issues have not been agreed upon. If the issues cannot be resolved, the stipulations and issues shall be made a part of the record.

(c) The respondent shall be prepared to admit any and all facts that the respondent cannot justifiably deny and to have payrolls available in proper form to answer any questions that might arise as to the average weekly wage. Evidence shall be confined to the matters actually ascertained to be in dispute. The administrative law judge shall not be bound by rules of civil procedure or evidence. Hearsay evidence may be admissible unless irrelevant or redundant.

(d) All parties shall be given reasonable opportunity to be heard. The testimony taken at the hearing shall be reported and transcribed. That testimony, together with documentary evidence introduced, shall be filed with the division of workers compensation, where the evidence shall become a permanent record. Any award or order made by the administrative law judge shall be set forth in writing, with copies mailed to the parties.

(e) Permission to withdraw admissions or stipulations shall be decided by the administrative law judge, depending on the circumstances in each instance.

(f) Subpoena forms shall be furnished by the director upon request. The party subpoenaing witnesses shall be responsible for the completion, service, and costs in connection with the subpoenas. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-523, as amended by L. 1997, Ch. 125, Sec. 6 and K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1976; amended Feb. 15, 1977; amended

May 1, 1978; amended May 1, 1983; amended May 22, 1998.)

51-3-17. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-512; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1983; revoked May 22, 1998.)

Article 4.—ATTORNEYS

51-4-1. (Authorized by K.S.A. 44-573; implementing K.S.A. 7-104; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

Article 7.—MEASUREMENT OF DISABILITY

51-7-5. (Authorized by K.S.A. 1972 Supp. 44-573; effective Jan. 1, 1966; amended Jan. 1, 1973; revoked May 22, 1998.)

51-7-6. (Authorized by K.S.A. 1976 Supp. 44-573; effective Jan. 1, 1966; amended Feb. 15, 1977; revoked May 22, 1998.)

51-7-8. Computation of compensation. (a)(1) If a worker suffers a loss to a member and, in addition, suffers other injuries contributing to the temporary total disability, compensation for the temporary total disability shall not be deductible from the scheduled amount for those weeks of temporary total disability attributable to the other injuries.

(2) The weekly compensation rate for temporary total compensation shall be computed by multiplying .6667 times the worker's gross average weekly wage. This figure shall be subject to the statutory maximum set in K.S.A. 44-510c.

(b) If a healing period of 10% of the schedule or partial schedule is granted, not exceeding 15 weeks, it shall be added to the weeks on the schedule or partial schedule before the following computations are made.

(1) If a loss of use occurs to a scheduled member of the body, compensation shall be computed as follows:

(A) deduct the number of weeks of temporary total compensation from the schedule;

(B) multiply the difference by the percent of loss or use to the member; and

(C) multiply the result by the applicable weekly temporary total compensation rate.

(2) If part of a finger, thumb, or toe is amputated, compensation shall be calculated as follows:

(A) multiply the percent of loss, as governed by K.S.A. 1996 Supp. 44-510d, as amended, by the number of weeks on the full schedule for that member;

(B) deduct the temporary total compensation; and

(C) multiply the remainder by the weekly temporary total compensation rate.

(3) If a scheduled member other than a part of a finger, thumb, or toe is amputated, compensation shall be computed by multiplying the number of weeks on the schedule by the worker's weekly temporary total compensation rate. The temporary total compensation previously paid shall be deducted from the total amount allowed for the member.

(c)(1) An injury involving the metacarpals shall be considered an injury to the hand. An injury involving the metatarsals shall be considered an injury to the foot.

(2) If the injury results in loss of use of one or more fingers and also a loss of use of the hand, the compensation payable for the injury shall be on the schedule for the hand. Any percentage of permanent partial loss of use of the hand shall be at least sufficient to equal the compensation payable for the injuries to the finger or fingers alone.

(3) An injury involving the hip joint shall be computed on the basis of a disability to the body as a whole.

(4) An injury at the joint on a scheduled member shall be considered a loss to the next higher schedule.

(5) If the tip of a finger, thumb, or toe is amputated, the amputation does not go through the bone, and it is determined that a disability exists, the disability rating shall be based on a computation of a partial loss of use of the entire finger. (Authorized by K.S.A. 1996 Supp. 44-510d and K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-510d; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-88-20, July 1, 1987; amended May 1, 1988; amended May 22, 1998.)

Article 8.—COMPENSATION FOR EYE INJURIES

51-8-2. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-3. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-4. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-5. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-6. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-7. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

51-8-9. (Authorized by K.S.A. 1977 Supp. 44-510, 44-573; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Feb. 15, 1977; amended May 1, 1978; revoked May 22, 1998.)

51-8-10. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510d; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1978; amended May 1, 1983; revoked May 22, 1998.)

(continued)

Article 9.—MEDICAL AND HOSPITAL

51-9-5. Refusal to submit to medical treatment. An unreasonable refusal of the employee to submit to medical or surgical treatment, when the danger to life would be small and the probabilities of a permanent cure great, may result in denial or termination of compensation beyond the period of time that the injured worker would have been disabled had the worker submitted to medical or surgical treatment, but only after a hearing as to the reasonableness of such refusal. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-518, K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4, and K.S.A. 44-573; effective Jan. 1, 1966; amended Jan. 1, 1973; amended May 1, 1978; amended May 22, 1998.)

51-9-10. Medical bills, reports, and treatment. (a) Upon the completion of treatment in all compensation cases, physicians shall promptly notify the employer or carrier, and shall render their final bills forthwith. Bills for medical care providers and hospitals shall be itemized showing the date and the charge for services rendered. Separate bills should be presented to the employer or carrier by each surgeon, assistant, anesthetist, consultant, hospital, or nurse. In cases requiring prolonged treatment, physicians should submit partial bills, fully itemized, at intervals of at least 60 days.

(b)(1) Medical reports of the physician should be submitted on a periodic basis depending upon the nature and severity of the injuries involved and, in all cases, immediately upon request of the respondent or insurance carrier. A report shall be rendered on the date on which the physician releases the worker to return to work and forwarded to the employer or insurance carrier and to the employee, if requested.

(2) In cases of amputation, the physician shall mark the exact point of amputation on a diagram showing the member involved.

(3) The patient privilege preventing the furnishing of medical information by doctors and hospitals is waived by a worker seeking workers compensation benefits, and all reports, records, or other data concerning examinations or treatment shall be furnished to the employer or insurance carrier or the director that individual's request without the necessity of a release by the worker.

(4) Unreasonable refusal by the worker to cooperate with the employer or insurance carrier or the director by failing to furnish medical information releases for the worker's medical history may result in compensation being denied or terminated after hearing before the director.

(5) The employee shall immediately be furnished a copy of any medical report that authorizes return to work.

(c) Nurses, whether registered or practical, shall be furnished in an institution or the worker's home when the treating doctor recommends this nursing care. Nursing service by a member of the worker's family shall be provided if approved in advance by the treating physician. (Authorized by K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4 and K.S.A. 44-573; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1971; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended, E-76-23, May 30, 1975;

amended Feb. 15, 1977; amended May 1, 1978; amended May 22, 1998.)

51-9-11. Transportation to obtain medical treatment. (a) It shall be the duty of the employer to provide transportation to obtain medical services to and from the home of the injured employee whether those services are outside the community in which the employee resides or within the community.

(b) The employer shall reimburse the worker for the reasonable cost of transportation under the following conditions:

(1) if an injured worker does not have a vehicle or reasonable access to a vehicle of a family member living in the worker's home; or

(2) if the worker, because of the worker's physical condition, cannot drive and must therefore hire transportation to obtain medical treatment.

Reimbursement may include, among other things, reimbursement for the cost of taxi service, other public transportation, and ambulance service, if required by a physician, and for the cost of hiring another individual to drive the worker for medical treatment. Any charges presented to the employer or insurance carrier for payment shall be a fair and reasonable amount based on the customary charges for those services.

(c) If an injured worker drives that worker's own vehicle or drives, or is driven in, a vehicle of a family member living in the home of the worker, and if any round trip exceeds five miles, the respondent and insurance carrier shall reimburse the worker for an amount comparable to the mileage expenses provided in K.S.A. 44-515.

(d) In any dispute in regard to charges for mileage expenses, and on application by any party to the proceedings, the reasonable cost of transportation shall be determined by a hearing before a workers compensation administrative law judge. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; effective May 1, 1980; amended May 1, 1983; amended May 22, 1998.)

51-9-12. Resolution of disputed charge for or utilization of treatment or service of health care provider or facility; designation of medical administrator or hearing officer to investigate and hear; qualifications of hearing officer; parties to whom process available; joint or several liability. (a) A dispute or matter arising from a charge for or the utilization of treatment or service ordered or rendered by a provider or facility, as defined by K.S.A. 1996 Supp. 44-510(a)(14), as amended, shall be reviewed and determined by employing one or more of the methods provided by K.A.R. 51-9-14 and in accordance with the procedures provided by K.S.A. 1996 Supp. 44-510(a)(10), as amended, or K.A.R. 51-9-13, or both.

(b) The medical administrator, authorized and appointed by the director pursuant to K.S.A. 1996 Supp. 44-510(a)(1), as amended, or a hearing officer, or both, may be designated by the director to process a request for resolution of a dispute under this regulation, and each designee shall have the powers to the same extent as are conferred on an administrative law judge by K.S.A. 1996 Supp. 44-551(b)(1), as amended, and as are necessary to conduct an investigation, inquiry, or hearing of a dispute

or a review of a charge or treatment or service ordered or rendered by a provider or facility. Any finding or recommendation of the medical administrator, or a hearing officer, or both shall be subject to approval and order of the director.

(c) Except for the medical administrator, any other person designated by the director under this regulation to hear disputes or matters shall possess the same qualifications as those prescribed for appointment and service as an administrative law judge as required by K.S.A. 1996 Supp. 75-5708(b), as amended.

(d) Review under this regulation is limited to requests made by either of the following:

(1) a provider or facility, as defined by K.S.A. 1996 Supp. 44-510(a)(14), as amended, who has ordered or rendered treatment or service to an employee in providing medical benefits under the workers compensation act; or

(2) an employer, as defined by K.S.A. 1996 Supp. 44-508(a), as amended; a group-funded self-insurance plan, as defined by K.S.A. 1996 Supp. 44-508(p), as amended; a representative of the state workers compensation fund as established by K.S.A. 1996 Supp. 44-566a, as amended; or an employer's insurance carrier who is or may be responsible for the payment of a charge by a provider or facility who has provided treatment or service to an employee under the workers compensation act.

(e) A provider or facility who has ordered treatment or service may be found to have joint or several liability with the actual provider or facility for a charge for treatment or service if the charge is found to be unjustified. A provider or facility who has provided treatment or service to an employee under the workers compensation act may request a review and determination of the appropriateness of a charge whenever all or a portion of a charge for treatment or service of a provider or facility is not paid by an employer, a group-funded self-insurance plan, or an employer's insurance carrier who is or may be responsible for the payment of a charge. (Authorized by K.S.A. 44-573 and K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; implementing K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; effective May 22, 1998.)

51-9-13. Resolution of disputed charge for or utilization of treatment or service of health care provider or facility; procedures. (a) A dispute or matter arising from a charge for or the utilization of treatment or service of a health care provider or facility subject to resolution pursuant to K.S.A. 1996 Supp. 44-510, as amended, and K.A.R. 51-9-12 and 51-9-14 shall be presented to and determined by the division by employing the following procedures.

(1) A party shall apply in writing to the medical services section of the division requesting a determination of a dispute or matter.

(A) The request shall include or have attached therewith a copy of all correspondence, medical bills and records, and other documents relevant to the dispute or matter.

(B) The request shall include a specific statement as to the amount in controversy, if known or, if not known, a specific statement that the requesting party contends rep-

resents the amount chargeable based on the medical fee schedule, fees charged by other providers or facilities for comparable treatment or service, or other reasons.

(C) The request shall, if applicable, include a specific statement as to why treatment or services provided were justified or unjustified and provide other information relevant to the dispute or matter.

(2) The medical services section of the division shall notify the adverse party of the request and shall provide a copy of the request and accompanying documents to the adverse party.

(3) The adverse party shall have 20 days from the date of the notice to file an answer, unless an extension of time is granted for good cause.

(A) The answer of the adverse party shall include all documents relevant to the dispute or matter that have not been provided by the party requesting a determination.

(B) The answer of the adverse party shall be submitted in writing and shall include a specific response to each of the specific statements of the party requesting a determination.

(4) Notice of any initial hearing to be conducted pursuant to K.A.R. 51-9-14(a)(2) and of any final hearing to be conducted pursuant to K.A.R. 51-9-14(a)(3) shall be provided as follows.

(A) The division shall mail to the parties written notice of the time and place of an initial hearing upon being advised that the parties cannot informally settle a dispute or matter and of a final hearing upon the receipt by the medical administrator of a report of a peer review committee.

(B) The notice shall be provided at least 30 days before an initial hearing and 45 days before a final hearing.

(C) The notice shall provide that the parties may supplement until seven days before a hearing any request or answer previously provided the division.

(D) The notice shall provide that the parties shall have the opportunity to be heard and to offer evidence including testimony at a hearing.

(5) When an initial hearing provided by K.A.R. 51-9-14(a)(2)(A) results in an order authorizing the medical administrator to request a peer review that provides for a final hearing upon receipt by the medical administrator of the peer review committee report, any of the following may be ordered by the director:

(A) a provider or entity to show cause why an order requiring repayment or denying payment should not be entered when a peer review committee has determined that the provider or facility has violated K.S.A. 1996 Supp. 44-510(a)(10), as amended. A provider or facility may request, within 30 days of receipt of the show cause order, a hearing which shall be provided at the time of a final hearing. Any order entered under this subsection shall provide that, if the provider or facility does not request an opportunity to be heard to show cause, the medical administrator or hearing officer, or both, may at the time of a scheduled final hearing determine, subject to approval and order of the director, whether or not a prima facie case has been established as required by K.S.A. 1996 Supp. 44-510(a)(10), as amended;

(continued)

(B) the parties to appear and be heard as to all matters that were not fully determined at an initial hearing; or

(C) a provider or facility to appear to be heard regarding the imposition of a civil fine pursuant to K.S.A. 1996 Supp. 44-510(a)(13), as amended. (Authorized by K.S.A. 44-573 and K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; implementing K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; effective May 22, 1998.)

51-9-14. Resolution of disputed charge for or utilization of treatment or service of health care provider or facility; methods of resolution and remedies provided; review by board of director's order. (a) Any of the following methods may be employed by the director in resolving a dispute or matter arising under K.S.A. 1996 Supp. 44-510, as amended:

(1) Informal dispute resolution, by which the medical services section of the division informally assists the parties in the resolution of a dispute or matter. A utilization review may be requested by the division, and a copy of the utilization report may be provided by the division to the provider or facility in furtherance of assisting the parties in informally resolving a dispute or matter.

(2) An initial hearing, at which the medical administrator or a hearing officer, or both, shall hear evidence and make findings and recommendations to the director when the parties have failed to informally resolve a dispute or matter. The initial hearing shall be attended by the parties who, after notice of an initial hearing, may be furnished a copy of the utilization report by the medical administrator or hearing officer. The first stage of an initial hearing shall require the medical administrator or the hearing officer, or both, to determine whether or not there is the probability of overutilization of services, excessive fees, or a violation of K.S.A. 1996 Supp. 44-510, as amended, that is willful or demonstrates a pattern of improperly charging or overcharging fees. The medical administrator or hearing officer, or both, shall preside over an initial hearing and shall perform one of the following:

(A) Upon an initial finding that there exists the probability of overutilization of services, excessive fees, or a violation of K.S.A. 1996 Supp. 44-510, as amended, that is willful or demonstrates a pattern of improperly charging or overcharging fees, provide findings and recommendations to the director for the director's approval and the entry of an initial order to be effective pending a full hearing. An initial order may authorize the medical administrator to request a peer review by a peer review committee.

(B) Upon an initial finding that there does not exist the probability of overutilization of services, excessive fees, or a violation of K.S.A. 1996 Supp. 44-510, as amended, that is willful or demonstrates a pattern of improper charging or overcharging fees, the medical administrator or the hearing officer, or both, shall conclude an initial hearing by providing the parties the opportunity to present further evidence, including testimony, that any party deems necessary for the resolution of issues remaining in dispute. The medical administrator or the hearing officer, or both, shall then provide to the director findings and recommendations, which shall be subject to approval of and order by the director.

(3) A final hearing at which the medical administrator or the hearing officer, or both, hear and make findings and recommendations after considering the peer review report and other evidence provided by any party. A final hearing shall be attended by the parties who, after notice of a final hearing, may be furnished a copy of the peer review report by the medical administrator or hearing officer, or both, who shall preside over a final hearing and shall meet one of the following requirements:

(A) provide the show cause procedures and hearing required under K.S.A. 1996 Supp. 44-510(a)(10), as amended, K.A.R. 51-9-13, and this regulation and determine whether or not the provider or facility has improperly overutilized or otherwise rendered or ordered unjustified treatment or service or whether or not the fees for the treatment or services were excessive and, if so, provide to the director findings and recommendations, which shall be subject to the approval and a final order of the director requiring a provider or facility to repay the amount paid for rendering or ordering such treatment or services;

(B) determine whether or not an initial order should be modified and provide to the director findings and recommendations, which shall be subject to the approval and final order of the director; or

(C) determine whether or not a provider or facility has violated K.S.A. 1996 Supp. 44-510, as amended, and, if so, whether or not the violation was willful or demonstrates a pattern of improperly charging or overcharging workers compensation insurers; and provide to the director findings and recommendations, which shall be subject to approval by and the entry of a final order by the director, who may require the provider or facility to pay a civil fine not to exceed \$5,000.

(b) All initial and final orders of the director that are dispositive of a dispute or matter under K.S.A. 1996 Supp. 44-510, as amended, and this regulation shall be subject to review by the workers compensation board as provided by K.S.A. 1996 Supp. 44-551(b)(1), as amended, and K.S.A. 1996 Supp. 44-510(a)(10), as amended, except for final orders of the director entered pursuant to K.S.A. 1996 Supp. 44-510(a)(13), as amended, imposing a civil fine. An initial order entered by the director under subsection (a)(2)(A) of this regulation shall be considered to be an intermediate order that shall not be subject to review by the workers compensation board, unless the order is dispositive of a dispute or matter and not subject to further review or modification by final order of the director under this regulation. (Authorized by K.S.A. 44-573 and K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; implementing K.S.A. 1996 Supp. 44-510, as amended by L. 1997, Ch. 125, Sec. 4; effective May 22, 1998.)

Article 10.—DEATH CASES

51-10-6. Guardian or conservator. (a) In death cases in which there are dependent minors and the amount due a dependent minor does not exceed \$2,000, compensation may be ordered by the administrative law judge to be paid directly to the natural guardian of the minor dependent. If the administrative law judge determines that

payment of that compensation shall not be made to the natural guardian, some other person to whom payment shall be made may then be designated by the administrative law judge.

(b) In every case in which a claim is made for compensation by a minor worker and the director is requested to determine the amount of compensation due, the minor worker shall be represented at the hearing by a duly appointed guardian, conservator, natural guardian, or next friend.

(c) In all cases involving dependent minors in which compensation due the minor is potentially in excess of \$2,000, the minor shall have appointed, by a court of appropriate jurisdiction, a guardian or conservator to represent the minor's interests. Payments shall be directed to the guardian or conservator.

If the court that appoints the guardian or conservator requires the appointee to post a surety bond, the cost of that bond shall be paid by the employer. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-509, 44-513a; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998.)

Article 12.—INJURIES OCCURRING INSIDE OR OUTSIDE THE STATE OF KANSAS

51-12-2. Notices. (a) Employers operating under this act shall post notice in one or more conspicuous places advising employees what to do in case of injury. This notice form may be obtained at no cost from the division of workers compensation.

(b) Immediately upon receiving notice of injury or death of an employee, the employer shall mail or deliver to the employee or legal beneficiary a copy of the appropriate division of workers compensation form. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-5,101 and K.S.A. 44-5,102; effective May 22, 1998.)

Article 13.—ELECTIONS

51-13-1. Employer's election to come under the act. (a)(1) A parent company shall not file an election to cover itself and a subsidiary; each entity shall file an election on its own behalf.

(2) Failure of an employer to cover its employees by means of insurance policy or through an approved self-insurance plan shall result in the employer being a non-qualified self-insurer and shall result in the employer paying direct compensation benefits to the injured employee.

(b) The election by individuals, partners, and all self-employed persons to bring themselves within the provision of the workers compensation act shall be signed by the individual or partner and by a representative of the insurance carrier issuing the insurance policy. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-505, as amended by L. 1997, Ch. 125, Sec. 2; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended, E-76-23, May 30, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 22, 1998.)

Article 15.—WORKERS COMPENSATION FUND

51-15-2. Workers compensation fund. (a) Insurance carriers and self-insureds shall not withhold compensation from an injured employee during negotiations with the workers compensation fund but shall pay compensation due under the act and then seek reimbursement for any compensation paid.

(b) The workers compensation fund shall be entitled to a hearing on the question of its liability imposed by the provisions of K.S.A. 44-532a. The administrative law judge may award compensation pursuant to K.S.A. 44-532a against the workers compensation fund following a preliminary hearing if the fund was properly impleaded and given the statutory notice of the hearing.

(c) "First full hearing," as used in K.S.A. 44-567(c), as amended, means the first hearing before an administrative law judge, other than a preliminary hearing provided by K.S.A. 1996 Supp. 44-534a, as amended, at which pre-trial stipulations are taken and testimony is presented. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-566, K.S.A. 1996 Supp. 44-566a, as amended by L. 1997, Ch. 125, Sec. 15; K.S.A. 44-569, K.S.A. 44-569a, and K.S.A. 1996 Supp. 44-534a, as amended by L. 1997, Ch. 125, Sec. 9; effective, E-74-31, July 1, 1974; effective May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1982; amended, T-88-20, July 1, 1987; amended May 1, 1988; amended May 22, 1998.)

Article 17.—TIME, COMPUTATION AND EXTENSION

51-17-2. Facsimile filing. Any party may file by fax directly to the division of workers compensation.

(a) Definitions. As used in this rule, unless the context requires otherwise, these definitions shall apply.

(1) "Document" includes not more than one pleading and all exhibits.

(2) "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to the division for filing with the division.

(3) "Facsimile machine" means a machine that can send a facsimile transmission.

(4) "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits the signals over a telephone line, and reconstructs the signals to print a duplicate of the document at the receiving end.

(5) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(6) "Fax filing agency" means an entity that receives documents by fax for processing and filing with the division.

(7) "Service by fax" means the transmission of a document to a party under these rules.

(8) "Transmission record" means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of errors in transmission.

(continued)

(b) Form of documents.

(1) The document placed in the transmitting fax machine shall comply with all applicable rules on the form, format, and signature of papers.

(2) The first page of each document filed by fax shall include the words "by fax." Each page shall be numbered and shall include an abbreviated caption of the case and an abbreviated title of the document. The attorney shall also include the attorney's name, address, telephone number, fax number, and supreme court registration number on the document.

(3) The cover sheet required by paragraph (c)(3) and any special processing instructions are not included in the 10-page limitation in (c)(1).

(c) Methods of filing.

(1) A party may file by fax directly to the division of workers compensation, at the facsimile numbers authorized, a document of not more than 10 pages, excluding the required cover sheet. A document may not be split into multiple fax transmissions to avoid the page limitation.

(2) The facsimile machine shall be available on a 24-hour basis. This provision shall not prevent the division from sending documents by fax or providing for normal repair and maintenance of the fax machine. Facsimile filings received in the division shall be deemed filed as of the time printed by the division facsimile machine on the final page of the facsimile document received.

(3) Each facsimile document filed shall be accompanied by the facsimile transmission cover sheet, which shall contain the date, the docket number, case caption, attorney name, address, supreme court registration number, telephone and fax number, and the name of the document. The cover sheet shall be the first page transmitted.

(4) A party filing by fax shall cause the transmitting facsimile machine to print a transmission record of each filing by fax. If the facsimile filing is not filed with the division because of an error in the transmission of the document the occurrence of which was unknown to the sender, or a failure to process the facsimile filing when received by the division, the sender may move the administrative law judge or the workers compensation board for an order filing the document nunc pro tunc. The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an affidavit of transmission by fax as set forth in a form specified by the director.

(d) Possession of documents. A party who files by fax shall retain the original document in the party's possession or control during the pendency of the action and shall produce this document upon request by the division, administrative law judge, workers compensation board, or any party to the action. Upon failure to produce such document, the fax may be stricken, and the party may be subject to sanctions under K.S.A. 44-5,120(d)(20), as amended.

(e) Signatures. A signature reproduced by facsimile transmission shall be treated as an original signature.

(f) Fax filing agency. A party may transmit a document, without page limitation, by fax to a fax filing agency for filing with the division. The fax filing agency

shall act as the agent of the filing party and not as an agent of the division.

(g) Service of papers by facsimile transmission.

(1) The division may serve a notice by fax if the notice may be served by mail. The notice may be served by fax on a party who consents to fax service under paragraph (4) of this subsection.

(2) Service of papers may be made by facsimile transmission only in proceedings subject to these regulations and only on an attorney representing a party.

(3) Service by fax shall be made by transmitting the document to the attorney's designated facsimile machine telephone number.

(4) An attorney shall be deemed to consent to service by fax in a proceeding by any of these methods:

- (A) filing a document by fax in that proceeding;
- (B) serving a document by fax in that proceeding; or
- (C) serving a pleading that includes the attorney's fax number on the pleading.

(5) An attorney who consents to fax service shall make his or her fax machine available for receipt of documents between 9:00 a.m. and 5:00 p.m., except on Saturday, Sunday, and legal holidays listed in K.S.A. 60-206(a), as amended. This provision shall not prevent the attorney from sending documents by fax or providing for normal repair and maintenance of the fax machine during these hours.

(6) Service by fax is complete upon generation of a transmission record by the transmitting machine indicating the successful transmission of the entire document. Service that occurs after 5:00 p.m. shall be deemed to have occurred on the next day.

(7) A certificate of service by fax shall include the following:

- (A) the date of transmission;
- (B) the name and facsimile machine telephone number of the persons served;
- (C) a statement that the document was transmitted by facsimile transmission and that the transmission was reported as complete and without error; and

(D) the signature of the attorney or the person making the transmission. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-534, as amended by L. 1997, Ch. 125, Sec. 8, K.S.A. 1996 Supp. 44-534a, as amended by L. 1997, Ch. 125, Sec. 9, K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective May 22, 1998.)

Article 18.—APPEALS

51-18-2. Review by workers compensation board.

(a) The effective date of the administrative law judge's acts, findings, awards, decisions, rulings, or modifications, for review purposes, shall be the day following the date noted thereon by the administrative law judge.

(b) Application for review by the workers compensation board shall be considered as timely filed only if received in the central office or one of the district offices of the division of workers compensation on or before the tenth day after the effective date of the act of an administrative law judge.

(c) An application for review may be filed by facsimile directly to the division of workers compensation. (Au-

thorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-525 and K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1983; amended May 22, 1998.)

51-18-3. Applications for review. Applications for review should specify the issues to be considered and the jurisdictional basis for the appeal from a preliminary hearing, pursuant to K.S.A. 1996 Supp. 44-534a, as amended. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective May 22, 1998.)

51-18-4. Time schedule for briefs on review; summary calendar. (a) Following an application for review by the workers compensation board, each brief that a party files shall be served upon opposing counsel and thereafter filed with the workers compensation board, division of workers compensation, according to the following schedule.

(1) The appellant's brief shall be submitted within 30 days from the date of filing the application for review.

(2) The appellee's brief shall be submitted within 20 days thereafter.

(3) The appellant may submit a reply brief limited to new issues raised in the appellee's brief within 10 days thereafter.

An original and five copies of each brief shall be filed with the workers compensation board. Every brief shall be supplied in two copies to all counsel of record.

(b) The workers compensation board may maintain a summary calendar. If a review involves no new questions of law and if oral argument is not deemed necessary for a fair hearing of the case, the workers compensation board may set the case on the summary calendar. When a case is placed on the summary calendar, it shall be deemed submitted to the board without oral argument unless a motion by one of the parties for oral argument is granted. This motion shall be served on all parties and filed with the board within 10 days after notice of calendaring has been mailed by the board and shall set forth the reasons why it is thought that oral argument would be helpful to the board. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective May 22, 1998.)

51-18-5. Extensions of time. An application for an extension of time for the performance of any act required by any person regarding review by the board shall be addressed to the workers compensation board. No extension shall be granted except on stated grounds reasonably indicating the necessity therefor. The consent of adverse parties to an application shall be considered but shall not be controlling. A copy of any application under this regulation shall be served on all parties. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-551, as amended by L. 1997, Ch. 125, Sec. 12; effective May 22, 1998.)

51-18-6. Voluntary dismissals. An application for review by the workers compensation board may be dismissed upon the agreement of all parties to the review. If a settlement is reached, the appellant shall promptly notify the workers compensation board. (Authorized by K.S.A. 44-573; implementing K.S.A. 1996 Supp. 44-551, as

amended by L. 1997, Ch. 125, Sec. 12; effective May 22, 1998.)

Article 19.—APPLICATION FOR REVIEW AND MODIFICATION PURSUANT TO K.S.A. 44-528

51-19-1. Review and modification. (a) When there has been an application for review or appeal upon an award and the same is either affirmed or modified, application for review and modification pursuant to K.S.A. 44-528 may still be made to the division. Initial hearings on such applications shall be conducted by an administrative law judge.

(b) Application for review and modification pursuant to K.S.A. 44-528 shall set forth at least one of the reasons contained therein.

(c) Review and modification applications should not be made more than once during any six-month interval except in highly unusual situations. However, upon the completion of vocational rehabilitation, as provided for under this act, the worker, employer, or insurance carrier shall have the right to seek a review and modification of the award rendered, granting any compensation to the employee for any disability. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, 44-528, 44-573; effective Jan. 1, 1966; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 22, 1998.)

Article 21.—ASSIGNMENT OF COMPENSATION

51-21-1. Waiver of liability. A worker, under the act, cannot contract with the employer to relieve the latter of liability in case of an accident. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-514, as amended by L. 1997, Ch. 182, Sec. 72; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1978; amended May 22, 1998.)

Article 24.—REHABILITATION

51-24-1. Vocational rehabilitation. (a) Insurance carriers and employers shall furnish to the selected vocational rehabilitation vendor or, at the administrator's request, to the rehabilitation administrator, any medical reports that may be necessary to make an effective vocational rehabilitation determination.

(b) The rehabilitation administrator shall be the coordinator between the parties seeking a vocational assessment and the Kansas rehabilitation services or a qualified private agency. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended March 30, 1992; amended May 22, 1998.)

51-24-2. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510, 44-510g; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1983; revoked May 22, 1998.)

51-24-7. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987; effective May 1, 1988; revoked May 22, 1998.)

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 022376

(Published in the Kansas Register May 7, 1998.)

Notice of Redemption
Rural Water District No. 2
Linn County, Kansas
Water System Refunding Revenue Bonds
Series 1993
Dated April 1, 1993

Notice is hereby given that pursuant to Resolution 98-1 of the governing body of Rural Water District No. 2, Linn County, Kansas, and Section 3 of Resolution 93-1 dated March 29, 1993, the following outstanding Rural Water District No. 2, Linn County, Kansas Water System Refunding Revenue Bonds, Series 1993, dated April 1, 1993, maturing on and after January 1, 1999, have been called for redemption and prepayment on July 1, 1998 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Date	Principal Amount	Interest Rate	CUSIP
January 1, 1999	\$45,000	5.00%	535794AT8
January 1, 2000	\$50,000	5.20%	535794AU5
January 1, 2001	\$50,000	5.40%	535794AV3
January 1, 2002	\$55,000	5.60%	535794AW1
January 1, 2003	\$55,000	5.80%	535794AX9
January 1, 2004	\$60,000	6.00%	535794AY7
January 1, 2005	\$65,000	6.00%	535794AZ4
Term Bond			
January 1, 2009	\$270,000	6.25%	535794BA8

The principal amount of the above described Series 1993 Bonds shall become due and payable on July 1, 1998, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On July 1, 1998, provided that funds are on hand to pay the specified redemption price, all outstanding Series 1993 bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after July 1, 1998, all interest on the Series 1993 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(1) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1993 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated April 9, 1998.

Rural Water District No. 2
 Linn County, Kansas
 By Kansas State Treasurer
 Topeka, Kansas
 Paying Agent

Doc. No. 022390

(Published in the Kansas Register May 7, 1998.)

Summary Notice of Bond Sale
Shawnee County, Kansas

\$1,435,000* General Obligation Bonds, Series 1998-B
\$1,235,000* General Obligation Bonds, Series 1998-C
\$2,585,000 General Obligation Temporary Notes,
Series 1998-2

(General obligation bonds payable from
 unlimited ad valorem taxes)

Sale Particulars

Subject to the terms and conditions of the complete official notice of sale and the preliminary official statement, both dated May 7, 1998, of Shawnee County, Kansas, in connection with the issuance of the county's General Obligation Bonds, Series 1998-B and Series 1998-C and the county's General Obligation Temporary Notes, Series 1998-2, sealed, written bids will be received at the office of the county clerk at the Shawnee County Courthouse, 200 S.W. 7th, Topeka, KS 66603, until 11 a.m. Thursday, May 14, 1998, for the purchase of the Series 1998-B Bonds, Series 1998-C Bonds and the notes. All bids will be publicly opened, read aloud and tabulated on said date and at said time and will thereafter be immediately considered and acted upon by the governing body of the county.

No oral or auction bids for the Series 1998-B Bonds, Series 1998-C Bonds or the notes will be considered, and no bid for less than the entire principal amount of the bonds will be considered. No bid for less than the entire principal amount of the notes will be considered.

Bids will be accepted only on the official bid forms that have been prepared for the public bidding on the Series 1998-B Bonds, Series 1998-C Bonds and the notes, all of which may be obtained from the county clerk. Each bid for the bonds must be accompanied by a good faith deposit in the form of a qualified financial surety bond or a certified or cashier's check drawn on a bank located within the United States, each made payable to the order of the county and in an amount equal to 2 percent of the principal amount of the Series 1998-B Bonds and the Series 1998-C Bonds.

Details of the Bonds

The Series 1998-B Bonds in the approximate principal amount of \$1,435,000* and the Series 1998-C Bonds in the approximate principal amount of \$1,235,000* are to be dated May 1, 1998, and will be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1999.

The Series 1998-B Bonds will mature serially on September 1 as follows:

Maturity	Amount
1999	\$45,000
2000	45,000
2001	50,000
2002	50,000
2003	55,000
2004	55,000
2005	60,000
2006	60,000
2007	65,000
2008	70,000
2009	70,000
2010	75,000
2011	80,000
2012	85,000
2013	85,000
2014	90,000
2015	95,000
2016	95,000
2017	100,000
2018	105,000

The Series 1998-C Bonds will mature serially on September 1 as follows:

Maturity	Amount
1999	\$55,000
2000	60,000
2001	60,000
2002	65,000
2003	70,000
2004	70,000
2005	75,000
2006	80,000
2007	85,000
2008	90,000
2009	95,000
2010	100,000
2011	105,000
2012	110,000
2013	115,000

Certain of the bonds are subject to redemption prior to their maturities as provided in the complete official notice of sale and preliminary official statement.

Details of the Notes

The county's Temporary Notes, Series 1998-2, in the principal amount of \$2,585,000 are to be dated May 1, 1998. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 1, 1998, and will become due May 1, 1999, subject to redemption as set forth in the preliminary official statement. The notes will bear interest from the dated date at rates to be determined when the notes are sold. The county treasurer will be the paying agent and note registrar for the notes.

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal

of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

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

Security for the Bonds and Notes

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

Delivery of the Bonds and Notes

The bonds and notes, duly prepared, executed and registered, will be furnished and delivered in book-entry form only at the expense of the county through the facilities of the Depository Trust Company, New York, New York, on or before June 1, 1998.

Legal Opinion

The bonds and notes will be sold subject to the legal opinion of Jonathan P. Small, Chartered, Topeka, Kansas, bond counsel, whose fees will be paid by the county. Bond counsel's approving legal opinion as to the validity of the bonds and notes will be furnished and paid for by the county and delivered to the successful bidder upon delivery of the bonds and notes. (Reference is made to the official notice of sale and preliminary official statement for a discussion of tax exemption and other legal matters.)

Financial Matters

The total equalized assessed valuation of the taxable tangible property within the county for computation of bonded debt limitations for the 1998 is \$1,106,255,011.

The total general obligation bonded indebtedness of the county as of the date of the bonds and notes, including the bonds being sold, is \$67,923,000. The county also has temporary notes outstanding (including the notes being sold) in the amount of \$8,088,000. Of the outstanding temporary notes, the county will redeem \$5,033,127 from the proceeds of the bonds and notes.

Additional Information

For additional information regarding the county, the bonds and the public sale, interested parties are invited to contact the county clerk at the address and telephone number shown below.

Dated May 7, 1998.

Cynthia A. Beck
County Clerk
200 S.E. 7th
Topeka, KS 66603
(785) 233-8200, Ext. 4111
Fax (785) 291-4912

Doc. No. 022402

(Published in the Kansas Register May 7, 1998.)

**Summary Notice of Bond Sale
\$6,800,000**

**City of Derby, Kansas
General Obligation Bonds, Series A, 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 5, 1998, sealed bids will be received by the director of finance of the City of Derby, Kansas (the issuer), on behalf of the governing body at City Hall, 611 Mulberry, Derby, KS 67037, until 11 a.m. May 14, 1998, for the purchase of \$6,800,000 principal amount of General Obligation Bonds, Series A, 1998. No bid of less than 99 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1998, and will become due on June 1 in the years as follows:

Year	Principal Amount
1999	\$275,000
2000	300,000
2001	330,000
2002	350,000
2003	200,000
2004	225,000
2005	225,000
2006	240,000
2007	460,000
2008	480,000
2009	350,000
2010	360,000
2011	380,000
2012	400,000
2013	425,000
2014	325,000
2015	350,000
2016	350,000
2017	375,000
2018	400,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on December 1 and June 1 in each year, beginning June 1, 1999.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a

bank located in the United States or a qualified financial surety bond in the amount of \$136,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 1, 1998, at DTC for the account of the successful bidder 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 \$93,754,496. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold and \$6,000,000 in temporary notes to be sold the same date as the bonds, but excluding temporary notes to be retired in conjunction therewith, is \$25,795,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the Don Osenbaugh, director of finance, (316) 788-3132, fax (316) 788-6067; or from the financial advisor, Froggatte & Herndon Capital Corporation, 320 N. Main, Suite 200, Wichita, KS 67202, Attention: Theron L. Froggatte, (316) 264-6300.

Dated May 5, 1998.

City of Derby, Kansas

Doc. No. 022393

(Published in the Kansas Register May 7, 1998.)

**Summary Notice of Bond Sale
\$23,351,000**

**Unified School District No. 480
Seward County, Kansas (Liberal)
General Obligation School Building Bonds, Series 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 6, 1998, sealed bids will be received by the clerk of Unified School District No. 480, Seward County, Kansas (Liberal) (the issuer), on behalf of the governing body at the office of the Board of Education, 401 N. Kansas, Liberal, KS 67905, until 7:30 p.m. May 18, 1998, for the purchase of \$23,351,000 principal amount of General Obligation School Building Bonds, Series 1998. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,000 (or such amount added to \$5,000 or an integral multiple thereof). The bonds will be dated May 15, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
2001	\$ 316,000
2002	710,000
2003	770,000
2004	835,000
2005	900,000
2006	970,000
2007	1,045,000
2008	1,125,000
2009	1,205,000
2010	1,295,000
2011	1,390,000
2012	1,485,000
2013	1,590,000
2014	1,700,000
2015	1,815,000
2016	1,935,000
2017	2,065,000
2018	2,200,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1999.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$467,020 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 11, 1998, at DTC for the account of the successful bidder 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 \$147,488,178. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$25,901,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 626-3800, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 6, 1998.

Unified School District No. 480
Seward County, Kansas
(Liberal)

Doc. No. 022381

(Published in the Kansas Register May 7, 1998.)

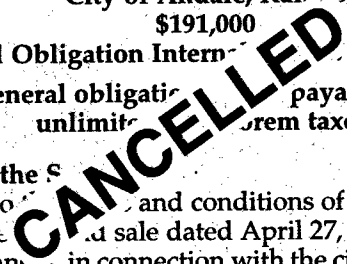
Summary Notice of Bond Sale

City of Andale, Kansas

\$191,000

General Obligation Internal Improvement Bonds

(General obligation payable from unlimited ad valorem taxes)



Details of the Sale

Subject to the terms and conditions of the complete official notice of sale dated April 27, 1998, of the City of Andale, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 1998, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 304 N. Main, Andale, Kansas, until 6:45 p.m. Monday, May 18, 1998, for the purchase of bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the governing body of the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire series of bonds shall be considered.

Bids shall be accepted on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$191,000, and shall bear a dated date of June 1, 1998. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds

(continued)

maturing in any year, except that one bond maturing in the initial year of maturity shall be in the denomination of \$6,000. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are *not* subject to redemption prior to their maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1999, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 6,000	1999
10,000	2000
10,000	2001
10,000	2002
10,000	2003
15,000	2004
15,000	2005
15,000	2006
15,000	2007
15,000	2008
15,000	2009
15,000	2010
15,000	2011
20,000	2012
20,000	2013

Payment of Principal and Interest

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a complete discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about June 11, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond coun-

sel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations during calendar year 1998 is \$3,116,753. The city's outstanding general obligation bonded indebtedness at June 1, 1998, totals the principal amount of \$878,780, including the bonds described herein but excluding \$190,000 of temporary notes, which will be redeemed and paid from the proceeds of the bonds and other available funds.

Official Statement

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

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, Brian E. Corrigan, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Shirley J. Stuever, City Clerk
City Hall, 304 N. Main
Andale, KS 67001
(316) 444-2351

Doc. No. 022400

(Published in the Kansas Register May 7, 1998.)

**Summary Notice of Bond Sale
City of Gardner, Kansas
\$1,415,000
General Obligation Bonds, Series 1998-A
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 8, 1998, sealed bids will be received by the city clerk of the City of Gardner, Kansas, on behalf of the governing body at 120 E. Main, Gardner, KS 66030, until 11 a.m. May 18, 1998, for the purchase of \$1,415,000 General Obligation Bonds, Series 1998-A. No bid of less than 99.25 percent of the par value of the bonds and accrued interest to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1998, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
1999	\$ 40,000
2000	55,000
2001	60,000
2002	60,000
2003	60,000
2004	65,000
2005	70,000
2006	70,000
2007	75,000
2008	80,000
2009	80,000
2010	85,000
2011	90,000
2012	95,000
2013	100,000
2014	105,000
2015	110,000
2016	115,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold. Interest on the bonds will be payable semiannually on March 1 and September 1, beginning March 1, 1999. A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$28,300 (2 percent of the principal amount of the bonds).

Delivery

The bonds will be issued as book-entry only. The city will pay for preparation of the bonds and will deliver a single registered certificate for each maturity of the bonds properly prepared, executed and registered without cost to the successful bidder on or about June 10, 1998, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$31,193,011. The total applicable general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$766,695.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 856-7535; from the financial advisor, Kirkpatrick Pettis, Attention: Marty Nohe, (816) 360-2270; or from bond counsel, Logan Riley Carson & Kaup, L.C., 9300 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated May 7, 1998.

City of Gardner, Kansas
By Gwen Scott
Administrative Services Director/City Clerk
City Hall
120 E. Main
Gardner, KS 66030

Doc. No. 022394

(Published in the Kansas Register May 7, 1998.)

**Summary Notice of Bond Sale
\$3,800,000
Unified School District No. 481
Dickinson County, Kansas (Rural Vista)
General Obligation School Building Bonds, Series 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated May 6, 1998, sealed bids will be received by the clerk of Unified School District No. 481, Dickinson County, Kansas (Rural Vista) (the issuer), on behalf of the governing body at the office of the Board of Education, 127 Main, P.O. Box 217, Hope, KS 67451, until 7:30 p.m. May 20, 1998, for the purchase of \$3,800,000 principal amount of General Obligation School Building Bonds, Series 1998. 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.

(continued)

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 May 1, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
1999	\$ 50,000
2000	80,000
2001	125,000
2002	130,000
2003	140,000
2004	145,000
2005	155,000
2006	165,000
2007	170,000
2008	180,000
2009	190,000
2010	200,000
2011	210,000
2012	225,000
2013	235,000
2014	250,000
2015	265,000
2016	280,000
2017	295,000
2018	310,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1999.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$76,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 16, 1998, at DTC for the account of the successful bidder 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 \$15,635,774. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,800,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 366-7215, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 6, 1998.

Unified School District No. 481
Dickinson County, Kansas
(Rural Vista)

Doc. No. 022386

(Published in the Kansas Register May 7, 1998.)

Summary Notice of Bond Sale

\$20,000,000

**General Obligation School Building Bonds
Series 1998**

Unified School District No. 232
Johnson County, Kansas (De Soto)

(General obligations payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the clerk of Unified School District No. 232, Johnson County, Kansas (De Soto), on behalf of the Board of Education of the district at the district office, 8305 Peoria, De Soto, KS 66018, on Thursday, May 14, 1998, for the purchase of \$20,000,000 principal amount of General Obligation School Building Bonds, Series 1998. Bids for the bonds will be opened at noon local time on that day. No bid will be considered of less than 99 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 15, 1998, and will become due annually on September 1, beginning September 1, 2000, in the years as follows:

Year	Principal Amount
09/01/00	\$ 50,000
09/01/01	50,000
09/01/02	40,000

(Published in the Kansas Register May 7, 1998.)

09/01/03	145,000
09/01/04	265,000
09/01/05	410,000
09/01/06	575,000
09/01/07	760,000
09/01/08	905,000
09/01/09	1,055,000
09/01/10	1,215,000
09/01/11	1,395,000
09/01/12	1,590,000
09/01/13	1,800,000
09/01/14	2,035,000
09/01/15	2,285,000
09/01/16	2,565,000
09/01/17	2,860,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1999. The Kansas State Treasurer, Topeka, Kansas, will be paying agent and bond registrar for the bonds.

Good Faith Deposit

Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Delivery

The district will pay for preparing the bonds. The district will deliver the bonds in book-entry form only through the facilities of Depository Trust Company, New York, New York, on or before May 27, 1998.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations is \$110,469,911. The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$45,030,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from Dr. Sharon Zoellner, assistant superintendent, (913) 583-8300, or the district's financial advisor, Ranson & Associates, Inc., Attention: Stephen E. Shogren, (316) 681-3123.

Dated April 30, 1998.

Unified School District No. 232
Johnson County, Kansas (De Soto)
Charlene Braley
Clerk, Board of Education

Doc. No. 022395

Summary Notice of Bond Sale

\$9,400,000

Unified School District No. 368

Miami County, Kansas (Paola)

General Obligation School Building Bonds, Series 1998

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 6, 1998, sealed bids will be received by the clerk of Unified School District No. 368, Miami County, Kansas (Paola) (the issuer), on behalf of the governing body at the office of the Board of Education, 202 E. Wea, Paola, KS 66071, until 5 p.m. May 19, 1998, for the purchase of \$9,400,000 principal amount of General Obligation School Building Bonds, Series 1998. No bid of less than 99 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 1998, and will become due on December 1 in the years as follows:

Year	Principal Amount
2001	\$ 50,000
2002	75,000
2003	100,000
2004	100,000
2005	125,000
2006	150,000
2007	200,000
2008	75,000
2009	1,380,000
2010	1,475,000
2011	1,575,000
2012	1,680,000
2013	1,790,000
2014	625,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 1999.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$188,000 (2 percent of the principal amount of the bonds).

(continued)

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 11, 1998, at DTC for the account of the successful bidder 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 \$74,730,345. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$17,785,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 294-3623, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 6, 1998.

Unified School District No. 368
Miami County, Kansas
(Paola)

Doc. No. 022385

(Published in the Kansas Register May 7, 1998.)

Summary Notice of Bond Sale

City of Spearville, Kansas

\$239,576.81

General Obligation Street Improvement Bonds

(General obligation bonds payable from
unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated April 8, 1998, of the City of Spearville, Kansas, in connection with the city's General Obligation Street Improvement Bonds, Series A, 1998, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, Spearville, Kansas, until 7 p.m. Wednesday, May 13, 1998, for the purchase of bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the governing body of the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire series of bonds shall be considered.

Bids shall be accepted on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's

financial advisor. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$239,576.81, and shall bear a dated date of May 15, 1998. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing in the initial year of maturity shall be in the denomination of \$4,576.81. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are *not* subject to redemption prior to their maturities.

Interest on the bonds shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 1999, and the bonds shall mature serially on November 1 in each year of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 4,576.81	11-01-99
10,000.00	11-01-00
15,000.00	11-01-01
15,000.00	11-01-02
15,000.00	11-01-03
15,000.00	11-01-04
15,000.00	11-01-05
15,000.00	11-01-06
15,000.00	11-01-07
20,000.00	11-01-08
20,000.00	11-01-09
20,000.00	11-01-10
20,000.00	11-01-11
20,000.00	11-01-12
20,000.00	11-01-13

Payment of Principal and Interest

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a complete discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about May 28, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations during calendar year 1998 is \$3,367,726. The city's outstanding general obligation bonded indebtedness at May 1, 1998, totals the principal amount of \$614,577, including the bonds described herein but excluding \$250,000 of temporary notes, which will be redeemed and paid from the proceeds of the bonds and other available funds.

Official Statement

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

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond

sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, Jerry R. Rayl, J. O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

Eleanor Strecker, City Clerk
City Hall
Spearville, KS 67876
(316) 385-2512

Doc. No. 022401

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 7, 1998.)

Substitute for HOUSE BILL No. 2950

AN ACT concerning agriculture; relating to regulation of confined animal feeding facilities; imposing restrictions on construction, operation and expansion of certain facilities; providing for certain income tax credits; providing for certain elections on establishment of swine production facilities; relating to eligibility for KIT and KIR program funds and for issuance of Kansas development finance authority bonds; relating to disposal of certain dead livestock; relating to water quality buffers; amending K.S.A. 2-1915, 2-3302, 2-3305, 2-3307, 17-5908, 74-5065 and 79-32,117 and K.S.A. 1997 Supp. 17-5904, 19-101a, 47-1219, 65-171d, 74-5066, 74-8902 and 74-8950; also repealing K.S.A. 79-32,117i; also reviving K.S.A. 2-3302, 2-3305, 2-3307 and 79-32,117 and K.S.A. 1997 Supp. 47-1219 and 65-171d and repealing K.S.A. 2-3302, as amended by section 23 of this act, 2-3305, as amended by section 25 of this act, 2-3307, as amended by section 26 of this act, and 79-32,117, as amended by section 29 of this act, and K.S.A. 1997 Supp. 47-1219, as amended by section 27 of this act, and 65-171d, as amended by section 1 of this act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1997 Supp. 65-171d is hereby amended to read as follows: 65-171d. (a) For the purpose of preventing surface and subsurface 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 judgment 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 sections 2 through 22, and amendments thereto, and rules and regulations adopted pursuant thereto:

(1) "Pollution" means: (A) Such contamination or other alteration of

(continued)

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 purposes; (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 of 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 and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: 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.

(6) "Wildlife refuge" means Cheyenne Bottoms wildlife management area, Cheyenne Bottoms preserve and Flint Hills, Quivera, Marais des Cygnes and Kirwin national wildlife refuges.

(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 land bordering the reservoir or pond 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 or pond 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 or 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 person who is aggrieved by 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 a capacity of 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 a facility with an animal unit capacity of less than 300, the secretary may certify that no permit is required. 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 are 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) (1) Any new construction or new expansion of a confined feeding facility, other than a confined feeding facility for swine, shall meet or exceed the following requirements in separation distances from any habitable structure in existence when the application for a permit is submitted:

(1) 1320 (A) 1,320 feet for facilities with an animal unit capacity of 300 to 999; and

(2) 4000 (B) 4,000 feet for facilities with an animal unit capacity of 1,000 or more.

(2) A confined feeding facility for swine shall meet or exceed the following requirements in separation distances from any habitable structure or city, county, state or federal park in existence when the application for a permit is submitted:

(A) 1,320 feet for facilities with an animal unit capacity of 300 to 999;

(B) 4,000 feet for facilities with an animal unit capacity of 1,000 to 3,724;

(C) 4,000 feet for expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion is within the perimeter from which separation distances are determined pursuant to subsection (k) for the existing facility; and

(D) 5,000 feet for: (i) Construction of new facilities with an animal unit capacity of 3,725 or more; or (ii) expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion extends outside the perimeter from which separation distances are determined pursuant to subsection (k) for the existing facility.

(3) Any construction of new confined feeding facilities for swine shall meet or exceed the following requirements in separation distances from any wildlife refuge:

(A) 10,000 feet for facilities with an animal unit capacity of 1,000 to 3,724; and

(B) 16,000 feet for facilities with an animal unit capacity of 3,725 or more.

(i) (1) The separation distance requirements of subsection (h) subsections (h)(1) and (2) shall not apply if such person newly constructing or newly expanding a confined feeding facility the applicant for a permit obtains a written agreement from all owners of habitable structures which are within the separation distance stating such owners are aware of such the 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.

(2) (A) The secretary may reduce the separation distance requirements if: (1) of subsection (h)(1) if: (i) No substantial objection from owners of habitable structures within the separation distance is received

in response to public notice; or (2) (ii) 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.

(B) The secretary may reduce the separation distance requirements of subsection (h)(2)(A) or (B) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (l); (ii) 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; or (iii) the secretary determines that technology exists that meets or exceeds the effect of the required separation distance and the facility will be using such technology.

(C) The secretary may reduce the separation distance requirements of subsection (h)(2)(C) or (D) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (l); or (ii) the secretary determines that technology exists that meets or exceeds the effect of the required separation distance and the facility will be using such technology.

(j) (1) The separation distances required pursuant to subsection (h)(1) shall not apply to:

(1) (A) Confined feeding facilities which were permitted or certified by the secretary on the effective date of this act July 1, 1994;

(2) (B) confined feeding facilities which exist on the effective date of this act and register existed on July 1, 1994, and registered with the secretary before July 1, 1996; or

(3) (C) expansion of a confined feeding facility, including any expansion for which an application is pending on the effective date of this act, if: (A) was pending on July 1, 1994, if: (i) In the case of a facility with an animal unit capacity of 1,000 or more prior to the effective date of this act July 1, 1994, 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 (ii) 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 July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.

(2) The separation distances required pursuant to subsections (h)(2)(A) and (B) shall not apply to:

(A) Confined feeding facilities for swine which were permitted or certified by the secretary on July 1, 1994;

(B) confined feeding facilities for swine which existed on July 1, 1994, and registered with the secretary before July 1, 1996; or

(C) expansion of a confined feeding facility which existed on July 1, 1994, if: (i) In the case of a facility with an animal unit capacity of 1,000 or more prior to July 1, 1994, 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 (ii) in the case of a facility with an animal unit capacity of less than 1,000 prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.

(3) The separation distances required pursuant to subsections (h)(2)(C) and (D) and (h)(3) shall not apply to the following, as determined in accordance with subsections (a), (e) and (f) of section 2 and amendments thereto:

(A) Expansion of an existing confined feeding facility for swine if an application for such expansion has been received by the department before March 1, 1998; and

(B) construction of a new confined feeding facility for swine if an application for such facility has been received by the department before March 1, 1998.

(k) The separation distances required by this section for confined feeding facilities for swine shall be determined from the exterior perimeter of any buildings utilized for housing swine, any lots containing swine, any swine waste retention lagoons or ponds or other manure or wastewater storage structures and any additional areas designated by the applicant for future expansion. Such separation distances shall not apply to offices, dwellings and feed production facilities of a confined feeding facility for swine.

(l) The applicant shall give the notice required by subsections (i)(2)(B) and (C) by certified mail, return receipt requested, to all owners of hab-

itable structures within the separation distance. The applicant shall submit to the department evidence, satisfactory to the department, that such notice has been given.

(m) 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, as approved by the department. Before approval by the department, any consultant preparing such plans and specifications shall submit to the department evidence, satisfactory to the department, of adequate general commercial liability insurance coverage.

New Sec. 2. As used in sections 2 through 22, and amendments thereto, except as the context otherwise requires:

(a) "Application" means:

(1) The applicable fee, all properly completed and executed documents furnished by the department and any additional required documents or information necessary for obtaining a permit, including but not limited to a registration, construction plans, specifications and any required manure management, nutrient utilization, emergency response, odor control, facility closure and dead swine handling plans; or

(2) registration with the department before July 1, 1996, which has not been acted on by the department before March 1, 1998.

(b) "Best available technology for swine facilities" means the best available technology for swine facilities, as determined by the department in consultation with Kansas state university, owners and operators of permitted swine facilities and other appropriate persons, entities and state and federal agencies.

(c) "Best management practices for swine facilities" means those schedules of activities, maintenance procedures and other management practices of a swine facility that are designed to minimize or prevent pollution of the air, water or soil or to control odor, flies, rodents and other pests, as determined by the department in consultation with Kansas state university, owners and operators of permitted swine facilities and other appropriate persons, entities and state and federal agencies.

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

(e) "Existing swine facility" means any swine facility in existence and registered with or permitted by the secretary before the effective date of this act.

(f) "In existence" means constructed or in place and capable of confining, feeding and maintaining swine. If the department has taken final formal administrative action requiring abandonment of a swine facility or cessation of a swine facility operation 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. A facility for which the department has taken such an action shall be considered a new swine facility for the purpose of separation distance requirements.

(g) "Permit" means a water pollution control permit for a swine facility pursuant to K.S.A. 65-166a and 65-171d, and amendments thereto.

(h) "Secretary" means the secretary of health and environment.

(i) "Significant water pollution potential" means any significant potential for pollution of groundwater or surface waters as defined by rules and regulations adopted by the secretary.

(j) "Swine facility" means a confined feeding facility for swine.

(k) "Swine waste management system" means all constructed, excavated or natural receptacles used for the collection, conveyance, storage or treatment of manure or wastewater, or both, from a swine facility, including swine containment buildings.

(l) "Swine waste retention lagoon or pond" means an excavated or diked structure, or a natural depression, provided for or used by a swine facility for the purpose of containing or detaining swine wastes or other wastes generated in the production of swine.

New Sec. 3. (a) After receipt of an application for a permit for construction of a new swine facility or expansion of an existing swine facility, the department shall publish in the Kansas register a notice of receipt of the application which shall include but not be limited to:

(1) The names and addresses of the operator of the facility and the owner of the property where the facility is or will be located; and

(2) notice of the availability of the document and fact sheet prepared pursuant to subsection (b).

(b) After receipt of an application for a permit for construction of a new swine facility or expansion of an existing swine facility, the department shall prepare the following, which, at a minimum, shall be made

(continued)

available on the internet and shall be available for inspection and copying, in accordance with the open records act, at the department's office in the district where the swine facility is or will be located:

(1) A document containing all the requirements with which the swine facility must comply upon approval by the department and a brief explanation of the statutory or regulatory provisions on which the requirements are based;

(2) any determinations of, and explanations for, departures from any requirements otherwise applicable to the facility, including citations to the applicable guidelines, development documents or authorities for the departures; and

(3) a fact sheet containing the following information required in the application:

(A) A detailed description of the location of the facility, including the section, township and range, with reference to any applicable comprehensive land use plan or zoning requirements;

(B) a map showing water wells located on the facility's property, landmarks in the vicinity and nearby streams and bodies of water;

(C) a description of the facility, including the swine waste management system and facilities and any areas designated by the applicant for future expansion as provided for by subsection (k) of K.S.A. 65-171d and amendments thereto;

(D) a nutrient application plan, if required by section 6, including base-line soil tests for a new facility or new field to which wastes will be applied, and a crop rotation plan; and

(E) a statement that the applicant will consult with the county extension agent or a qualified agronomist or individual trained in crop protection to ensure that correct agronomic rates of application are used and records of those consultations will be maintained by the applicant.

(c) The secretary shall establish by rules and regulations the form of public notice that is required for receipt of a completed application for a permit for construction of a new swine facility or expansion of an existing swine facility. Such notice shall be by publication in a newspaper of general circulation in the county where the facility is or will be located, direct notification of residents in the vicinity of the facility and notification of local government officials.

(d) The public notice required by subsection (c) shall contain the following:

(1) The name, address and telephone number of the official at the department who is responsible for processing the application and the locations where further information and copies of documents can be reviewed, which locations shall be in the county where the facility is or will be located;

(2) the names and addresses of the operator of the facility and the owner of the property where the facility is or will be located;

(3) a statement of the tentative determination of the department to approve the issuance of the permit;

(4) a brief description of the procedures and schedule for making the final determination of approval or disapproval;

(5) notice of availability of the document and fact sheet prepared pursuant to subsection (b);

(6) a request for public comment on the tentative decision to approve the issuance of the permit and the requirements for the facility described in the document prepared pursuant to subsection (b)(1); and

(7) a description of the procedures for providing public comment.

(e) The department shall provide a period of 30 days from the date of the public notice required by subsection (c) for submission of public comments.

(f) The department, in its discretion, may hold a public meeting or hearing within 60 days after the conclusion of the comment period required by subsection (e) to receive further public comment if the department determines that significant environmental or technical concerns or issues have been raised during the comment period. The department shall hold a public hearing within 60 days after the conclusion of the comment period required by subsection (e) to receive further public comment if a hearing is requested by any owner of a habitable structure within the applicable separation distance. Public meetings and hearings held pursuant to this subsection shall address only those matters for which the secretary has authority.

(g) The department shall not make a determination to approve the issuance of a permit until completion of the procedures required by this section. The department may disapprove at any time the issuance of a permit without completing the procedures required by this section.

(h) The department shall make the determination to approve or disapprove the issuance of a permit not later than 180 days after the completed application is filed with the department.

(i) An operator of a swine facility shall submit a registration or application to the department before initiating construction or operation of either a swine facility or a swine waste management system. When the department finds no permit is required, construction or operation of the swine 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 swine facility, construction may be initiated upon approval of the application, construction plans, specifications and swine waste management plan. Operation and stocking of a swine facility for which a permit is required shall not be initiated until the department issues the permit. An operator of a swine facility for which a permit modification is required because of a proposed facility expansion shall not increase the number of swine at the facility beyond that authorized by the permit until the department issues the modified permit.

New Sec. 4. (a) The department shall not approve a permit for construction of a new swine facility or expansion of an existing swine facility unless the swine waste management system for the facility:

(1) is located in such a manner as to prevent impairment of surface waters and groundwaters, except where consistent with the requirements of this section;

(2) is located outside any 100-year flood plain unless procedures and precautions are employed to flood-proof the facilities;

(3) except as provided by subsection (c), is located: (A) Not less than 500 feet from any surface water if the facility has an animal unit capacity of 3,725 or more; (B) not less than 250 feet from any surface water if the facility has an animal unit capacity of 1,000 to 3,724; or (C) not less than 100 feet from any surface water if the facility has an animal unit capacity of under 1,000;

(4) except as provided by subsection (d), is located not less than 250 feet from any private drinking water well that is in active use; and

(5) is located not less than 1,000 feet from any publicly owned drinking water well that is in active use.

(b) The separation distances required pursuant to subsection (a) shall not apply to:

(1) Any swine facility that, on the effective date of this act, holds a valid permit issued by the secretary;

(2) swine facilities for which an application has been received before the effective date of this act; or

(3) expansion of a swine facility if an application for the expansion has been received before the effective date of this act.

(c) The separation distances required by subsection (a)(3) shall not apply to any freshwater reservoir or farm pond that is privately owned if complete ownership of land bordering the reservoir or pond is under common private ownership. Such separation distances shall apply to any waters that flow from such reservoir or pond. The secretary shall have the authority provided by subsections (d) and (e) of K.S.A. 65-171d and amendments thereto with respect to any such reservoir or pond as necessary to protect the public health, the soils or waters of the state and wildlife.

(d) The separation distance required by subsection (a)(4) shall not apply to any private drinking water well that is located within the perimeter from which separation distances are determined pursuant to subsection (k) of K.S.A. 65-171d and amendments thereto but, if the facility has an animal unit capacity of 3,725 or more, the facility operator shall test waters from such well and annually report the test results to the department.

New Sec. 5. (a) Each applicant for a permit for construction of a new swine facility having an animal unit capacity of 1,000 or more or expansion of an existing swine facility to an animal unit capacity of 1,000 or more shall submit with the application for a permit a manure management plan and shall comply with the plan when the permit is issued by the department.

(b) Each existing swine facility that has an animal unit capacity of 1,000 or more on the effective date of this act shall submit to the department, within six months after the rules and regulations implementing this act are adopted, a manure management plan for approval by the department and shall comply with the plan as soon thereafter as practicable.

(c) Each manure management plan required by this section shall describe the methods for, and account for, the disposal of all manure and wastewater generated by the swine facility. If the methods of disposal of the manure or wastewater include land application, the facility also shall prepare a nutrient utilization plan, as required by subsection (b) of section 6, and amendments thereto.

(d) Each swine facility that is required by this section to have a manure management plan shall amend such plan whenever warranted by changes in the facility or in other conditions affecting the facility.

(e) The secretary shall establish by rules and regulations the circumstances under which amendments to manure management plans must be submitted to the department for the department's approval.

(f) Each swine facility that is required by this section to have a manure management plan shall maintain such plan in accordance with section 9, and amendments thereto.

(g) As a condition of approval of any permit for a swine facility that is required by this section to have a manure management plan, the department shall require that, if the operator of the facility does not own the swine at the facility, the operator shall execute with the owner of the swine a contract that specifies responsibility for management of the manure and wastewater generated at the facility.

(h) If a swine facility is required by this section to have a manure management plan and such facility generates manure or wastewater, or both, that is sold or given to a person who is not employed by the facility and is to be disposed of by means other than land application on areas covered by the facility's nutrient utilization plan, the department shall require that:

(1) The facility shall maintain a log of removal of the manure or wastewater from the facility and such log shall contain the following:

(A) The name and address of each person to whom the manure or wastewater is sold or given and of each hauler of the manure or wastewater;

(B) the date of the removal of the manure or wastewater; and

(C) the volume of the removed manure or wastewater; and

(2) the facility shall provide to the hauler of the removed manure or wastewater the most recent manure nutrient analysis conducted pursuant to subsection (c) of section 6 and amendments thereto, if the removed manure or wastewater are to be land applied.

(i) (1) Except as provided by subsection (i)(5), if a swine waste retention lagoon or pond is utilized by a swine facility that has an animal unit capacity of 3,725 or more and is located where the groundwater is at a depth of 25 feet or less from the underneath side of the liner of the lagoon or pond:

(A) The sides and bottom of such lagoon or pond shall be lined with:

(i) A compacted soil liner with a minimum depth of one foot and maximum seepage rate of $\frac{1}{8}$ inch per day; or

(ii) an impermeable liner on top of a compacted soil liner with a minimum depth of one foot and maximum seepage rate of $\frac{1}{4}$ inch per day; and

(B) the facility operator shall be required to install not fewer than one upstream and two downstream groundwater monitoring wells for each such single cell lagoon or pond and for the primary cell of each such multiple cell lagoon or pond, or employ equivalent technology, as provided by rules and regulations of the secretary.

(2) Except as provided by subsections (i)(3),(4) and (5), if a swine waste retention lagoon or pond is utilized by a swine facility that has an animal unit capacity of 3,725 or more and is located where the groundwater is at a depth of more than 25 feet from the underneath side of the liner of the lagoon or pond, the sides and bottom of such lagoon or pond shall be lined with:

(A) A compacted soil liner with a minimum depth of one foot and maximum seepage rate of $\frac{1}{8}$ inch per day; or

(B) an impermeable liner on top of a compacted soil liner with a minimum depth of one foot and maximum seepage rate of $\frac{1}{4}$ inch per day.

(3) If the compacted soil liner requirements of subsection (i)(2) cannot be met for one or more waste retention lagoons or ponds to which such subsection applies:

(A) The sides and bottom of such lagoons or ponds shall be lined with an impermeable liner on top of a soil liner compacted to the extent possible; and

(B) if the groundwater is at a depth of 150 feet or less from the surface of the land at the place where such lagoons or ponds are located, the facility operator shall be required to install not fewer than one up-

stream and two downstream groundwater monitoring wells for each such single cell lagoon or pond and for the primary cell of each such multiple cell lagoon or pond, or employ equivalent technology, as provided by rules and regulations of the secretary.

(4) Any swine waste retention lagoons or ponds existing on the effective date of this act and utilized by a swine facility that has an animal unit capacity of 3,725 or more shall not be required to meet the requirements of subsection (i)(1), (2) or (3) but the facility operator shall be required to install, before January 1, 2000, not fewer than one upstream and two downstream groundwater monitoring wells for each such single cell lagoon or pond and for the primary cell of each such multiple cell lagoon or pond, or employ equivalent technology, as provided by rules and regulations of the secretary, if the groundwater is at a depth of 150 feet or less from the surface of the land at the place where such lagoons or ponds are located unless: (A) The groundwater is at a depth of more than 25 feet from the underneath side of the liner of the lagoons or ponds; and (B) the facility operator submits to the department engineering or field data that proves compliance with the requirements of subsection (i)(2).

(5) On or after January 1, 2000, if the secretary determines, based on scientific evidence, that the standards imposed by subsections (i)(1), (2), (3) and (4) are not required to protect the groundwater, the secretary may increase the animal unit capacity at which such standards apply.

(j) The secretary may require installation and sampling of groundwater monitoring wells in the vicinity of any swine waste retention lagoon or pond when the secretary determines necessary, or the secretary may allow the use of equivalent technology, as provided by rules and regulations of the secretary. The locations and design of such monitoring wells shall be subject to approval by the secretary.

(k) The secretary may require, as a condition of issuance or renewal of a permit for a swine facility having an animal unit capacity of 1,000 or more, that trees be planted as vegetative screening to control odor.

(l) The secretary may adopt by rules and regulations such additional standards for location and construction of swine waste retention lagoons and ponds utilized by swine facilities having an animal unit capacity of 1,000 or more as the secretary determines necessary to protect the waters and soils of the state and the public health.

(m) Before issuing any permit for a swine facility that will utilize a swine waste retention lagoon or pond or approving any plans for a swine waste retention lagoon or pond, the department shall make a determination, after consultation with the state corporation commission, that there is no unplugged oil or gas well at the planned location of such lagoon or pond. If, during construction of any swine waste retention lagoon or pond, an unplugged well is discovered at the location of such lagoon or pond, the facility owner and the facility operator shall have the duty to report the discovery to the department immediately.

New Sec. 6. (a) The department of health and environment shall not issue or renew a permit for any swine facility that has an animal unit capacity of 1,000 or more and that applies manure or wastewater to land unless:

(1) The land application process complies with the applicable requirements of this section; and

(2) the nutrient utilization plan required by this section is approved by the secretary of agriculture.

(b) (1) If the manure management plan prepared pursuant to section 5 and amendments thereto provides for land application of manure or wastewater:

(A) The applicant for a permit for construction of a new swine facility or for expansion of an existing swine facility shall submit with the application for a permit a nutrient utilization plan on a form prescribed by the secretary of agriculture and shall comply with the plan when the permit is issued by the department of health and environment; and

(B) the operator of an existing swine facility shall submit to the department of health and environment, within six months after the rules and regulations implementing this act are adopted, a nutrient utilization plan on a form prescribed by the secretary of agriculture, for approval by the secretary of agriculture, and shall comply with the plan by a date established by the secretary of agriculture.

(2) Each nutrient utilization plan shall address site-specific conditions for land application of manure, wastewater and other nutrient sources, comply with the requirements of this section and contain, at minimum, the following:

(continued)

(A) A site map of all land application areas, including section, township and range;

(B) crop rotations on the land application areas;

(C) annual records of soil tests, manure nutrient analyses, and calculations required by subsection (c);

(D) nutrient budgets for the land application areas;

(E) rates, methods, frequency and timing of application of manure, wastewater and other nutrient sources to the land application areas;

(F) the amounts of nitrogen and phosphorus applied to the land application areas;

(G) precipitation records and the amounts of irrigation and other water applied;

(H) records of inspections and preventive maintenance of equipment required by subsection (f)(6);

(I) copies of all landowner agreements for land that is not owned by the swine facility and is scheduled to receive manure or wastewater;

(J) names of employees and contractors whom the operator of the swine facility has identified pursuant to subsection (f)(7) to supervise the process of transferring manure or wastewater to land application equipment and the process of land application;

(K) records of training of all personnel who supervise and conduct the land application of manure or wastewater, as required by subsection (f)(7); and

(L) any other information required by the secretary of agriculture to facilitate approval.

(3) (A) A swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in the facility, soil test results or other conditions affecting the facility.

(B) Amendments to the nutrient utilization plan must be approved by the secretary of agriculture.

(4) A swine facility that is required to have a nutrient utilization plan shall maintain such plan in accordance with section 9 and amendments thereto.

(c) (1) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Conduct soil tests, including but not limited to tests for nitrogen, phosphate, chloride, copper and zinc, on the land application areas prior to preparation of the nutrient utilization plan and at least annually thereafter, or as often as required by best available soil science and standards relative to the soils of, and crops to be grown on, the land application areas or as required by the secretary of agriculture; and

(B) include the results of such tests in its nutrient utilization plan.

(2) Each swine facility that has a manure management plan that includes land application of manure or wastewater or sells or gives manure or wastewater to third persons pursuant to subsection (h) of section 5 and amendments thereto shall:

(A) Conduct manure nutrient analyses of its manure and wastewater prior to preparation of its nutrient utilization plan and at least every two years thereafter; and

(B) include the results of such analyses in its nutrient utilization plan.

(3) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Compare the manure nutrient analyses required by subsection (c)(2) with the soil tests required by subsection (c)(1) to calculate needed fertility and application rates for pasture production and crop target yields on the land application areas prior to the preparation of the nutrient utilization plan and each time thereafter when new soil tests or manure nutrient analyses are conducted; and

(B) include such calculations in the nutrient utilization plan.

(d) If a swine facility is required to have a nutrient utilization plan and finds that the soil tests required pursuant to this act indicate that the phosphorus holding capacity for any soils in the facility's land application areas may be exceeded within five years, the facility shall promptly initiate the process to obtain access to the additional land application areas needed, or make other adjustments, to achieve the capability to apply manure or wastewater at appropriate agronomic rates.

(e) The department of agriculture may require a swine facility that is required to have a nutrient utilization plan to apply manure or wastewater on all or a portion of the facility's land application areas at a rate within the agronomic phosphorus needs of the crops or pasture, or the soil phosphorus holding capacity, in less than the time originally allowed in the approved nutrient utilization plan if the department of agriculture finds that the land application actions of the facility are contributing to the impairment of groundwater or surface water.

(f) (1) Each swine facility that is required to have a nutrient utilization plan shall include in such plan, and thereafter comply with, the requirements that manure or wastewater shall not be applied on bare ground by any process, other than incorporation into the soil during the same day, within 1,000 feet of any habitable structure, wildlife refuge or city, county, state or federal park, unless:

(A) The manure or wastewater has been subjected to physical, biological or biochemical treatment or other treatment method for odor reduction approved by the department of health and environment;

(B) the manure or wastewater is applied with innovative treatment or application that is best available technology for swine facilities and best management practices for swine facilities or other technology approved by the department of health and environment; or

(C) the owner of the habitable structure has provided a written waiver to the facility.

(2) The separation distance requirements of subsection (f)(1) shall not apply to any structure constructed or park designated as a city, county, state or federal park after the effective date of this act, for swine facilities in existence on the effective date of this act, or any structure constructed or park designated as a city, county, state or federal park after submission of an application for a permit for a new swine facility or expansion of an existing swine facility.

(3) Swine facilities that are required to have a nutrient utilization plan shall not apply manure or wastewater:

(A) To lands classified as highly erodible according to the conservation compliance provisions of the federal food security act of 1985, as in effect on the effective date of this act, and classified as highly erodible on the basis of erosion resulting from water runoff, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(B) during rain storms, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(C) to frozen or saturated soil, except where soil conservation practices to control runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility; and

(D) to any areas to which the separation distance requirements of subsection (f) apply.

(4) Swine facilities that are required to have a nutrient utilization plan shall follow procedures and precautions in the land application of manure or wastewater to prevent discharge of manure or wastewater to surface water and groundwater due to excess infiltration, penetration of drainage tile lines, introduction into tile inlets or surface runoff, including appropriate soil conservation practices to protect surface water from runoff carrying eroded soil and manure particles.

(5) Swine facilities that are required to have a nutrient utilization plan and that conduct wastewater irrigation shall:

(A) Employ measures to irrigate under conditions that reasonably prevent surface runoff; and

(B) use reasonable procedures and precautions to avoid spray drift from the land to which it is applied.

(6) Each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall ensure that any equipment used in the land application process is properly maintained and calibrated and monitor the use of the equipment so that any malfunction that develops during the land application process is detected and the process ceases until the malfunction is corrected.

(7) The operator of each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall:

(A) Identify, train and keep current the training of each employee and contractor who supervises the transfer of manure or wastewater to land application equipment and the conducting of land application activities; and

(B) train, and keep current the training of, all employees and contractors who conduct land application activities.

(g) Each swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in conditions. The operator of the facility shall file such plan and any amendments to such plan with the department of health and environment and the department shall forward such plan and any amendments to the secretary of agriculture.

(h) The secretary of agriculture shall make a determination to approve or disapprove a nutrient utilization plan not later than 45 days after the plan is received from the department of health and environment.

New Sec. 7. The secretary shall adopt rules and regulations establishing:

(a) Standards for training and certifying, and for periodic continuing education or recertification of, swine facility operators maintaining or supervising the swine waste management system of a swine facility that is required to have a permit; and

(b) procedures for notifying the department of failure of a swine waste retention lagoon or pond or any unplanned release of animal waste by a swine facility.

New Sec. 8. (a) The secretary shall establish by rules and regulations the circumstances under which a permitted swine facility shall be required to develop an emergency response plan.

(b) Each swine facility that is required to submit an emergency response plan shall maintain such plan:

(1) In a location at the facility that is readily accessible to all employees or contractors who are responsible for implementing the plan; and

(2) as otherwise required in section 9 and amendments thereto.

(c) The operator of each swine facility that is required to submit an emergency response plan shall train, and keep current the training of, the employees and contractors who are responsible for implementing such plan.

(d) Each swine facility that is required to submit an emergency response plan shall amend such plan whenever warranted by changes in the facility or in other conditions affecting the facility.

New Sec. 9. (a) Each swine facility that is required to have a permit shall keep all records and plans required by this act at the facility's site office in a manner that is accessible to inspection by authorized representatives of the department pursuant to section 14 and amendments thereto.

(b) Each swine facility that is required to have a permit shall retain at the location required in subsection (a) the current and previous three years' versions of the records and plans required by this act.

New Sec. 10. (a) (1) As a condition of issuance of a permit for a swine facility that has an animal unit capacity of 1,000 or more, the operator of the facility shall be certified by the department, or by a third party approved by the department, as to the operator's knowledge of:

(A) Management of manure and wastewater;

(B) nutrient utilization planning and implementation;

(C) emergency response planning and implementation, if required; and

(D) the other requirements of this act.

(2) If the department has not established or sanctioned an operator certification program at the time that a swine facility applies for a permit, or if a vacancy occurs in a certified operator position, the department may issue a permit for the facility without the operator certificate, and the operator shall complete the certification program within six months after it is established or sanctioned.

(b) The operator of each swine facility shall be responsible for the training of employees or contractors required by subsection (f)(7)(A) of section 6 and amendments thereto (supervisors of land application), subsection (f)(7)(B) of section 6 and amendments thereto (persons who conduct land application) and subsection (c) of section 8 and amendments thereto (persons responsible for implementing the emergency response plan).

New Sec. 11. (a) As a condition of issuance of a permit for a swine facility, the department shall require the applicant to submit a plan, approved by the department, for odor control if the application is for:

(1) A permit for construction or expansion of a swine facility that has an animal unit capacity of 1,000 or more;

(2) a permit for expansion of a swine facility to an animal unit capacity of 1,000 or more; or

(3) renewal of a permit for a swine facility that has an animal unit capacity of 1,000 or more.

(b) Each swine facility that is required to submit an odor control plan shall amend such plan whenever warranted by changes in the facility or in other conditions affecting the facility.

(c) In promulgating rules and regulations governing odor control plans, the secretary shall take into consideration different sizes of facilities and other relevant factors.

New Sec. 12. (a) As a condition of issuance of a permit for a swine

facility, the department shall require the applicant to submit a plan, approved by the department, for closure of the facility if the application is for:

(1) A permit for construction or expansion of a swine facility that has an animal unit capacity of 3,725 or more;

(2) a permit for expansion of a swine facility to an animal unit capacity of 3,725 or more; or

(3) renewal of a permit for a swine facility that has an animal unit capacity of 3,725 or more.

(b) The operator of each swine facility that has a capacity of 3,725 animal units or more shall demonstrate annually to the department evidence, satisfactory to the department, that the operator has financial ability to cover the cost of closure of the facility as required by the department.

(c) Each swine facility that is required to submit a facility closure plan shall amend such plan whenever warranted by changes in the facility or in other conditions affecting the facility.

New Sec. 13. (a) (1) Each swine facility that has an animal unit capacity of 3,725 or more and has a swine waste retention lagoon or pond shall maintain the facility at all times until it is certified to comply fully with the closure requirements of this subsection (a).

(2) (A) Any swine facility that has an animal unit capacity of 3,725 or more and ceases to operate shall close any swine waste retention lagoon or pond of the facility in accordance with the requirements of this subsection (a).

(B) Any swine facility that has an animal unit capacity of 3,725 or more and has a swine waste retention lagoon or pond that has not received manure or wastewater from the facility for a period of 12 consecutive months shall close the facility in accordance with the requirements of this subsection (a), unless:

(i) The facility continues to operate;

(ii) the facility intends to restore use of the lagoon or pond at a later date; and

(iii) the facility maintains the lagoon or pond as though it were actively used, adding fresh water to replace water lost to evaporation and preventing loss or compromise of structural integrity or removes and disposes of all manure and wastewater in accordance with the requirements of this act and refills the lagoon or pond with clean water to preserve the integrity of the synthetic or earthen liner.

(C) Any swine facility that has an animal unit capacity of 3,725 or more and chooses not to close a swine waste retention lagoon or pond pursuant to subsection (a)(2)(B) shall:

(i) Notify the department of the decision and the actions taken to comply with the requirements of subsection (a)(2)(B);

(ii) conduct routine inspections, maintenance and record keeping as though the facility were in use; and

(iii) prior to restoration of use of the lagoon or pond, notify the department and provide the department with the opportunity to inspect the facility to ensure that it complies with the requirements of section 4 and amendments thereto.

(3) To close a swine waste retention lagoon or pond, a swine facility that has an animal unit capacity of 3,725 or more shall remove all manure and wastewater, as well as all associated appurtenances and conveyance structures, from the lagoon or pond and dispose of the manure or wastewater in accordance with the requirements of this act or, if the facility requests, as determined otherwise by the department.

(4) The secretary shall adopt rules and regulations establishing standards and procedures for demolition of any swine waste retention lagoon or pond, or conversion of the lagoon or pond to another use (such as a farm pond), as a condition of closure for a swine facility that has an animal unit capacity of 3,725 or more.

(5) Upon notification to the department by a swine facility having an animal unit capacity of 3,725 or more that a swine waste retention lagoon or pond utilized by the facility has been closed, the department shall inspect the lagoon or pond and certify whether the closure complies with the requirements of this subsection (a).

(6) The secretary shall establish, by rules and regulations, standard maximum periods for completion of all closure activities for swine waste retention lagoons and ponds utilized by swine facilities having an animal unit capacity of 3,725 or more from the date of cessation of operation of the lagoon or pond to the date of compliance with all closure requirements of this subsection (a).

(continued)

(b) When a swine facility having an animal unit capacity of 3,725 or more ceases to operate, it shall close all other manure and wastewater storage facilities to which subsection (a) does not apply removing all manure and wastewater from the manure and wastewater storage facility and disposing of the manure and wastewater in accordance with the requirements of this act or, if the operator of the swine facility requests, as determined otherwise by the department.

(c) On and after July 1, 2000, the operator of each swine facility that has a capacity of 3,725 animal units or more and has a swine waste retention lagoon or pond shall demonstrate to the department, annually at a time specified by the department, evidence, satisfactory to the department, that the operator has financial ability to cover the cost of closure of the lagoon or pond as required by the department.

New Sec. 14. (a) The department shall conduct periodic inspections of, and review the records of, each permitted swine facility as follows:

(1) For any facility identified as having a specific water pollution problem, every 6 months;

(2) for any facility not identified as having a specific water pollution problem:

(A) Every 12 months, if the facility has a capacity of 3,725 or more animal units;

(B) every 24 months, if the facility has a capacity of 1,000 to 3,724 animal units; and

(C) at least once during the term of the facility's permit, if the facility has a capacity of 300 to 999 animal units.

(b) Each permitted swine facility shall grant access to the facility at reasonable times, with appropriate safeguards for protection of animal health, for authorized representatives of the department to conduct inspections required by subsection (a).

(c) If any authorized representative of the department requires access to a swine containment building or facility during the course of any inspection required by subsection (a) or at any other time, the representative shall comply with the animal health protocol of the facility for entry into the building or facility unless the protocol inhibits reasonable access.

(d) No swine facility shall be assessed the cost of any inspection required by subsection (a) either directly at the time of the inspection or indirectly at the time of issuance of a permit for the facility, except that such cost may be assessed for any inspection associated with:

(1) An emergency that results in the discharge of manure or wastewater to surface water or groundwater; or

(2) a swine facility that engages in a course of conduct that results in repeated, material violations of this act.

(e) The secretary may contract with persons or entities to conduct inspections and review of records as required by this act.

New Sec. 15. When a swine facility exists prior to the construction of a habitable structure or designation of a park as a city, county, state or federal park that would otherwise be located within the separation distance for a waste retention lagoon or pond or the separation distance for land on which manure or wastewater from the facility has been or is being applied, the separation distance requirement shall not apply to such structure or park since the owner of such structure or park is expected to know and understand that such structure or park, if located in that location, will be subject to agricultural sights, sounds, odors and other characteristics of farming from the preexisting swine facility.

New Sec. 16. (a) The secretary may deny an application for any permit, whether new or a renewal, for a swine facility and, upon notice and opportunity for hearing in accordance with the Kansas administrative procedure act, may suspend or revoke any permit for a swine facility, if the secretary finds that the applicant, or any officer, director, partner or resident manager of the applicant has:

(1) Intentionally misrepresented a material fact in applying for any permit;

(2) habitually or intentionally violated environmental laws of this or any other state or of the United States and the violations have caused significant and material environmental damage; or

(3) had any permit revoked under the environmental laws of this or any other state or of the United States.

(b) Failure of the operator of a swine confined feeding facility to implement any required manure management, emergency response, odor control, facility closure or dead swine handling plan:

(1) May render the operator liable for a civil penalty pursuant to K.S.A. 65-170d and amendments thereto; and

(2) upon notice and opportunity for hearing in accordance with the Kansas administrative procedure act, shall be grounds for the secretary to suspend the permit for such facility.

New Sec. 17. (a) Every swine facility that has a capacity of 1,000 or more animal units shall file with the department a plan for the handling of dead swine. The secretary shall adopt rules and regulations establishing minimum standards, including requirements that:

(1) No dead swine shall be left where visible from municipal roads or habitable structures;

(2) before disposal, all dead swine shall be kept within the perimeter from which separation distances are determined pursuant to subsection (k) of K.S.A. 65-171d and amendments thereto unless otherwise approved by the department; and

(3) carcasses shall be picked up within 48 hours under normal circumstances.

(b) Each swine facility that is required to submit a plan for handling dead swine shall amend such plan whenever warranted by changes in the facility or in other conditions affecting the facility.

New Sec. 18. A qualified swine facility, as defined by section 28, that expands to an animal unit capacity of 3,725 or more shall be subject to the provisions of this act applicable to a swine facility having an animal unit capacity of 1,000 to 3,724 if:

(a) The department determines that the swine waste management system of such facility on the effective date of this act has the capacity to accommodate the expanded capacity;

(b) the expansion is located within the perimeter from which separation distances are determined pursuant to subsection (k) of K.S.A. 65-171d and amendments thereto or the written agreements required by subsection (i)(1) of K.S.A. 65-171d and amendments thereto are obtained; and

(c) the expansion does not exceed the lesser of:

(1) An animal unit capacity that is 1/3 greater than the capacity of such facility on the effective date of this act; or

(2) an animal unit capacity of 4,499.

New Sec. 19. (a) Kansas state university shall cooperate with the department, other agencies and owners and operators of swine facilities to determine best available technology and best management practices.

(b) Within the limitations of appropriations therefor and for the purpose of identifying potential risk of groundwater contamination by swine waste retention lagoons or ponds or land application of swine waste, Kansas state university, as a part of its current evaluation of lagoons and ponds for containment of animal waste, shall conduct nutrient management testing of land where swine waste is applied, including deep soil sampling in areas where land application of swine waste is conducted and in adjacent areas where such waste is not applied. Kansas state university, until completion of the evaluation, shall submit preliminary reports regarding such evaluation on or before the first day of each regular legislative session and, upon completion of the evaluation, shall submit a final report of the evaluation on or before the final day of the next regular legislative session. Each such report shall be submitted to the governor, the senate and house standing committees on agriculture, the senate standing committee on energy and natural resources and the house standing committee on environment.

New Sec. 20. (a) The express adoption or authorization of standards and requirements for swine facilities by this act shall not be construed to prohibit or limit in any manner the secretary's authority to adopt and enforce rules and regulations establishing:

(1) Standards and requirements for swine facilities that are in addition to or more stringent than those provided by this act if the secretary determines necessary for the purposes provided by K.S.A. 65-171d and amendments thereto; and

(2) standards and requirements for swine facilities that exist on the effective date of this act and that are not subject to the standards and requirements provided by this act.

(b) Nothing in this act shall be construed to exempt any person or entity from or preempt or in any way excuse or waive any obligation to comply with the provisions of the Kansas chemigation safety law (K.S.A. 2-3301 *et seq.* and amendments thereto), K.S.A. 24-126 and amendments thereto (relating to levees), K.S.A. 82a-301 *et seq.* and amendments thereto (relating to stream obstructions), the Kansas water appropriation act (K.S.A. 82a-701 *et seq.* and amendments thereto) or any other statute or rule and regulation except as specifically provided by this act.

(c) The provisions of this act applicable to new construction or expansion of swine facilities shall apply to all facilities for which an application for new construction or expansion is received by the department on or after March 1, 1998, and such facilities shall be required to comply with the standards and requirements imposed pursuant to this act at the time the permit for new construction or expansion is granted or, if rules and regulations must be adopted in order to implement any such standard or requirement, such facilities shall be required to comply with such standard or requirement within 180 days after adoption of such rules and regulations.

New Sec. 21. The secretary of health and environment, pursuant to K.S.A. 75-5616 and amendments thereto, shall appoint an advisory committee to consult with and advise the secretary on the implementation and administration of the provisions of K.S.A. 65-171d and sections 2 through 20, and amendments thereto, with respect to swine facilities. The advisory committee shall consist of five members who represent persons knowledgeable and experienced in areas related to regulation of swine facilities, including but not limited to owners and operators of swine facilities, Kansas state university extension services and professional engineers.

New Sec. 22. (a) Before January 1, 1999, the secretary shall adopt such rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) On or before the first day of the 1999 and 2000 regular legislative sessions, the secretary shall submit a report regarding implementation of the provisions of K.S.A. 65-171d and sections 2 through 20, and amendments thereto, to the house and senate standing committees on agriculture, the senate standing committee on energy and natural resources and the house standing committee on environment.

Sec. 23. K.S.A. 2-3302 is hereby amended to read as follows: 2-3302. As used in this act the Kansas chemigation safety law:

(a) "Chemigation" means any process whereby pesticides, fertilizers or other chemicals or animal wastes are added to irrigation water applied to land or crops, or both, through an irrigation distribution system.

(b) "Board" means the state board secretary of agriculture.

(c) "Secretary" means the secretary of the state board of agriculture.

(d) "Operating chemigation equipment" for the purposes of this act shall include, but not be limited to:

- (1) Preparing solution and filling the chemical supply container;
- (2) calibrating of injection equipment;
- (3) starting and stopping equipment when injection of chemicals is involved; and
- (4) supervision of the chemigation equipment to assure its safe operation.

(e) "Anti-pollution devices" means mechanical equipment used to reduce hazard to the environment in cases of malfunction of the equipment during chemigation and includes but is not limited to interlock, waterline check valve, chemical line closure device, vacuum relief device and automatic low pressure drain.

(f) "Supervision" means the attention given to the chemigating system during its operation when chemicals are being applied.

(g) "Direct supervision" means supervision with ability to change the procedures.

(h) "Irrigation distribution system" means any device or combination of devices having a hose, pipe or other conduit which connects directly to any source of ground or surface water, through which water or a mixture of water and chemicals is drawn and applied to land. The term does not include any handheld hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source. For the purpose of this act it does not include greenhouse irrigation or residence yards. Animal waste lagoons are not to be considered water sources.

(i) "Calibration device" means equipment of sufficient accuracy to determine the rate of chemical application.

(j) "Point of diversion" means:

- (1) The point where the longitudinal axis of the dam crosses the center line of the stream in the case of a reservoir; or
- (2) the location of the headgate or intake in the case of a direct diversion from a river, stream or other watercourse; or
- (3) the location of a well in the case of groundwater diversion.

(k) "Agronomic application rates" means the method and amount of swine waste defined by the secretary that in the secretary's discretion best

protects the environment, including consideration of the crops or soil to which swine waste may be applied and the economic impact associated with any application of swine waste.

(l) "Chemicals" shall include nutrients or the chemical composition of animal waste.

New Sec. 24. (a) Regardless of whether irrigation water is added, whenever swine waste is applied to crops or land, the secretary is authorized to investigate, inspect or conduct any manner of examination or review of the application of swine waste. No swine waste shall be applied to crops or land in excess of agronomic application rates.

(b) The secretary shall review and approve all nutrient utilization plans that provide for the application of swine waste to crops or land and that are submitted by swine confined feeding facilities pursuant to section 6 and amendments thereto if the plans demonstrate that swine waste will be applied pursuant to agronomic application rates. Nutrient utilization plans shall be submitted in the form required by the secretary. The secretary shall notify the secretary of health and environment when a nutrient utilization plan has been approved and whether the approval is conditioned on any amendments or revisions to the plan.

(c) Any soil tests required by the secretary to evaluate whether agronomic application rates are being met must be paid for by the swine confined feeding facility regardless of whether the soil to be tested is from land owned by such facility.

(d) Failure of the operator of a swine confined feeding facility to implement a nutrient utilization plan approved by the secretary shall be considered a violation of the Kansas chemigation safety law for which the secretary may suspend a permit pursuant to K.S.A. 2-3310 and amendments thereto or may impose a civil penalty pursuant to K.S.A. 2-3317 and amendments thereto, or both.

(e) This section shall be part of and supplemental to the Kansas chemigation safety law.

Sec. 25. K.S.A. 2-3305 is hereby amended to read as follows: 2-3305. Functional anti-pollution devices shall be used in the chemigation process according to:

(a) Criteria adopted by the secretary by rules and regulations that, in the secretary's discretion, follow the latest scientific knowledge and technology and that is designed to protect the groundwater and surface water of the state; or

(b) the following criteria:

(a) (1) Waterline check valve shall be an automatic, quick-closing device capable of preventing the backflow of water chemical mixtures into the source of water supply during times of system failure or equipment shutdown;

(b) (2) a chemical injection line check valve shall be used to prevent flow of water from the irrigation system into the chemical supply tank and to prevent gravity flow from the chemical supply tank into the irrigation system;

(c) (3) an interlock system shall be used between the power system of the injection unit, the irrigation pumping plant and the pivot, if involved; the interlock shall function so that if the irrigation pump stops, the injection pump will also stop;

(d) (4) a functional vacuum relief device shall be used between the waterline check valve and the irrigation pump to reduce the chance of chemical being back-siphoned into the water source; and

(e) (5) an automatic low pressure drain shall be used between the waterline valve and the irrigation pump.

Sec. 26. K.S.A. 2-3307 is hereby amended to read as follows: 2-3307.

(a) For the purpose of carrying out the provisions of this act, including any review of the application of swine waste under section 24 and amendments thereto, the secretary or the secretary's agent or the county or district attorney or their agents may enter any premises at any reasonable time in order to:

(1) Have access for the purpose of inspecting any equipment subject to this act;

(2) inspect or sample water, lands and crops reported to be exposed to chemicals;

(3) inspect or investigate complaints or injury to humans, crops or land;

(4) sample chemicals being applied or to be applied; or

(5) observe the use and application of chemicals.

Should the secretary, the secretary's agent or the county or district attorney or their agents be denied access to any land where such access

(continued)

was sought for the purposes authorized, the secretary or the county or district attorney may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for such purposes. The court, upon such application, may issue the search warrant for the purposes requested.

(b) The enforcement of the criminal provisions of this act shall be the duty of, and shall be implemented by, the county or district attorneys of the various counties or districts. In the event a county or district attorney refuses to act, the attorney general shall so act. The secretary is charged with the duty of enforcing all other provisions of this act.

Sec. 27. K.S.A. 1997 Supp. 47-1219 is hereby amended to read as follows: 47-1219. (a) Any person or persons who shall put any dead animals, carcasses of such animals or domestic fowl, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100.

(b) Any owner or owners of any dead animals, carcasses of such animals or domestic fowl, or any part thereof, who shall knowingly permit the same to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common to the injury of the health or to the annoyance or damage to the citizens of the state or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100. Every 24 hours the owners shall permit the same to remain thereafter shall be deemed an additional offense.

(c) Persons disposing of dead animals shall do so in one of the following ways: (1) Burial; (2) incineration; or (3) delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the commissioner; or (4) in accordance with rules and regulations adopted pursuant to section 37.

New Sec. 28. (a) As used in this section:

(1) Terms have the meanings provided by section 2 and amendments thereto.

(2) "Qualified swine facility" means a swine facility that: (A) Is owned and operated by a sole proprietorship or partnership or by a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust, as defined by K.S.A. 17-5903 and amendments thereto; and (B) is utilizing its swine waste management system on January 1, 1998.

(3) "Required improvements to a qualified swine facility" means capital improvements that the secretary of health and environment certifies to the director of taxation: (A) Are required for a qualified swine facility to comply with the standards and requirements established pursuant to sections 2 through 22 or pursuant to the amendments made by this act to K.S.A. 65-171d; and (B) are not required because of expansion for which a permit has not been issued or applied for before the effective date of this act.

(b) There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to not more than 50% of the costs incurred by the taxpayer for required improvements to a qualified swine facility. The tax credit allowed by this subsection shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the taxpayer may carry over the amount thereof that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the year in which the costs are incurred.

(c) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1997.

(d) On or before the first day of the 1999, 2000 and 2001 regular legislative sessions, the secretary of revenue shall submit to the senate standing committee on energy and natural resources, the house standing committee on environment, the senate standing committee on assessment and taxation and the house standing committee on taxation a report of the number of taxpayers claiming the credit allowed by this section and the total amount of such credits claimed by all taxpayers.

Sec. 29. K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means

such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) *The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to section 28 and amendments thereto.*

(ix) *The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.*

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal in-

come tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) *et seq.*

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 1993, the amount of income earned on contributions deposited to an individual development account under K.S.A. 79-32,117h, and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

New Sec. 30. The provisions of sections 1 through 29 and 37 shall expire upon the enactment of any law during the 1998 regular legislative session prohibiting the secretary of health and environment from issuing any permit for a new swine breeding, farrowing, feeding or finishing facility, or any combination thereof, regardless of size.

Sec. 31. Upon expiration of the provisions of section 23 pursuant to section 30, K.S.A. 2-3302 is hereby revived to read as follows: 2-3302. As used in this act:

(a) "Chemigation" means any process whereby pesticides, fertilizers or other chemicals or animal wastes are added to irrigation water applied to land or crops, or both, through an irrigation distribution system.

(b) "Board" means the state board of agriculture.

(c) "Secretary" means the secretary of the state board of agriculture.

(d) "Operating chemigation equipment" for the purposes of this act shall include, but not be limited to:

- (1) Preparing solution and filling the chemical supply container;
- (2) calibrating of injection equipment;
- (3) starting and stopping equipment when injection of chemicals is involved; and
- (4) supervision of the chemigation equipment to assure its safe operation.

(e) "Anti-pollution devices" means mechanical equipment used to reduce hazard to the environment in cases of malfunction of the equipment during chemigation and includes but is not limited to interlock, waterline check valve, chemical line closure device, vacuum relief device and automatic low pressure drain.

(f) "Supervision" means the attention given to the chemigating system during its operation when chemicals are being applied.

(g) "Direct supervision" means supervision with ability to change the procedures.

(h) "Irrigation distribution system" means any device or combination of devices having a hose, pipe or other conduit which connects directly to any source of ground or surface water, through which water or a mixture of water and chemicals is drawn and applied to land. The term does not include any handheld hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source. For the purpose of this act it does not include greenhouse irrigation or residence yards. Animal waste lagoons are not to be considered water sources.

(i) "Calibration device" means equipment of sufficient accuracy to determine the rate of chemical application.

(j) "Point of diversion" means:

- (1) The point where the longitudinal axis of the dam crosses the center line of the stream in the case of a reservoir; or
- (2) the location of the headgate or intake in the case of a direct diversion from a river, stream or other watercourse; or
- (3) the location of a well in the case of groundwater diversion.

Sec. 32. Upon expiration of the provisions of section 25 pursuant to section 30, K.S.A. 2-3305 is hereby revived to read as follows: 2-3305. Functional anti-pollution devices shall be used in the chemigation process according to the following criteria:

(a) Waterline check valve shall be an automatic, quick-closing device capable of preventing the backflow of water chemical mixtures into the source of water supply during times of system failure or equipment shutdown;

(b) a chemical injection line check valve shall be used to prevent flow of water from the irrigation system into the chemical supply tank and to prevent gravity flow from the chemical supply tank into the irrigation system;

(c) an interlock system shall be used between the power system of the injection unit, the irrigation pumping plant and the pivot, if involved; the interlock shall function so that if the irrigation pump stops, the injection pump will also stop;

(d) a functional vacuum relief device shall be used between the waterline check valve and the irrigation pump to reduce the chance of chemical being back-siphoned into the water source; and

(e) an automatic low pressure drain shall be used between the waterline valve and the irrigation pump.

Sec. 33. Upon expiration of the provisions of section 26 pursuant to section 30, K.S.A. 2-3307 is hereby revived to read as follows: 2-3307. (a) For the purpose of carrying out the provisions of this act, the secretary or the secretary's agent or the county or district attorney or their agents may enter any premises at any reasonable time in order to:

- (1) Have access for the purpose of inspecting any equipment subject to this act;
- (2) inspect or sample water, lands and crops reported to be exposed to chemicals;
- (3) inspect or investigate complaints or injury to humans, crops or land;
- (4) sample chemicals being applied or to be applied; or
- (5) observe the use and application of chemicals.

Should the secretary, the secretary's agent or the county or district
(continued)

attorney or their agents be denied access to any land where such access was sought for the purposes authorized, the secretary or the county or district attorney may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for such purposes. The court, upon such application, may issue the search warrant for the purposes requested.

(b) The enforcement of the criminal provisions of this act shall be the duty of, and shall be implemented by, the county or district attorneys of the various counties or districts. In the event a county or district attorney refuses to act, the attorney general shall so act. The secretary is charged with the duty of enforcing all other provisions of this act.

Sec. 34. Upon expiration of the provisions of section 27 pursuant to section 30, K.S.A. 1997 Supp. 47-1219 is hereby revived to read as follows: 47-1219. (a) Any person or persons who shall put any dead animals, carcasses of such animals or domestic fowl, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100.

(b) Any owner or owners of any dead animals, carcasses of such animals or domestic fowl, or any part thereof, who shall knowingly permit the same to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field, meadow or common to the injury of the health or to the annoyance of or damage to the citizens of the state or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100. Every 24 hours the owners shall permit the same to remain thereafter shall be deemed an additional offense.

(c) Persons disposing of dead animals shall do so in one of the following ways: (1) Burial; (2) incineration; or (3) delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the commissioner.

Sec. 35. Upon expiration of the provisions of section 1 pursuant to section 30, K.S.A. 1997 Supp. 65-171d is hereby revived to read as follows: 65-171d. (a) For the purpose of preventing surface and subsurface 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 judgment 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 purposes; (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 of 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 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 or 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 a facility with an animal unit capacity of less than 300, the secretary may certify that no permit is required. 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 are 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 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.

Sec. 36. Upon expiration of the provisions of section 29 pursuant to section 30, K.S.A. 79-32,117 is hereby revived to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes

imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) *et seq.*

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter

(continued)

ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 1993, the amount of income earned on contributions deposited to an individual development account under K.S.A. 79-32,117h, and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

New Sec. 37. The secretary of health and environment shall adopt rules and regulations establishing standards and procedures for composting livestock, including chickens and turkeys.

New Sec. 38. (a) When used in this section "county" means any county which has conducted, prior to March 1, 1998, an advisory election on the question of rescinding a resolution adopted pursuant to K.S.A. 17-5908, as it existed before the effective date of this act.

(b) The board of county commissioners of any county may adopt a resolution rescinding a resolution adopted pursuant to K.S.A. 17-5908, and amendments thereto. Upon presentation of a petition requesting the rescission of a resolution adopted pursuant to K.S.A. 17-5908, and amendments thereto, signed by at least 5% of the qualified electors of the county, the board of county commissioners shall adopt a resolution rescinding such resolution. Any resolution adopted pursuant to this section shall be submitted to the qualified electors of the county at the next state or county-wide regular or special election which occurs more than 60 days after the adoption of a resolution pursuant to this section. If a majority of the voters vote in favor of adopting the resolution, the county election officer shall transmit a copy of the results of the election to the secretary of state who shall publish in the Kansas register the results of such election and that swine production facilities are not allowed to be established in such county.

(c) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county.

(d) The provisions of this section shall expire December 31, 1998.

Sec. 39. K.S.A. 1997 Supp. 19-101a is hereby amended to read as follows: 19-101a: (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

- (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.
- (2) Counties may not consolidate or alter county boundaries.
- (3) Counties may not affect the courts located therein.
- (4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.
- (5) In the exercise of powers of local legislation and administration

authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 to 19-4625, inclusive, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 1997 Supp. 12-1260 to 12-1270, inclusive, and amendments thereto, and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 1997 Supp. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 1997 Supp. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 2-1915, 19-204, and amendments thereto.

(28) *Counties may not exempt from or effect changes in K.S.A. 2-1915, 2-3302, 2-3305, 2-3307, 17-5904, 17-5908, 47-1219, 65-171d, 74-5065, 74-5066, 74-8902, 74-8905 and 79-32,117, sections 2 through 22, 24, 28, 37 and 38 and amendments thereto or revivers thereof.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

Sec. 40. K.S.A. 74-5065 is hereby amended to read as follows: 74-5065. As used in this act:

(a) "Kansas industrial training program" or "KIT program" means a program under which the secretary provides for training, customized to meet the specifications of a new or expanding industry, of new employees or prospective employees, or both, of the industry.

(b) "Kansas industrial retraining program" or "KIR program" means a program under which the secretary provides for retraining, customized to meet the specifications of a restructuring industry, of employees of the industry.

(c) "New or expanding industry" means an industry which is locating or is newly located in Kansas or an existing industry which is located in Kansas and is expanding its work force.

(d) "Training" means training of employees or preemployment training of prospective employees for jobs newly created by a new or expanding industry.

(e) "Restructuring industry" means an existing industry which is located in Kansas and is restructuring its operations through incorporation of existing technology, development and incorporation of new technology, diversification of production or development and implementation of new production.

(f) "Retraining" means retraining of employees of a restructuring industry who are likely to be displaced because of obsolete or inadequate job skills and knowledge.

(g) "Job training agency" means any public or private educational or job training institution and any other public or private entity which is qualified to provide the training or retraining required under the KIT and KIR programs.

(h) "Secretary" means the secretary of commerce.

(i) "Agricultural land," "corporation," "corporate partnership," "limited liability company," "limited partnership," "swine production facility" and "trust" have the meanings ascribed pursuant to K.S.A. 17-5903, and amendments thereto.

Sec. 41. K.S.A. 1997 Supp. 74-5066 is hereby amended to read as follows: 74-5066. (a) The secretary shall administer the KIT program and the KIR program and shall:

(1) Consider proposals from industries and job training agencies for training or retraining services under the programs;

(2) publicize the programs and the procedures for making and submitting proposals for participation therein;

(3) establish standards and criteria for consideration of proposals and for assigning priorities among industries making proposals;

(4) ensure the provision of adequate fiscal and accounting controls under the programs;

(5) allocate and distribute funds made available for administration of the programs;

(6) evaluate the programs each year and make a report on the performance and cost effectiveness thereof as a part of the annual report required by K.S.A. 1997 Supp. 74-5049, and amendments thereto; and

(7) adopt rules and regulations necessary for administration of the programs.

(b) Contractual agreements may be entered into by the secretary with any industry or job training agency for participation in the programs and such agreements may be in the form of fixed-fee performance contracts. Training services under the KIT program may be provided at no cost to the industry or on a shared-cost basis with the industry as determined through negotiation between the secretary and the industry. Retraining services under the KIR program shall be provided on a shared cost basis. All expenditures for the payment of costs under the KIT and KIR programs shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary. Notwithstanding any provision of law to the contrary, contractual agreements entered into under the KIT program or the KIR program shall not be subject to competitive bidding procedures of K.S.A. 75-3739 and amendments thereto.

(c) Within the limitation of funds available for the KIT and KIR programs and to the extent practicable, the secretary shall make participation in the programs available to all industries which submit proposals to participate therein, if consistent with program goals and objectives and the allocation of resources for the programs. Goals and objectives for the KIT and KIR programs shall include appropriate priorities for basic industries.

(d) *The secretary shall not use any funds in the KIT program or KIR program for the training or retraining of employees who are employed by a swine production facility on agricultural land which is owned, acquired, obtained or leased by a corporation, limited liability company, limited partnership, corporate partnership or trust.*

Sec. 42. K.S.A. 1997 Supp. 74-8902 is hereby amended to read as follows: 74-8902. The following words or terms used in this act shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Act" means the Kansas development finance authority act.

(b) "Authority" means the Kansas development finance authority created by K.S.A. 74-8903, and amendments thereto.

(c) "Agricultural business enterprises" means facilities supporting or utilized in the operation of farms, ranches and other agricultural, aquacultural or silvicultural commodity producers and services provided in conjunction with the foregoing. "Agricultural business enterprise" shall not include a swine production facility on agricultural land which is owned, acquired, obtained or leased by a corporation, limited liability company, limited partnership, corporate partnership or trust.

(d) "Board of directors" means the board of directors of the authority created by K.S.A. 74-8903, and amendments thereto.

(e) "Bonds" means any bonds, notes, debentures, interim certificates, grant and revenue anticipation notes, interest in a lease, lease certificate of participation or other evidences of indebtedness, whether or not the interest on which is subject to federal income taxation, issued by the authority pursuant to this act.

(f) "Capital improvements" means any physical public betterment or improvement or any preliminary plans, studies or surveys relative thereto; land or rights in land, including, without limitations, leases, air rights, easements, rights-of-way or licenses; and any furnishings, machinery, vehicles, apparatus or equipment for any public betterment or improvement.

(g) "Construct" means to acquire or build, in whole or in part, in such manner and by such method as the authority shall determine to be in the public interest and necessary to accomplish the purposes of and authority set forth in this act.

(h) "Loans" means loans made for the purposes of financing any of the activities authorized within this act, including loans made to financial institutions for funding or as security for loans made for accomplishing any of the purposes of this act and reserves and expenses appropriate or incidental thereto.

(i) "Educational facilities" means real, personal and mixed property of any and every kind intended by an educational institution in furtherance of its educational program.

(j) "Facilities" means any real property, personal property or mixed property of any and every kind.

(k) "Health care facilities" means facilities for furnishing physical or mental health care.

(continued)

(l) "Housing development" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to the provisions of this act for the primary purpose of providing dwelling accommodations for elderly persons and families of low income in need of housing.

(m) "Industrial enterprise" means facilities for manufacturing, producing, processing, assembling, repairing, extracting, warehousing, distributing, communications, computer services, transportation, corporate and management offices and services provided in connection with any of the foregoing, in isolation or in any combination, that involve the creation of new or additional employment or the retention of existing employment.

(n) "Political subdivision" means political or taxing subdivisions of the state, including municipal and quasi-municipal corporations, boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups or administrative units thereof, receiving or expending and supported, in whole or in part, by public funds.

(o) "Pooled bonds" means bonds of the authority, the interest on which is subject to federal income taxation, which are issued for the purpose of acquiring bonds issued by two or more political subdivisions.

(p) "State" means the state of Kansas.

(q) "State agency" means any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of this state.

(r) "Agricultural land," "corporation," "corporate partnership," "limited liability company," "limited partnership," "swine production facility" and "trust" have the meanings ascribed pursuant to K.S.A. 17-5903, and amendments thereto.

Sec. 43. K.S.A. 1997 Supp. 74-8905 is hereby amended to read as follows: 74-8905. (a) The authority is hereby authorized and empowered to issue bonds, either for a specific activity or on a pooled basis for a series of related or unrelated activities or projects duly authorized by a political subdivision or group of political subdivisions of the state in such amounts as shall be determined by the authority for the purpose of financing capital improvement facilities, educational facilities, health care facilities and housing developments. Nothing in this act shall be construed to authorize the authority to issue bonds or use the proceeds thereof to (1) purchase, condemn, or otherwise acquire a utility plant or distribution system owned or operated by a regulated public utility or (2) finance any capital improvement facilities, educational facilities, or health care facilities which are authorized under the laws of the state to be financed by the issuance of general obligation or utility revenue bonds of a political subdivision, except that the acquisition by the authority of general obligation or utility revenue bonds issued by political subdivisions with the proceeds of pooled bonds shall not violate the provisions of the foregoing; or (3) *purchase, acquire, construct, reconstruct, improve, equip, furnish, repair, enlarge or remodel property for any swine production facility on agricultural land which is owned, acquired, obtained or leased by a corporation, limited liability company, limited partnership, corporate partnership or trust.* Nothing in this subsection (a) shall prohibit the issuance of bonds by the authority when any statute specifically authorizes the issuance of bonds by the authority or approves any activity or project of a state agency for purposes of authorizing any such issuance of bonds in accordance with this section and provides an exemption from the provisions of this subsection (a).

(b) The authority is hereby authorized and empowered to issue bonds for activities and projects of state agencies as requested by the secretary of administration. No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. When requested to do so by the secretary of administration, the authority is further authorized and empowered to issue bonds for the purpose of refunding, whether at maturity or in advance of maturity, any outstanding bonded indebtedness of any state agency. The revenues of any state agency which are pledged as security for any bonds of such state agency which are refunded by refunding bonds of the authority may be pledged to the authority as security for the refunding bonds.

(c) The authority is hereby authorized and empowered to issue bonds for the purpose of financing industrial enterprises, agricultural business enterprises, educational facilities, health care facilities and housing de-

velopments, or any combination of such facilities, or any interest in facilities, including without limitation leasehold interests in and mortgages on such facilities. No less than 30 days prior to the issuance of any bonds authorized under this act with respect to any project or activity which is to be undertaken for the direct benefit of any person or entity which is not a state agency or a political subdivision, written notice of the intention of the authority to provide financing and issue bonds therefor shall be given by the president of the authority to the governing body of the city in which the project or activity is to be located, or, if the project or activity is not proposed to be located within a city, such notice shall be given to the governing body of the county. No bonds for the financing of the project or activity shall be issued by the authority for a one-year period if, within 15 days after the giving of such notice, the governing body of the political subdivision in which the project or activity is proposed to be located shall have duly enacted an ordinance or resolution stating express disapproval of the project or activity and shall have notified the president of the authority of such disapproval.

(d) The authority is hereby authorized and empowered to issue bonds for the purpose of establishing and funding one or more series of venture capital funds in such principal amounts, at such interest rates, in such maturities, with such security, and upon such other terms and in such manner as is approved by resolution of the authority. The proceeds of such bonds not placed in a venture capital fund or used to pay or reimburse organizational, offering and administrative expenses and fees necessary to the issuance and sale of such bonds shall be invested and reinvested in such securities and other instruments as shall be provided in the resolution under which such bonds are issued. Moneys in a venture capital fund shall be used to make venture capital investments in new, expanding or developing businesses, including, but not limited to, equity and debt securities, warrants, options and other rights to acquire such securities, subject to the provisions of the resolution of the authority. The authority shall establish an investment policy with respect to the investment of the funds in a venture capital fund not inconsistent with the purposes of this act. The authority shall enter into an agreement with a management company experienced in venture capital investments to manage and administer each venture capital fund upon terms not inconsistent with the purposes of this act and such investment policy. The authority may establish an advisory board to provide advice and consulting assistance to the authority and the management company with respect to the management and administration of each venture capital fund and the establishment of its investment policy. All fees and expenses incurred in the management and administration of a venture capital fund not paid or reimbursed out of the proceeds of the bonds issued by the authority shall be paid or reimbursed out of such venture capital fund.

(e) The authority is hereby authorized and empowered to use the proceeds of any bond issues herein authorized, together with any other available funds, for venture capital investments or for purchasing, leasing, constructing, restoring, renovating, altering or repairing facilities as herein authorized, for making loans, purchasing mortgages or security interests in loan participations and paying all incidental expenses therewith, paying expenses of authorizing and issuing the bonds, paying interest on the bonds until revenues thereof are available in sufficient amounts, purchasing bond insurance or other credit enhancements on the bonds, and funding such reserves as the authority deems necessary and desirable. All moneys received by the authority, other than moneys received by virtue of an appropriation, are hereby specifically declared to be cash funds, restricted in their use and to be used solely as provided herein. No moneys of the authority other than moneys received by appropriation shall be deposited with the state treasurer.

(f) Any time the authority is required to publish a notification pursuant to the tax equity and fiscal responsibility act of 1982, the authority shall further publish such notification in the Kansas register.

(g) Any time the authority issues bonds pursuant to this section, the authority shall publish notification of such issuance of bonds 14 days prior to any bond hearing in the official county newspaper where such bonds will be used and in the Kansas register.

Sec. 44. K.S.A. 1997 Supp. 17-5904 is hereby amended to read as follows: 17-5904. (a) No corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary

trust shall, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in this state. The restrictions provided in this section do not apply to the following:

- (1) A bona fide encumbrance taken for purposes of security.
- (2) Agricultural land when acquired as a gift, either by grant or devise, by a bona fide educational, religious or charitable nonprofit corporation.
- (3) Agricultural land acquired by a corporation or a limited liability company in such acreage as is necessary for the operation of a nonfarming business. Such land may not be used for farming except under lease to one or more natural persons, a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust. The corporation shall not engage, either directly or indirectly, in the farming operation and shall not receive any financial benefit, other than rent, from the farming operation.
- (4) Agricultural land acquired by a corporation or a limited liability company by process of law in the collection of debts, or pursuant to a contract for deed executed prior to the effective date of this act, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise, if such corporation divests itself of any such agricultural land within 10 years after such process of law, contract or procedure, except that provisions of K.S.A. 9-1102, and amendments thereto, shall apply to any bank which acquires agricultural land.
- (5) A municipal corporation.
- (6) Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as a trustee for a nonprofit corporation.
- (7) Agricultural land owned or leased or held under a lease purchase agreement as described in K.S.A. 12-1741, and amendments thereto, by a corporation, corporate partnership, limited corporate partnership or trust on the effective date of this act if: (A) Any such entity owned or leased such agricultural land prior to July 1, 1965, provided such entity shall not own or lease any greater acreage of agricultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act; (B) any such entity was in compliance with the provisions of K.S.A. 17-5901 prior to its repeal by this act, provided such entity shall not own or lease any greater acreage of agricultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act, and absence of evidence in the records of the county where such land is located of a judicial determination that such entity violated the provisions of K.S.A. 17-5901 prior to its repeal shall constitute proof that the provisions of this act do not apply to such agricultural land, and that such entity was in compliance with the provisions of K.S.A. 17-5901 prior to its repeal; or (C) any such entity was not in compliance with the provisions of K.S.A. 17-5901 prior to its repeal by this act, but is in compliance with the provisions of this act by July 1, 1991.
- (8) Agricultural land held or leased by a corporation or a limited liability company for use as a feedlot, a poultry confinement facility or rabbit confinement facility.
- (9) Agricultural land held or leased by a corporation for the purpose of the production of timber, forest products, nursery products or sod.
- (10) Agricultural land used for bona fide educational research or scientific or experimental farming.
- (11) Agricultural land used for the commercial production and conditioning of seed for sale or resale as seed or for the growing of alfalfa by an alfalfa processing entity if such land is located within 30 miles of such entity's plant site.
- (12) Agricultural land owned or leased by a corporate partnership or limited corporate partnership in which the partners associated therein are either natural persons, family farm corporations, authorized farm corporations, limited liability agricultural companies, family trusts, authorized trusts or testamentary trusts.
- (13) Any corporation, either domestic or foreign, or any limited liability company, organized for coal mining purposes which engages in farming on any tract of land owned by it which has been strip mined for coal.
- (14) Agricultural land owned or leased by a limited partnership prior to the effective date of this act.
- (15) Except as provided by K.S.A. 17-5908 and amendments thereto, as it existed before the effective date of this act, and section 38, agricultural land held or leased by a corporation or a limited liability company for use as a swine production facility in any county which, before the effective date of this act, has voted favorably pursuant to K.S.A. 17-5908 and amendments thereto, as it existed before the effective date of this act, either by county resolution or by the electorate.

(16) *Agricultural land held or leased by a corporation or limited liability company for use as a swine production facility in any county where the voters, after the effective date of this act, have voted pursuant to K.S.A. 17-5908, and amendments thereto, to allow establishment of swine production facilities within the county.*

~~(16)~~ (17) Agricultural land held or leased by a corporation or a limited liability company for use as a dairy production facility in any county which has voted favorably pursuant to K.S.A. 17-5907 and amendments thereto, either by county resolution or by the electorate.

~~(17)~~ (18) Agricultural land held or leased by a corporation or a limited liability company used in a hydroponics setting.

(b) Production contracts entered into by a corporation, trust, limited liability company, limited partnership or corporate partnership and a person engaged in farming for the production of agricultural products shall not be construed to mean the ownership, acquisition, obtainment or lease, either directly or indirectly, of any agricultural land in this state.

(c) Any corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust, violating the provisions of this section shall be subject to a civil penalty of not more than \$50,000 and shall divest itself of any land acquired in violation of this section within one year after judgment is entered in the action. The district courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or district or county attorney shall institute suits on behalf of the state to enforce the provisions of this section.

(d) Civil penalties sued for and recovered by the attorney general shall be paid into the state general fund. Civil penalties sued for and recovered by the county attorney or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

Sec. 45. K.S.A. 17-5908 is hereby amended to read as follows: 17-5908. (a) ~~(1)~~ The board of county commissioners, by resolution, may permit a submit to the qualified voters of the county a proposition to allow swine production facility facilities, as defined in K.S.A. 17-5903, and amendments thereto, to be established within the county. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. The resolution shall take effect 60 days after final publication unless a valid petition in opposition to the same is filed.

(2) If within 60 days of the final publication of the resolution, a valid protest petition to submit the resolution to the qualified voters of the county is signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected and is filed with the county election officer Upon adoption of such resolution, the county election officer shall submit the question of whether a swine production facility facilities shall be allowed to be established in such county at the next state or county-wide regular or special election.

(b) (1) The board of county commissioners, upon a petition filed in accordance with paragraph (b)(2), shall submit to the qualified electors voters of the county a proposition to permit a allow swine production facility facilities, as defined in K.S.A. 17-5903, and amendments thereto, to be established within the county.

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this section subsection (b) shall be filed with the county election officer. The petition shall be signed by qualified electors voters of the county equal in number to not less than 5% of the electors voters of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The following shall appear on the petition:

"We request an election to determine whether a corporate swine production facility facilities shall be allowed to be established in _____ county, pursuant to K.S.A. 17-5904."

(3) Upon the submission of a valid petition calling for an election pursuant to this subsection, the county election officer shall submit the question of whether a swine production facility facilities shall be allowed to be established in such county at the next state or county-wide regular or special election which occurs more than 60 days after the petition is filed with the county election officer.

(continued)

(c) If a majority of the votes cast and counted are in opposition to allowing swine production facilities to be established in such county, the county election officer shall transmit a copy of the result to the secretary of state who shall publish in the Kansas register the result of such election and that swine production facilities are not allowed to be established in such county.

(d) If a majority of the votes cast and counted is in favor of the proposition, the county election officer shall transmit a copy of the result to the secretary of state who shall publish in the Kansas register the result of such election and that swine production facilities are allowed to be established in such county.

(e) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county, except that the county election officer shall publish in the official county newspaper a notice of such election once each week for two consecutive weeks, the first publication to be not less than 21 days before the election, and such notice shall state the date and time of the election and the proposition that will appear on the ballot.

Sec. 46. K.S.A. 2-1915 is hereby amended to read as follows: 2-1915.

(a) Appropriations may be made for grants out of funds in the treasury of this state for terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, tailwater recovery irrigation systems, precision land forming, range seeding, detention and grade stabilization structures and other enduring water conservation practices installed on public lands and on privately owned lands. Except as provided by the multipurpose small lakes program act, any such grant shall not exceed 80% of the total cost of any such practice.

(b) A program for protection of riparian and wetland areas shall be developed by the state conservation commission and implemented by the conservation districts. The conservation districts shall prepare district programs to address resource management concerns of water quality, erosion and sediment control and wildlife habitat as part of the conservation district long-range and annual work plans. Preparation and implementation of conservation district programs shall be accomplished with assistance from appropriate state and federal agencies involved in resource management.

(c) Subject to the provisions of K.S.A. 2-1919, and amendments thereto, any holder of a water right, as defined by subsection (g) of K.S.A. 82a-701, and amendments thereto, who is willing to voluntarily return all or a part of the water right to the state shall be eligible for a grant not to exceed 80% of the total cost of the purchase price for such water right. The state conservation commission shall administer this cost-share program with funds appropriated by the legislature for such purpose. The chief engineer shall certify to the state conservation commission that any water right for which application for cost-share is received under this

section is eligible in accordance with the criteria established in K.S.A. 2-1919, and amendments thereto.

(d) (1) Subject to appropriation acts therefor, the state conservation commission shall develop the Kansas water quality buffer initiative for the purpose of restoring riparian areas using best management practices. The executive director of the state conservation commission shall ensure that the initiative is complementary to the federal conservation reserve program.

(2) There is hereby created in the state treasury the Kansas water quality buffer initiative fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the state conservation commission or the executive director's designee. Money credited to the fund shall be used for the purpose of making grants to install water quality best management practices pursuant to the initiative.

(3) The county or district appraiser shall identify and map riparian buffers consisting of at least one contiguous acre per parcel of real property located in the appraiser's county. Notwithstanding any other provisions of law, riparian buffers shall be valued by the county or district appraiser as tame grass land, native grass land or waste land, as appropriate. As used in this subsection (3), "riparian buffer" means an area of stream-side vegetation that: (A) Consists of tame or native grass and may include forbs and woody plants; (B) is located along a perennial or intermittent stream, including the stream bank and adjoining floodplain; and (C) is a minimum of 66 feet wide and a maximum of 150 feet wide.

(d) (e) The state conservation commission shall adopt rules and regulations to administer such grant and protection programs.

(e) (f) Any district is authorized to make use of any assistance whatsoever given by the United States, or any agency thereof, or derived from any other source, for the planning and installation of such practices. The state conservation commission may enter into agreements with other state and federal agencies to implement the Kansas water quality buffer initiative.

Sec. 47. K.S.A. 2-1915, 2-3302, 2-3305, 2-3307, 17-5908, 74-5065, 79-32,117 and 79-32,117i and K.S.A. 1997 Supp. 17-5904, 19-101a, 47-1219, 65-171d, 74-5066, 74-8902 and 74-8905 are hereby repealed.

Sec. 48. Upon expiration of the provisions of sections 1 through 29 and 37 pursuant to section 30, K.S.A. 2-3302, as amended by section 23 of this act, 2-3305, as amended by section 25 of this act, 2-3307, as amended by section 26 of this act, and 79-32,117, as amended by section 29 of this act, and K.S.A. 1997 Supp. 47-1219, as amended by section 27 of this act, and 65-171d, as amended by section 1 of this act, are hereby repealed.

Sec. 49. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index to the 1997 Volumes of the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-8	Amended	V. 16, p. 1178
1-2-14	Amended	V. 16, p. 1178
1-2-35	Amended	V. 16, p. 1178
1-2-68	Revoked	V. 16, p. 1178
1-5-7	Amended	V. 16, p. 1665
1-5-8	Amended	V. 16, p. 1665
1-5-12	Revoked	V. 16, p. 1666
1-5-13	Amended	V. 16, p. 1666

1-5-19c	Amended	V. 16, p. 1666
1-6-2	Amended	V. 16, p. 1178
1-6-8	Amended	V. 16, p. 1179
1-6-21	Amended	V. 16, p. 1179
1-6-22	Revoked	V. 16, p. 1179
1-6-27	Amended	V. 16, p. 1179
1-6-29	Amended	V. 16, p. 1666
1-6-33	Amended	V. 16, p. 973
1-7-11	Amended	V. 16, p. 1667
1-9-2	Amended	V. 16, p. 973
1-9-7b	Amended	V. 16, p. 1668
1-9-7c	Amended	V. 16, p. 974
1-9-13	Amended	V. 16, p. 974
1-9-17	Revoked	V. 16, p. 975
1-9-26	Amended	V. 16, p. 975
1-9-27	Amended	V. 16, p. 976
1-10-7	Amended	V. 16, p. 1667
1-13-1a	Amended	V. 16, p. 977
1-14-12a	New	V. 16, p. 170
1-16-2a	Amended	V. 16, p. 1210
1-16-2b	Amended	V. 16, p. 1210
1-16-2d	Revoked	V. 16, p. 1211
1-16-2e	Amended	V. 16, p. 1211
1-16-18	Amended	V. 16, p. 1211
1-18-1a	Amended	V. 16, p. 1212
1-63-2	Amended	V. 16, p. 978

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-7-213	New	V. 17, p. 171
4-7-213a	New	V. 17, p. 171
4-16-1a	Amended	V. 16, p. 1356
4-16-1c	Amended	V. 16, p. 1356
4-17-1a	Amended	V. 16, p. 1357
4-17-1c	Amended	V. 16, p. 1357

AGENCY 7: SECRETARY OF STATE

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7-19-1	Amended	V. 16, p. 821
7-19-2	Amended	V. 16, p. 821
7-19-3	Amended	V. 16, p. 822
7-19-4	Amended	V. 16, p. 822
7-19-7	New	V. 16, p. 822

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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9-2-1	Amended	V. 17, p. 36
9-2-32	Amended	V. 17, p. 36
9-7-3	Amended	V. 17, p. 37
9-7-10	Amended	V. 17, p. 364
9-7-12	Amended	V. 17, p. 37
9-7-14	Amended	V. 17, p. 37
9-7-15	New	V. 17, p. 37
9-7-16	New	V. 17, p. 38

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9-7-18	New	V. 17, p. 38
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9-10-39	New	V. 17, p. 364, 365
9-11-10	Amended	V. 17, p. 38
9-27-1	New	V. 17, p. 38
9-28-1	New	V. 17, p. 39
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9-29-11	New	V. 17, p. 39-41
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AGENCY 10: KANSAS BUREAU OF INVESTIGATION

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10-20-4	Amended	V. 16, p. 1049

AGENCY 16: ATTORNEY GENERAL

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17-22-1	Amended	V. 16, p. 1775

AGENCY 26: DEPARTMENT ON AGING

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26-4-1	Amended	V. 16, p. 1776
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26-4-15	New	V. 16, p. 1777-1780
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26-8-8	Amended	V. 16, p. 1781
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26-8-10	Revoked	V. 16, p. 1782
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26-10-1	New	V. 16, p. 1782

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-1-18	Amended	V. 16, p. 1848
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28-4-403	Amended	V. 16, p. 1421
28-4-404	Amended	V. 16, p. 1422
28-4-405	Amended	V. 16, p. 1422
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28-4-405b	Amended	V. 16, p. 1424
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28-4-407	Amended	V. 16, p. 1424
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28-4-410	Amended	V. 16, p. 1425
28-4-411	Amended	V. 16, p. 1425
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28-4-416	Amended	V. 16, p. 1427
28-4-550	Amended	V. 16, p. 1247
28-4-551	Revoked	V. 16, p. 1248
28-4-552	Amended	V. 16, p. 1248
28-4-553	Revoked	V. 16, p. 1248
28-4-554	Revoked	V. 16, p. 1248
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28-4-566	Revoked	V. 16, p. 1249
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28-4-569	Amended	V. 16, p. 1249
28-4-570	Revoked	V. 16, p. 1250
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28-4-572	Revoked	V. 16, p. 1250
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28-15-65	New	V. 16, p. 1596-1599
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28-29-36	Revoked	V. 16, p. 1432
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28-39-158	Amended	V. 16, p. 190
28-39-159	Amended	V. 16, p. 192
28-39-160	Amended	V. 16, p. 192
28-39-161	Amended	V. 16, p. 192
28-39-162	Amended	V. 16, p. 193
28-39-162a	Amended	V. 16, p. 194
28-39-162b	Amended	V. 16, p. 199
28-39-162c	Amended	V. 16, p. 200
28-39-163	Amended	V. 16, p. 204
28-39-240		
through		
28-39-256	New	V. 16, p. 206-213
b28-52-2	New	V. 17, p. 168
28-52-3	New	V. 17, p. 168
28-52-4	New	V. 17, p. 168
28-68-3	Amended	V. 17, p. 547
28-70-1	New	V. 17, p. 168
28-70-2	New	V. 17, p. 168
28-70-3	New	V. 17, p. 169

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-17	New	V. 16, p. 1174, 1553
30-4-34	Amended	V. 16, p. 251
30-4-35	Amended	V. 16, p. 1001
30-4-35w	Revoked	V. 16, p. 251
30-4-39	Amended	V. 16, p. 1513

30-4-40	Amended	V. 16, p. 1513
30-4-41	Amended	V. 16, p. 251
30-4-41w	Revoked	V. 16, p. 252
30-4-50	Amended	V. 16, p. 252
30-4-50w	Revoked	V. 16, p. 252
30-4-52	Amended	V. 16, p. 1513
30-4-52w	Revoked	V. 16, p. 252
30-4-53	Revoked	V. 16, p. 252
30-4-53w	Revoked	V. 16, p. 252
30-4-54	Amended	V. 16, p. 688
30-4-54w	Revoked	V. 16, p. 252
30-4-55	Amended	V. 16, p. 252
30-4-55w	Revoked	V. 16, p. 253
30-4-58	Revoked	V. 16, p. 253
30-4-58w	Revoked	V. 16, p. 253
30-4-59	Amended	V. 16, p. 253
30-4-59w	Revoked	V. 16, p. 253
30-4-60w	Revoked	V. 16, p. 253
30-4-61	Amended	V. 16, p. 253
30-4-61w	Revoked	V. 16, p. 253
30-4-63	Revoked	V. 16, p. 253
30-4-63w	Revoked	V. 16, p. 254
30-4-64	Amended	V. 16, p. 254
30-4-64w	Revoked	V. 16, p. 255
30-4-65w	Revoked	V. 16, p. 255
30-4-70	Amended	V. 16, p. 1513
30-4-70w	Revoked	V. 16, p. 256
30-4-71	Revoked	V. 16, p. 256
30-4-71w	Revoked	V. 16, p. 256
30-4-72	Revoked	V. 16, p. 256
30-4-72w	Revoked	V. 16, p. 256
30-4-73	Revoked	V. 16, p. 256
30-4-74	Revoked	V. 16, p. 256
30-4-74w	Revoked	V. 16, p. 256
30-4-78	Revoked	V. 16, p. 256
30-4-80	Amended	V. 16, p. 256
30-4-85a	Amended	V. 16, p. 256
30-4-90	Amended	V. 16, p. 1514
30-4-90w	Revoked	V. 16, p. 259
30-4-95	Amended	V. 16, p. 259
30-4-96	Amended	V. 16, p. 1517
30-4-100	Amended	V. 16, p. 260
30-4-100w	Revoked	V. 16, p. 260
30-4-101	Amended	V. 16, p. 260
30-4-102	Amended	V. 16, p. 261
30-4-105	Revoked	V. 16, p. 261
30-4-105w	Revoked	V. 16, p. 261
30-4-106	Amended	V. 16, p. 1517
30-4-106w	Revoked	V. 16, p. 262
30-4-107	Amended	V. 16, p. 1518
30-4-108	Amended	V. 16, p. 262
30-4-109	Amended	V. 16, p. 1518
30-4-109w	Revoked	V. 16, p. 263
30-4-110	Amended	V. 16, p. 1001
30-4-110w	Revoked	V. 16, p. 264
30-4-111	Amended	V. 16, p. 1002
30-4-111w	Revoked	V. 16, p. 265
30-4-112	Amended	V. 16, p. 1518
30-4-112w	Revoked	V. 16, p. 265
30-4-113	Amended	V. 16, p. 1519
30-4-113w	Revoked	V. 16, p. 266
30-4-120	Amended	V. 16, p. 266
30-4-120w	Revoked	V. 16, p. 266
30-4-122a	Revoked	V. 16, p. 266
30-4-130	Amended	V. 16, p. 266
30-4-130w	Revoked	V. 16, p. 268
30-4-140	Amended	V. 16, p. 268
30-4-140w	Revoked	V. 16, p. 268
30-5-58	Amended	V. 16, p. 1003
30-5-64	Amended	V. 16, p. 1008
30-5-80	Revoked	V. 16, p. 1010
30-5-94	Amended	V. 16, p. 1520
30-5-101	Amended	V. 16, p. 1010
30-5-107	Amended	V. 16, p. 1520
30-5-109	Amended	V. 16, p. 1010
30-5-118a	Amended	V. 16, p. 1010
30-5-300	Amended	V. 17, p. 300
30-5-307	Amended	V. 16, p. 1016
30-5-309	New	V. 16, p. 1016
30-5-310	New	V. 17, p. 302
30-6-34	Amended	V. 16, p. 268
30-6-35	Amended	V. 16, p. 1047
30-6-35w	Revoked	V. 16, p. 268
30-6-41	Amended	V. 16, p. 268
30-6-41w	Revoked	V. 16, p. 269
30-6-50w	Revoked	V. 16, p. 269
30-6-52	Amended	V. 16, p. 1521
30-6-52w	Revoked	V. 16, p. 269
30-6-53w	Revoked	V. 16, p. 269

(continued)

30-6-54	Amended	V. 16, p. 688
30-6-54w	Revoked	V. 16, p. 270
30-6-55	Amended	V. 16, p. 270
30-6-55w	Revoked	V. 16, p. 270
30-6-56w	Revoked	V. 16, p. 270
30-6-59	Amended	V. 16, p. 270
30-6-59w	Revoked	V. 16, p. 270
30-6-60w	Revoked	V. 16, p. 270
30-6-65	Amended	V. 16, p. 270
30-6-65w	Revoked	V. 16, p. 271
30-6-70	Amended	V. 16, p. 271
30-6-70w	Revoked	V. 16, p. 271
30-6-72	Revoked	V. 16, p. 271
30-6-72w	Revoked	V. 16, p. 271
30-6-73	Revoked	V. 16, p. 271
30-6-77	Amended	V. 16, p. 1521
30-6-77w	Revoked	V. 16, p. 272
30-6-78w	Revoked	V. 16, p. 272
30-6-79	Revoked	V. 16, p. 272
30-6-81w	Revoked	V. 16, p. 272
30-6-82	Amended	V. 16, p. 1522
30-6-82w	Revoked	V. 16, p. 272
30-6-85w	Revoked	V. 16, p. 272
30-6-86w	Revoked	V. 16, p. 272
30-6-87w	Revoked	V. 16, p. 272
30-6-94w	Revoked	V. 16, p. 272
30-6-103w	Revoked	V. 16, p. 272
30-6-105	Revoked	V. 16, p. 272
30-6-105w	Revoked	V. 16, p. 272
30-6-106	Amended	V. 16, p. 1522
30-6-106w	Revoked	V. 16, p. 274
30-6-107w	Revoked	V. 16, p. 274
30-6-108	Amended	V. 16, p. 274
30-6-109	Amended	V. 16, p. 1524
30-6-109w	Revoked	V. 16, p. 276
30-6-110	Amended	V. 16, p. 276
30-6-110w	Revoked	V. 16, p. 277
30-6-111	Amended	V. 16, p. 277
30-6-111w	Revoked	V. 16, p. 278
30-6-112	Amended	V. 16, p. 1526
30-6-112w	Revoked	V. 16, p. 278
30-6-113	Amended	V. 16, p. 1527
30-6-113w	Revoked	V. 16, p. 279
30-6-140	Amended	V. 16, p. 279
30-6-150w	Revoked	V. 16, p. 280
30-7-65	Amended	V. 16, p. 280
30-7-100	Amended	V. 16, p. 280
30-26-1	Revoked	V. 16, p. 899
30-26-1a	New	V. 16, p. 899
30-26-2	Revoked	V. 16, p. 899
30-26-4	Revoked	V. 16, p. 899
30-26-7	Revoked	V. 16, p. 899
30-46-10	Amended	V. 16, p. 1553

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Revoked	V. 16, p. 1250
36-1-1a	Revoked	V. 16, p. 1251
36-1-2	Revoked	V. 16, p. 1251
36-1-3	Revoked	V. 16, p. 1251
36-1-8	Revoked	V. 16, p. 1251
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 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-12-601	Amended	V. 17, p. 424

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 17, p. 143

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
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361

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 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-10-1	Amended	V. 17, p. 102

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
68-7-12	Amended	V. 17, p. 170
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

111-2-27	Revoked	V. 14, p. 972	111-4-177			111-4-392		
111-2-28	New	V. 12, p. 1844	through			through		
111-2-29	Revoked	V. 14, p. 972	111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-400	Revoked	V. 16, p. 252
111-2-30	Amended	V. 17, p. 429	111-4-213			111-4-401		
111-2-31	New	V. 14, p. 170	through			through		
111-2-32			111-4-220	Revoked	V. 10, p. 1213	111-4-404	Revoked	V. 12, p. 1373
through			111-4-221			111-4-405		
111-2-42	Revoked	V. 16, p. 448, 449	through			through		
111-2-43	Amended	V. 16, p. 1807	111-4-224	Revoked	V. 10, p. 1585	111-4-413	Revoked	V. 16, p. 452
111-2-44	New	V. 15, p. 288	111-4-225			111-4-414		
111-2-45	New	V. 15, p. 288	through			through		
111-2-46	New	V. 15, p. 624	111-4-228	Revoked	V. 10, p. 1585	111-4-428	Revoked	V. 14, p. 8
111-2-47	Amended	V. 16, p. 449	111-4-229			through		
111-2-48	New	V. 15, p. 1055	through			111-4-429		
111-2-49	New	V. 15, p. 1055	111-4-236	Revoked	V. 10, p. 1585, 1586	through		
111-2-50	New	V. 15, p. 1056	111-4-237			111-4-432	Revoked	V. 12, p. 1373
111-2-51	New	V. 15, p. 1440	through			111-4-433		
111-2-52	New	V. 15, p. 1441	111-4-240	Revoked	V. 11, p. 413	through		
111-2-53	New	V. 15, p. 1710	111-4-241			111-4-436	Revoked	V. 12, p. 1374
111-2-54	New	V. 15, p. 1920	through			111-4-437		
111-2-55	New	V. 15, p. 1953	111-4-244	Revoked	V. 12, p. 1371	through		
111-2-56	New	V. 16, p. 449	111-4-245			111-4-440	Revoked	V. 12, p. 1374
111-2-57	New	V. 16, p. 449	through			111-4-441		
111-2-58	New	V. 16, p. 689	111-4-248	Revoked	V. 12, p. 1371	through		
111-2-59	New	V. 16, p. 1043	111-4-249			111-4-444	Revoked	V. 14, p. 8
111-2-60	New	V. 16, p. 1209	through			111-4-445		
111-2-61	New	V. 16, p. 1473	111-4-256	Revoked	V. 12, p. 113, 114	through		
111-2-62	New	V. 16, p. 1209	111-4-257			111-4-448	Revoked	V. 12, p. 1374
111-2-63	New	V. 16, p. 1808	through			111-4-449		
111-2-64	New	V. 16, p. 1808	111-4-286	Revoked	V. 11, p. 413, 414	through		
111-2-65	New	V. 16, p. 1883	111-4-287			111-4-453	Revoked	V. 14, p. 8
111-2-66	Amended	V. 17, p. 467	through			111-4-454		
111-2-67	Amended	V. 17, p. 387	111-4-290	Revoked	V. 12, p. 1371	through		
111-2-68	New	V. 16, p. 2069	111-4-291			111-4-465	Revoked	V. 12, p. 1664, 1665
111-2-69	New	V. 16, p. 2070	through			111-4-466		
111-2-70	New	V. 17, p. 388	111-4-300	Revoked	V. 12, p. 114	through		
111-2-71	New	V. 17, p. 389	111-4-301			111-4-469	Revoked	V. 12, p. 1665
111-2-72	New	V. 17, p. 430	through			111-4-470		
111-2-73	New	V. 17, p. 467	111-4-307	Revoked	V. 13, p. 1402	through		
111-3-1	Amended	V. 17, p. 389	111-4-308			111-4-477	Revoked	V. 16, p. 452, 453
111-3-6	Amended	V. 12, p. 677	through			111-4-478		
111-3-9	Revoked	V. 11, p. 1793	111-4-317	Revoked	V. 16, p. 451	through		
111-3-10			111-4-318			111-4-492	Revoked	V. 14, p. 974, 975
through			through			111-4-493		
111-3-31	New	V. 7, p. 201-206	111-4-321	Revoked	V. 12, p. 114	through		
111-3-11	Amended	V. 13, p. 35	111-4-322			111-4-496	Revoked	V. 16, p. 453
111-3-12	Amended	V. 13, p. 1826	through			111-4-497		
111-3-13	Amended	V. 17, p. 390	111-4-327	Revoked	V. 12, p. 1371	through		
111-3-14	Amended	V. 17, p. 391	111-4-328			111-4-512	Revoked	V. 14, p. 975
111-3-16	Amended	V. 9, p. 1566	through			111-4-513		
111-3-19	Revoked	V. 13, p. 1827	111-4-335	Revoked	V. 12, p. 114	through		
111-3-20	Amended	V. 11, p. 1148	111-4-336			111-4-521	Revoked	V. 16, p. 453
111-3-21	Amended	V. 11, p. 1148	through			111-4-522		
111-3-22	Amended	V. 11, p. 1148	111-4-340	Revoked	V. 16, p. 451	through		
111-3-23	Revoked	V. 10, p. 883	111-4-341	Revoked	V. 11, p. 1473	111-4-571	Revoked	V. 14, p. 975-977
111-3-25	Amended	V. 17, p. 392	111-4-341a	Revoked	V. 12, p. 1372	through		
111-3-26	Amended	V. 11, p. 1149	111-4-341b	Revoked	V. 16, p. 451	111-4-572		
111-3-27	Amended	V. 11, p. 1149	111-4-341c	Revoked	V. 16, p. 451	through		
111-3-29	Revoked	V. 11, p. 1149	111-4-342			111-4-585	New	V. 13, p. 878-880
111-3-31	Amended	V. 8, p. 209	through			111-4-572	Amended	V. 16, p. 1044
111-3-32	Amended	V. 10, p. 883	111-4-345	Revoked	V. 16, p. 451	111-4-574	Amended	V. 16, p. 1044
111-3-33	New	V. 7, p. 1434	111-4-346			111-4-575	Amended	V. 16, p. 1044
111-3-34	New	V. 13, p. 149	through			111-4-576	Amended	V. 16, p. 1044
111-3-35	Amended	V. 17, p. 430	111-4-349	Revoked	V. 12, p. 114	111-4-577	Amended	V. 16, p. 1044
111-3-36	New	V. 13, p. 877	through			111-4-579	Amended	V. 16, p. 1045
111-3-37	New	V. 13, p. 877	111-4-350			111-4-581	Amended	V. 16, p. 1045
111-4-1			through			111-4-582	Amended	V. 16, p. 1045
through			111-4-355	Revoked	V. 16, p. 452	111-4-583	Amended	V. 15, p. 883
111-4-5	Revoked	V. 12, p. 113	111-4-356			111-4-584	Amended	V. 16, p. 1045
111-4-5a	Revoked	V. 12, p. 113	through			111-4-586		
111-4-6			111-4-361	Revoked	V. 14, p. 7	through		
through			111-4-362			111-4-606	Revoked	V. 14, p. 977, 978
111-4-15	Revoked	V. 12, p. 113	through			111-4-607		
111-4-66			111-4-365	Revoked	V. 12, p. 114, 115	through		
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111-4-77	New	V. 7, p. 207-209	through			111-4-607		
111-4-96			111-4-369	Revoked	V. 12, p. 1373	through		
through			111-4-370			111-4-610	Amended	V. 16, p. 1504
111-4-114	New	V. 7, p. 1606-1610	through			111-4-611	Amended	V. 14, p. 1407
111-4-100	Amended	V. 14, p. 972	111-4-379	Revoked	V. 14, p. 7, 8	111-4-613	Amended	V. 14, p. 1408
111-4-101			111-4-380			111-4-616		
through			through			through		
111-4-106	Revoked	V. 16, p. 450	111-4-383	Revoked	V. 12, p. 1664	111-4-623	Revoked	V. 14, p. 978
111-4-106a	Revoked	V. 16, p. 450	111-4-384			111-4-624		
111-4-107			through			through		
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111-4-114	Revoked	V. 16, p. 450, 451	111-4-388			111-4-703		
111-4-153			through			through		
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111-4-160	Revoked	V. 9, p. 1676, 1677						

111-4-724			111-4-1042			111-6-6	Amended	V. 11, p. 1973
through			through			111-6-7	Amended	V. 16, p. 2023
111-4-736	New	V. 14, p. 978-981	111-4-1059	New	V. 16, p. 1474-1478	111-6-7a	Amended	V. 15, p. 1188
111-4-737			111-4-1048	Amended	V. 16, p. 1505	111-6-8	Revoked	V. 12, p. 1263
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111-4-757	New	V. 14, p. 1408, 1409	111-4-1065	Amended	V. 16, p. 1849	111-6-15	Amended	V. 12, p. 677
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111-4-761	New	V. 14, p. 1502, 1503	111-4-1108	New	V. 16, p. 1809-1814	111-6-19	New	V. 13, p. 340
111-4-762			111-4-1091	Amended	V. 17, p. 430	111-6-20	Amended	V. 15, p. 1716
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111-4-778	New	V. 14, p. 1410-1414	111-4-1109			111-6-22	New	V. 13, p. 881
111-4-769	Amended	V. 14, p. 1503	through			111-6-23	New	V. 13, p. 881
111-4-779			111-4-1117	New	V. 16, p. 1849-1851	111-7-1		
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111-4-791	New	V. 14, p. 1504-1507	through			111-7-10	New	V. 7, p. 1192, 1193
111-4-792			111-4-1141	New	V. 16, p. 1883-1888	111-7-1	Amended	V. 8, p. 212
through			111-4-1141	Amended	V. 17, p. 431	111-7-3	Amended	V. 11, p. 1796
111-4-803	New	V. 14, p. 1635-1638	111-4-1142			111-7-3a	Revoked	V. 13, p. 340
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through			111-4-1171	New	V. 16, p. 2016-2023	111-7-5	Amended	V. 9, p. 986
111-4-816	New	V. 15, p. 116-119	111-4-1172			111-7-6	Amended	V. 9, p. 987
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111-4-855	Amended	V. 15, p. 1181	111-5-1			111-7-54	Revoked	V. 13, p. 340
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111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-3-21	New	V. 16, p. 1151
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-4-26	New	V. 16, p. 1152
112-7-7	Amended	V. 17, p. 512
112-10-5	Amended	V. 16, p. 1664

112-10-6	Amended	V. 16, p. 379
112-12-1	Amended	V. 16, p. 1889
112-12-2	Amended	V. 16, p. 1889
112-12-4	Amended	V. 16, p. 1889
112-12-5	Amended	V. 16, p. 1890
112-12-6	Amended	V. 16, p. 1890
112-12-7	Amended	V. 16, p. 1890
112-12-8	Amended	V. 16, p. 1890
112-12-9	Amended	V. 17, p. 213
112-12-10	Amended	V. 16, p. 1891
112-12-13	Amended	V. 16, p. 1891
112-12-14	Amended	V. 16, p. 1891
112-16-6	Amended	V. 16, p. 1469
112-16-11	Amended	V. 17, p. 590
112-16-14	Amended	V. 16, p. 380
112-18-3	Amended	V. 16, p. 1152
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 16, p. 1469
115-2-1	Amended	V. 16, p. 248
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-3-2	Amended	V. 16, p. 1471
115-4-1	Amended	V. 17, p. 463
115-4-3	Amended	V. 16, p. 824
115-4-5	Amended	V. 16, p. 825
115-4-6	Amended	V. 16, p. 826
115-4-7	Amended	V. 17, p. 464
115-4-13	Amended	V. 16, p. 829
115-9-5	Amended	V. 16, p. 1472
115-9-8	New	V. 16, p. 1989
115-14-3	Amended	V. 16, p. 1175
115-14-9	Amended	V. 16, p. 1175
115-15-3	Amended	V. 16, p. 1989
115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
115-18-14	Amended	V. 16, p. 1991
115-18-15	New	V. 16, p. 1991
115-30-3	Amended	V. 16, p. 249

115-30-6	Amended	V. 16, p. 249
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AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 16, p. 2063
117-2-2	Amended	V. 16, p. 302
117-3-1	Amended	V. 16, p. 2064
117-3-2	Amended	V. 16, p. 2064
117-4-1	Amended	V. 16, p. 2065
117-4-2	Amended	V. 16, p. 2066
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-1	Amended	V. 16, p. 2066
117-6-3	Amended	V. 16, p. 2067
117-8-1	Amended	V. 17, p. 366

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-4-1 through 121-4-11	New	V. 16, p. 72-77
121-5-1	New	V. 16, p. 1048
121-5-2	New	V. 16, p. 1048
121-6-1	New	V. 16, p. 1773
121-6-2	New	V. 16, p. 1773

AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-2-2	Amended	V. 17, p. 10

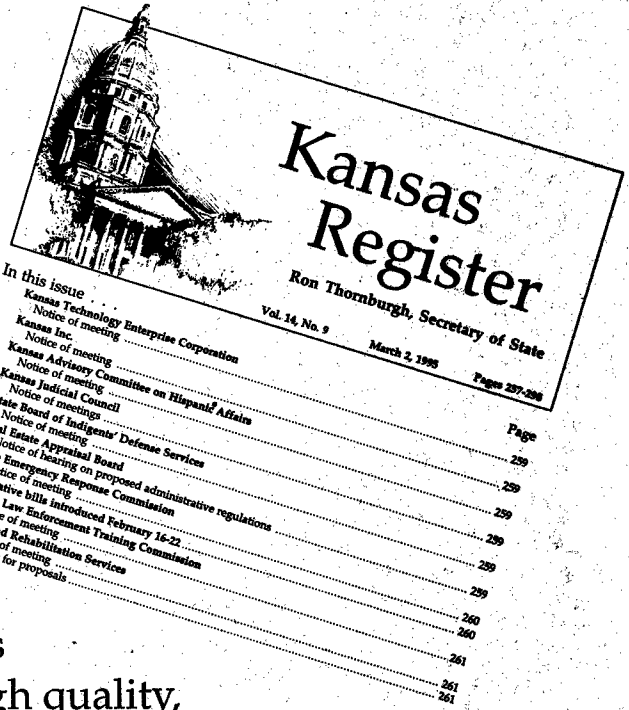
AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-2-1	New	V. 17, p. 36

AGENCY 124: CHILD DEATH REVIEW BOARD

Reg. No.	Action	Register
124-1-1 through 124-1-4	New	V. 16, p. 1819

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