



# Kansas Register

Scott Schwab, Secretary of State

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January 24, 2019

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## 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. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

**Effective 1-21-19 through 1-27-19**

<b>Term</b>	<b>Rate</b>
1-89 days	2.40%
3 months	2.37%
6 months	2.48%
12 months	2.56%
18 months	2.58%
2 years	2.56%

Scott Miller  
Director of Investments

Doc. No. 046871

## State of Kansas

**Advisory Committee on Trauma****Notice of Meeting**

The Advisory Committee on Trauma will meet from 10:00 a.m. to 3:00 p.m. Wednesday, February 6, 2019, at the Kansas Medical Society, 623 SW 10th Ave., Topeka, KS 66612.

Lee A. Norman, MD  
Interim Secretary  
Health and Environment

Doc. No. 046875

## State of Kansas

**Kansas Historical Society****Notice of Meeting**

The Kansas State Historical Society will accept public comments regarding the 2019 round of Heritage Trust Fund grants from 9:00 a.m. to 12:00 p.m. Friday, February 8, 2019. Grant applicants are welcome to comment about particular grant applications to the grant review committee at that time. The public is welcome to attend. The public meeting will be held in the classrooms in the Kansas Museum of History, 6425 SW 6th Ave., Topeka, Kansas.

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. If you have a visual, aural, or other impairment and wish to participate in this meeting, please contact the Cultural Resources Division of the Kansas State Historical Society, 6425 SW 6th Ave., Topeka, KS 66615-1099 or by telephone at 785-272-8681, ext. 240 to discuss how we can ensure your participation.

Jennie Chinn  
Executive Director

Doc. No. 046873

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State of Kansas

**Kansas Water Authority**

**Notice of Meeting**

The Kansas Water Authority (KWA) will meet at 8:30 a.m. Thursday, January 31, 2019, at the Ramada Inn Convention Center, Downtown Topeka, 420 E. 6th St., Topeka, Kansas.

On Wednesday, January 30, 2019, the KWA as well as representatives from each of the 14 Regional Advisory Committees will be meeting with Legislators and committees.

Katie Patterson-Ingels  
Communications Director

Doc. No. 046874

(Published in the Kansas Register January 24, 2019.)

**North Central Regional Planning Commission**

**Notice to Bidders**

Request for bid for refurbish of an existing trailer will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST) Monday, February 11, 2019, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lcpeters@nckcn.com](mailto:lcpeters@nckcn.com). This action is being taken on behalf of the Northeast Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046879

(Published in the Kansas Register January 24, 2019.)

**City of Wichita, Kansas**

**Notice to Bidders**

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, Kansas, until Friday, February 22, 2019, for the bidding of Downtown redundant fiber loop and signalization upgrades.

**KDOT Project No. 87N-0684-01/472-85485/211585  
OCA Code 707147**

Plans and specifications for this project will be available on January 23, 2019. Electronic plan sheets for this project will only be available in the ARC Document Solutions plan room for the City of Wichita projects at [https://order.e-arc.com/arcEOC/PWELL\\_PublicList.asp?mem=170](https://order.e-arc.com/arcEOC/PWELL_PublicList.asp?mem=170), ARC Document Solutions at 316-264-9344, or you may contact Jody Doyle at 316-268-4503. Other questions should be directed to the respective design engineer at 316-268-4393.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and

supervision of the City Manager and according to plans and specifications on file in the office of the City Engineer. Bidders are required to enclose a bid bond in the amount of five per cent (5%) with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at 316-268-4499 for extra sets of plans/specs.

Jody Doyle  
Administrative Aide II  
City of Wichita-Engineering

Doc. No. 046883

State of Kansas

**Department of Administration  
Procurement and Contracts**

**Notice to Bidders**

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

02/07/2019	EVT0006235	Commercial Appraisals – KC-Wichita KS Metro Area
02/08/2019	EVT0006256	Commercial Appraisals – Rural Kansas
02/13/2019	EVT0006301	Imprest Fund Checking Account
02/15/2019	EVT0006274	Publications and/or Printing
02/18/2019	EVT0006311	Child Care Consumer Education Referral Services
02/19/2019	EVT0006313	Specialized Management and Professional Training
02/28/2019	EVT0006318	KPERS Member Web Portal Application and Mobile Applications
03/07/2019	EVT0006310	Class Dress Uniforms

The above referenced bid documents can be downloaded at the following website:

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

02/12/2019	A-013703	Wichita State University Visual Communications Building Demolition
02/19/2019	A-013634	Fort Hays state University Memorial Union Ballroom Remodel
02/19/2019	A-013635	Fort Hays state University Memorial Union Restroom Remodel

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 046886

## State of Kansas

## Department of Transportation

## Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "NonBid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) February 20, 2019. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 1:30 p.m. (CST) February 20, 2019. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burcons-main/audio.asp>.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

## District One – Northeast

**Douglas** – 10-23 KA-5136-01 – K-10, located at the exit to 1400 Road near mile marker 12.4 in Douglas County, lighting. (State Funds)

**Nemaha** – 66 TE-0463-01 – Main Street from 6th Street to 7th Street in Seneca, restoration, rehabilitation and/or operation of a historical transportation buildings, structures or roads. (Federal Funds)

**Osage** – 70 KA-5207-01 – K-276, from the Fairlawn Road/K-276 junction east to the U.S. 75/K-276 junction, K-278, from the south Fairlawn Road/K-278/Melvorn Recreational Area junction east to the U.S. 75/K-278/K-31 junction and U.S. 75, from 0.8 mile south of the K-278/U.S. 75 junction north 5.1 miles to the change of pavement north of the K-68/U.S. 75 junction, sealing, 9.1 miles. (State Funds)

**Shawnee** – 75-89 KA-4879-01 – Bridge #111 southbound and Bridge #112 northbound over the Wakaru-

sa River on U.S. 75 located 1.2 miles north of the Osage County line, bridge deck. (Federal Funds)

## District Two – North Central

**Dickinson** – 21 C-4889-01 – RS-191, from Eden Road to Mink Road and RS-192 from Oat Road to Union Road, signing, 15.0 miles. (Federal Funds)

**Dickinson** – 209-21 KA-3955-01 – Bridge #076 over the Lyon Creek Drainage on K-209 located 0.5 mile west of U.S. 77, bridge replacement. (Federal Funds)

**Ottawa** – 106-72 KA-4674-02 – K-106, from the east Minneapolis city limits east to the State Park, guard fence, 7.2 miles. (Federal Funds)

**Ottawa** – 81-72 KA-4831-01 – Bridges #038 and #039 over the Kyle Railroad on U.S. 81 located 3.9 miles north of K-18, bridge deck, 0.1 mile. (Federal Funds)

**Washington** – 15-101 KA-3087-01 – Bridge #026 over Mill Creek on K-15 located 2.6 miles north of the U.S. 36/K-15 junction, bridge replacement. (Federal Funds)

## District Four – Southeast

**Allen** – 169-1 KA-3255-02 – Bridge #045 on U.S. 169 located at the Neosho/Allen county line, bridge repair. (Federal Funds)

**Crawford** – 126-19 KA-3902-01 – Bridge #038 over Middle Cow Creek on K-126 located 475 feet west of U.S. 69, bridge replacement. (Federal Funds)

**Montgomery** – 166-63 KA-3906-01 – Bridge #033 over the South Kansas Oklahoma Railroad on U.S. 166 located 1.99 miles east of the Chautauqua county line, bridge replacement. (Federal Funds)

## District Five – South Central

**Rice** – 14-80 KA-4768-01 – K-14 (K-96) from Lincoln Street to Forest Street in Sterling, pavement reconstruction, 0.2 mile. (Federal Funds)

**Stafford** – 50-93 KA-4514-01 – U.S. 50, at the U.S. 50/U.S. 281 junction, intersection improvement, 0.3 mile. (Federal Funds)

## District Six – Southwest

**Clark** – 13 C-4893-01 – Major collector roads in the northeast quarter of the county, signing, 23.0 miles. (Federal Funds)

**Finney** – 50-28 KA-3251-01 – U.S. 50, from approximately 940 feet east of U.S. 50/3rd Street intersection east and south to approximately 555 feet north of the Fulton Street bridge, excluding the section 1280 feet north and 1280 feet south of Schulman Avenue in Garden City, concrete pavement, 4.7 miles. (Federal Funds)

**Ford** – 400-29 KA-3860-01 – Bridge #057 over the Arkansas River on U.S. 400 located 14.2 miles southeast of the U.S.400/U.S.56 junction, bridge repair. (Federal Funds)

**Ford** – 400-29 KA-5045-01 – Bridge #077 on U.S. 400 located 8 miles east of the Gray/Ford county line, bridge repair. (State Funds)

Julie Lorenz  
Interim Secretary

Doc. No. 046872

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-19-021/030

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Eck Feeders Daryl Eck 11329 U.S. 160 Hwy. Sharon, KS 67138	NW/4 of Section 22 T32S, R10W Barber County	Lower Arkansas River Basin

Kansas Permit No. A-ARBA-B003

This is a renewal permit for an existing facility with a maximum capacity of 600 head (300 animal units) of cattle weighing 700 pounds or less. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer Feedyard, LLC 1021 CR CC Oakley, KS 67748	S/2 of SW/4 of Section 7 N/2 & SW/4 of Section 18 N/2 of Section 17 NW/4 of Section 19 T11S, R31W Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C003  
Federal Permit No. KS0115860

This is a permit modification and reissuance for an existing livestock facility with a maximum capacity of 53,000 head (53,000 animal units) of cattle weighing greater than 700 pounds. The permit renewal and proposed plans describe a Feedlot that consists of approximately 219 acres of cattle pens and 201 acres of associated feedlot areas. The waste management system includes six earthen retention control structures and a sediment basin. Proposed modifications to the facility include the construction of approximately 68.9 acres of cattle pens, 31.0 acres of associated feedlot areas, and a sediment basin. Proposed modifications to the facility include the construction of approximately 50 acres of feed storage area, a freshwater (non-impacted stormwater) diversion channel, and a RCS basin. The facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Ward Feed Yard, Inc. (Grower Yard) Chris Burris, Manager PO Box H Larned, KS 67550	SW/4 of Section 25 T21S, R16W Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-B006

This is a renewal permit for an existing facility for 990 head (990 animal units) of cattle weighing more than 700 pounds. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Larson Farms Raymond Larson 14790 Fancy Creek Rd. Randolph, KS 66554	NE/4 of Section 31 T6S, R5E Riley County	Big Blue River Basin

Kansas Permit No. A-BBRL-B002

This is a renewal permit for an existing facility for 900 head (900 animal units) of cattle greater than 700 pounds. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kenoma Farms, Inc. 1155 N. K-99 Hwy. Emporia, KS 66801	NE/4 of Section 11 T18S, R11E Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-S005

This is a renewal permit for an existing facility for 70 head (28 animal units) of swine weighing more than 55 pounds. This is a decrease of 276 animal units since the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Theodore R. Setzkorn 10137 110 Rd. Dodge City, KS 67801	NE/4 of Section 10 T25S, R25W Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-B009

This is a renewal permit for an existing facility for 900 head (450 animal units) of cattle weighing less than 700 pounds and 4 head (8 animal units) of horses; for a total of 458 animal units. There has been an 8 animal unit increase from the last permit to account for horses present at the facility.

Name and Address of Applicant	Legal Description	Receiving Water
Grunder Truck Wash Fred Grunder 122 S. Main St. St. John, KS 67576	SE/4 of Section 21 T25S, R14W Stafford County	Lower Arkansas River Basin

Kansas Permit No. A-ARSF-T001

This is a renewal permit for an existing facility with a private truck wash for 2 or less trucks. There have been no modifications to the facility.

Name and Address of Applicant	Legal Description	Receiving Water
Edwin F. Welch Trust I 387 20th Rd. Haddam, KS 66944	SE/4 of Section 21 T2S, R1E Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B002

This is a renewal permit for an existing facility for 600 head (600 animal units) of cattle weighing more than 700 pounds. The facility consists of approximately 5.7 acres of open lots, a sedimentation basin, grass buffer, and an earthen wastewater retention structure. This is an increase of 403 animal units from the previous permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Dale Springer – Main Farm 5816 CR 3300 Independence, KS 67301	N/2 of Section 23 T31S, R15E Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-H009  
Federal Permit No. KS0085448

This is a renewal permit for an existing facility for 6,070 head (2,428 animal units) of swine weighing greater than 55 pounds; and 3,252 head (325.2 animal units) of swine weighing 55 pounds or less; for a total of 2,753.2 animal units of swine. This farrow-to-finish swine facility consists of 16 enclosed swine buildings, a mortality composting building, and an equipment wash area. The waste management system includes flush gutters, pull plug concrete pits, a sediment basin, and five earthen retention control structures. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Dustin Bemis 861 U.S. 40 Hwy. Hays, KS 67601	N/2 of Section 20 T13S, R19W Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-B011

This permit is being modified to reflect the facility as it has been built including the feed storage area. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment.

**Public Notice No. KS-AG-R-19-003**

Per Kansas Statutes Annotated 65-171d, the following Registration has been received for a proposed facility:

Name and Address of Registrant	Legal Description	County
C.B. Showalter 8803 E. Arlington Rd. Haven, KS 67543	NW/4 of Section 8 T25S, R04W	Reno

**Public Notice No. KS-Q-19-010/015**

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Crawford County Commission PO Box 249 Girard, KS 66743	West Fork Drywood Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC52-OO01  
Federal Permit No. KS0096741

Legal Description: NW¼, NW¼, SE¼, S6, T28S, R24E, Crawford County, Kansas

Facility Name: Crawford County Sewer District # 4–Farlington

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH, sulfate, selenium, and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Edgerton, City of PO Box 255 Edgerton, KS 66021	Bull Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC08-OO02  
Federal Permit No. KS0100374

Legal Description: SE¼, SE¼, S9, T15S, R22E, Johnson County, Kansas

Facility Name: Big Bull Creek Wastewater Treatment Facility

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a mechanical plant consisting of off-site and on-site raw sewage pumping stations, mechanical screening and de-gritting, extraneous flow basin, Schreiber Continuously Sequencing Reactor (CSR), chemical precipitation for phosphorus removal, final clarifier with tertiary filtration, ultraviolet disinfection, Parshall flume, reaeration, aerobic sludge digestions and mechanical dewatering. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, total phosphorus, total nitrogen, and E. coli, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, whole effluent toxicity, priority pollutants, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Ellis, City of 815 Jefferson Ellis, KS 67637	Big Creek	Treated Domestic Wastewater

Kansas Permit No. M-SH06-OO02  
Federal Permit No. KS0094145

Legal Description: NE¼, SE¼, NW¼, S9, T13S, R20W, Ellis County, Kansas

Facility Location: 900 E. 8th, Ellis, KS 67637

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a mechanical treatment plant consisting of a lift station, an Aero-Mod extended aeration plant, UV disinfection of effluent, and a belt filter press for sludge dewatering and reuse of treated effluent for golf course irrigation. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli, total phosphorus, nitrate + nitrite, as well as monitoring for total Kjeldahl nitrogen, arsenic, selenium, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Minneapolis, City of 218 N. Rock Minneapolis, KS 67467	Lindsey Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SO27-OO02  
Federal Permit No. KS0086304

Legal Description: NW¼, NW¼, SE¼, S7, T11S, R3W, Ottawa County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, and zinc, as well as monitoring for pH, E. coli, sulfates, total phosphorus, chlorides, copper, lead, chromium, and arsenic.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Palco, City of PO Box 257 Palco, KS 67657	Spring Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SO30-OO02  
Federal Permit No. KS0093122

Legal Description: NW¼, NE¼, SE¼, S21, T9S, R20W, Rooks County, Kansas

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Reno Co. Board of Commissioners 600 Scott Blvd. South Hutchinson, KS 67505	Arkansas River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. I-AR98-PO01  
Federal Permit No. KS0091715

Legal Description: SE¼, S29, T24S, R5W, Reno County, Kansas

Facility Name: Reno County Sewer District No. 202

The proposed action is to reissue an existing NPDES/State permit to an existing facility. This sewer district collects and treats sanitary wastewater from the Hutchinson Air Base Industrial Tract and from area residential housing. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and pH, as well as monitoring for flow, ammonia, E. coli, nitrate and total Kjeldahl nitrogen.

**Public Notice No. KS-NQ-19-001/003**

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g).

Name and Address of Applicant	Legal Location	Type of Discharge
Steve Roberts 2536 Kestrel Rd. Hiawatha, KS 66434	NW¼, NW¼, SW¼, S18, T2S, R17E, Brown County, KS	Non-Overflowing

Kansas Permit No. C-MO08-NO01  
Federal Permit No. KSJ000696

Facility Name: Country Cabin

This action consists of issuing a new Kansas Water Pollution Control Permit for a non-overflowing facility. This facility is a one-cell wastewater stabilization lagoon system. The permit is for the kitchen and restaurant only. If additional facilities are added or either facility is expanded, approval from KDHE must be obtained prior to increasing influent flow to the lagoons. The permit contains a schedule of compliance stating the facility shall have a KDHE-certified operator. The proposed permit contains generic language to protect the waters of the State.

Name and Address of Applicant	Legal Location	Type of Discharge
Tammy Herl 3239 S. 137th St. East #32 Wichita, KS 67232	NW¼, NW¼, NE¼, S11, T28S, R2E, Sedgwick County, KS	Non-Overflowing

Kansas Permit No. C-WA20-NO01  
Federal Permit No. KSJ000529

Facility Name: Herl's Eastside Mobile Home Park

Facility Location: 13601 E. 31st St. South, Wichita, KS 67232

This action consists of reissuing a Kansas Water Pollution Control Permit for an existing non-overflowing facility. This facility consists of two single-cell wastewater stabilization lagoon systems. The permit contains a schedule of compliance stating the facility shall have a KDHE-certified operator. The proposed permit contains generic language to protect the waters of the State.

Name and Address of Applicant	Legal Location	Type of Discharge
Randy Long Trucking, LLC 4537 SW Auburn Rd. Topeka, KS 66610	NW¼, SE¼, NE¼, S13, T13S, R15E, Shawnee County, KS	Non-Overflowing

Kansas Permit No. C-KS72-NO11  
Federal Permit No. KSJ000698

Facility Location: 7939 S. Topeka Blvd., Wakarusa, KS 66546

This action consists of issuing a Kansas Water Pollution Control Permit for an existing non-overflowing facility. This facility is a two-cell wastewater stabilization lagoon system. The permit contains a schedule of compliance stating the facility shall have a KDHE-certified operator. The proposed permit contains generic language to protect the waters of the State.

**Notice of Intent to Terminate**

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment (KDHE) hereby provides notice of intent to terminate the following KDHE-issued permits.

State Permit	Project Name	City	County
S-SH02-0003	Lindblad Addition No. 2	Assaria	Saline
S-KS27-0191	Century Concrete Wet Batch Plant	Kansas City	Wyandotte
S-KS31-0367	Douglas County Fair Ground Improvements	Lawrence	Douglas
S-KS32-0048	Gleanson Glen, Sixth Plat, Phase III	Leawood	Johnson
S-KS32-0040	Park Place Residences	Leawood	Johnson
S-KS32-0041	Park Place Residences Loft	Leawood	Johnson
S-MO27-0039	Centennial Park	Leawood	Johnson
S-KS34-0178	Falcon Plaza Commercial Development	Lenexa	Johnson
S-KS38-0265	GJL Addition	Manhattan	Riley
S-KS40-0004	2015 CDBG Street Improvements	Mayetta	Jackson
S-LA11-0107	Leachate Evaporation Pond Installation	McPherson	McPherson
S-KS45-0024	The Gateway	Mission	Johnson
S-KS52-0110	Links of Prairie Highlands	Olathe	Johnson
S-KS52-0350	Hedge Lane PS&R	Olathe	Johnson
S-KS52-0439	Garmin Loop Road Expansion	Olathe	Johnson
S-MO14-0199	UMB-151st and Blackbob	Olathe	Johnson
S-KS52-0111	Saddlebrook of Cedar Ridge Park-1st Plat	Olathe	Johnson
S-KS52-0115	Whitetail-1st Plat	Olathe	Johnson
S-KS52-0302	Olathe North High School Campus	Olathe	Johnson
S-MO14-0112	Ashford Villas	Olathe	Johnson
S-MO14-0161	Clareview Lot 2	Olathe	Johnson
S-MC31-0070	Zarco 66	Ottawa	Franklin
S-KS55-0254	Chapel Hill 3rd Plat	Overland Park	Johnson
S-MO28-0342	Avenue 80	Overland Park	Johnson
S-KS55-0092	Cottages at the Wilderness	Overland Park	Johnson

(continued)

S-MO28-0080	Hampton Place	Overland Park	Johnson
S-AR69-0025	Prairie Hills 2nd Addition	Park City	Sedgwick
S-KS67-0010	St. Marys Industrial Park Drainage Improvements	St. Marys	Pottawatomie
S-AR84-0005	KS FTFW QUIV 10(3) and 11(1) Various Routes	Stafford	Stafford
S-KS72-0470	T-151011.00/Lauren's Bay Pond Improvements	Topeka	Shawnee
S-LA16-0047	Paving, Drainage, SWD, and Pump Station	Valley Center	Sedgwick
S-AR94-1301	McAdams Park Baseball Field	Wichita	Sedgwick
S-AR94-1304	Asphalt Plant	Wichita	Sedgwick
S-AR94-1305	Nahola	Wichita	Sedgwick
S-AR94-1307	Rawan Estates	Wichita	Sedgwick
S-AR94-1030	127th Street Duplexes	Wichita	Sedgwick
S-WA20-0014	Prairie Pond Plaza Addition	Wichita	Sedgwick

**Proposed Action:** The Kansas Department of Health and Environment (KDHE) issued Authorizations for stormwater discharges under of the Construction Stormwater General Permit for the above named projects. K.S.A. 65-166a requires the Secretary of KDHE to assess appropriate annual fees for Authorizations/Permits issued by the Department and provides that failure to pay the annual fee shall be cause for revocation/termination of the Authorization/Permit. The authorized entities named above have failed to comply with the requirement to pay the annual fee. Further, according to K.A.R. 28-16-62(f)-(g), the director has discretion to initiate termination of a permit. Therefore, pursuant to K.S.A. 65-166a, K.A.R. 28-16-60 and K.A.R. 28-16-62, KDHE is hereby providing notice of intent to terminate the Authorizations associated with the projects named herein. The entity may re-instate the Authorization by paying the appropriate annual fees. If you have any questions regarding the termination of your permit, please contact the Stormwater Coordinator.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before February 23, 2019, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-021/030, KS-AG-R-19-003, KS-Q-19-010/015, KS-NQ-19-001/003) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.  
Interim Secretary

Doc. No. 046878

#### State of Kansas

### Department of Health and Environment

#### Notice of Hearing

The Kansas Department of Health and Environment will conduct a public hearing to solicit comments from interested persons on revisions to the state plan for the Preventive Health and Health Services Block Grant. The hearing will be from 2:00 p.m. to 3:00 p.m. Monday, March 11, 2019, in the California Trails Conference Room, 2nd Floor, Suite 230, Curtis State Office Building, 1000 SW Jackson St., Topeka, Kansas.

Lee A. Norman, MD  
Interim Secretary

Doc. No. 046877

#### State of Kansas

### Department of Commerce

#### Notice of Hearing

The Department of Commerce, Community Development Block Grant (CDBG) program, will conduct one public hearing on the proposed FFY 2020 CDBG program. The public hearing will be held from 9:00 to 9:30 a.m. Wednesday, February 27, 2019, in the Main Conference Room of the Department of Commerce, 1000 SW Jackson, Suite 100, Topeka, Kansas. The purpose of this hearing is to gain citizen input on the proposed changes to the federally funded CDBG program as well as take comments on the performance of past administration of this program. Interested persons may also attend by conference call by calling 866-620-7326 (conference code 7675921124). No preregistration is required. All citizens are invited to attend the public hearing. Written comment will be accepted by regular mail or email at [kdc\\_cdbg\\_inbox@ks.gov](mailto:kdc_cdbg_inbox@ks.gov) until day and time of hearing.



Anyone needing special accommodations should contact the Kansas Department of Commerce at least five business days in advance of the hearing at 785-296-3004, fax 785-296-3490, or TTY 711.

Proposed changes listed below will be discussed at the public hearing:

**2020 Proposed CDBG Changes**

- Housing program changes:

Allow up to 20 percent of rehabilitation funds to be used for emergency repairs outside of target area.

David Toland  
Interim Secretary

Doc. No. 046876

**State of Kansas**

**Wichita State University**

**Notice of Intent to Lease Land and/or Building Space**

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university’s applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, or otherwise provide supporting services and amenities to the campus community (such as restaurants, retail establishments, financial institutions, etc.). Because tenant use must be a good fit with the university’s educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research & Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or Property Manager Crystal Stegeman, crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman  
University Property Manager  
Office of the Vice President for  
Administration and Finance  
Wichita State University

Doc. No. 046691

**State of Kansas**

**Office of the Governor**

**Executive Order No. 19-02**

**Prohibiting discrimination in State employment, services, and contracts**

**WHEREAS**, the State of Kansas is dedicated to the principles of freedom and equality among its citizens and celebrates their diversity; and

**WHEREAS**, State employees are a vital part of creating and fostering efficient business practices and ensuring that all Kansans receive the support, services, and respectful treatment to which they are entitled; and

**WHEREAS**, the State of Kansas must make every effort to create and maintain an excellent workforce and robust economy; and clear nondiscrimination policies promote good governance, government accountability, economic efficiency, and work environments of individual dignity and respect that help ensure that every Kansan has the opportunity to succeed; and

**WHEREAS**, the State of Kansas is committed to employment practices that prevent discrimination and harassment on account of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person’s ability to reasonably perform the duties of a particular job or position. State of Kansas employers are expected to provide equal employment opportunity to all individuals in all aspects of employer-employee relations without discrimination, and will comply with the spirit, as well as the letter, of applicable state and federal laws; and

**WHEREAS**, the State of Kansas is committed to recruiting, selecting, developing, and promoting employees based on ability and job performance; and workplace protections have been shown to improve job commitment, workplace relationships, job satisfaction, productivity, and health. Accordingly, employment and procurement decisions should advance the principles of equal employment opportunity and affirmative action.

**WHEREAS**, the State’s internal policies should be aligned with best business practices, and this Order places the State of Kansas in line with the practices of Fortune 500 companies, the vast majority of which have implemented similar diversity policies; and

**WHEREAS**, hiring and retaining diverse, highly qualified employees requires leadership support and attention to make diversity management initiatives a reality.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare that:

1. No entity under my jurisdiction shall discriminate, harass, or retaliate against an individual in employment, in the provision of State services or State programs, or in awarding State contracts or grants, on the basis of the race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person’s ability to reasonably perform the duties of a particular job or position or that is unrelated to the entity’s ability to perform the State service or program.
2. The Secretary of Administration shall issue guidance addressing discrimination, retaliation, and harassment.

*(continued)*

harassment to assist all entities under my jurisdiction in ensuring that the following programs, plans, or requirements are in place:

- a. A diversity management program that includes outreach recruitment and hiring, support, mentoring, development, rewards and recognitions for achievement, as well as monitoring the program's effectiveness.
- b. A strong program prohibiting discrimination and harassment in State employment and the provision of State services or State programs on account of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position. This program will include training, and a prompt and confidential method for making and addressing complaints.
- c. A requirement that State contracts and subcontracts expressly require that all hiring must be on the basis of individual merit and qualifications and expressly prohibit the discrimination or harassment described in paragraph 2(b) above by those performing the contract or subcontract.
- d. A program to increase awareness of legal protections for persons with disabilities in order to allow qualified applicants to apply for employment and to allow employees with disabilities to perform the essential functions of their jobs and enjoy the privileges and benefits of employment.
- e. Establishment of an agency affirmative action plan.

This document shall be filed with the Secretary of State as Executive Order No. 19-02 and shall become effective immediately subject to guidelines issued by the Secretary of Administration.

Dated January 15, 2019.

Laura Kelly  
Governor

Doc. No. 046880

(Published in the Kansas Register January 24, 2019.)

## City of Shawnee, Kansas

### Summary Notice of Bond Sale \$8,435,000\* Internal Improvement Bonds Series 2019a

#### (General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

#### Bids

Subject to the Notice of Bond Sale dated on or about January 21, 2019 (the "Notice of Sale"), bids will be received on behalf of the governing body of the City of Shawnee, Kansas (the "City"), at the offices of Springsted Incorporat-

ed, 380 Jackson St., Suite 300, Saint Paul, MN 55101-2887, by delivery, by telephone at 651-223-3000, or via facsimile at 651-223-3046 or, in the case of electronic proposals, via PARITY®, until 11:00 a.m. (CST) February 11, 2019, for the purchase of \$8,435,000\* principal amount of Internal Improvement Bonds, Series 2019A (the "Bonds"). No bid of less than \$8,519,350 (101% of the par value of the Bonds), plus accrued interest to the date of delivery, will be considered. Bidders may be required to be qualified in a manner established by the City before submitting a bid.

#### 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 March 13, 2019 (the "Dated Date"), and will become due on December 1 in the years as follows:

#### MATURITY SCHEDULE\*

Maturity December 1	Principal* Amount	Maturity December 1	Principal* Amount
2020	\$740,000	2025	\$855,000
2021	755,000	2026	880,000
2022	785,000	2027	910,000
2023	800,000	2028	930,000
2024	825,000	2029	955,000

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as provided in the Notice of Sale, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on December 1, 2019. 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

Treasurer of the State of Kansas, Topeka, Kansas.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in the manner that complies with the requirements set forth in the Notice of Sale in the amount of \$168,700 (2% of the principal amount of the Bonds).

#### Delivery

The City will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about March 13, 2019 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 2018 is \$1,025,473,974. The total general obligation bonded indebtedness of the City as of the date of the Bonds, including the Bonds, is \$51,870,000.

#### Approval of Bonds

The Bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City and de-

livered to the successful bidder as and when the Bonds are delivered.

**Additional Information**

Additional information regarding the Bonds may be obtained from the Municipal Advisor, Springsted Incorporated, 380 Jackson St., Suite 300, Saint Paul, MN 55101-2887, Attention: Bond Services, phone 651-223-3000, the City’s Finance Director, Attn: Maureen Rogers, Shawnee City Hall, 11110 Johnson Dr., Shawnee, KS 66203, phone 913-742-6263, or from Kutak Rock LLP, Bond Counsel, Attn: Joseph D. Serrano, 2300 Main St., Suite 800, Kansas City, MO 64108-2416, phone 816-960-0090.

Dated January 21, 2019.

City of Shawnee, Kansas  
 Maureen Rogers, Finance Director  
 Shawnee City Hall  
 11110 Johnson Dr.  
 Shawnee, KS 66203  
 913-742-6263

\* Preliminary, subject to change  
 Doc. No. 046884

(Published in the Kansas Register January 24, 2019.)

**City of Mission Hills, Kansas**

**Summary Notice of Bond Sale  
 \$1,330,000\*  
 General Obligation Bonds  
 Series 2019A**

**(General Obligations Bonds Payable  
 from Unlimited Ad Valorem Taxes)**

**Bids**

Subject to the Notice of Bond Sale dated on or about February 4, 2019 (the “Notice of Sale”), bids will be received by the undersigned, City Administrator of the City of Mission Hills, Kansas (the “City”), at City Hall, 6300 State Line Rd., Mission Hills, KS 66208, by delivery or via facsimile at 913-362-0673 or, in the case of electronic bids, via PARITY® (“PARITY”) until 12:00 p.m., (CST) Monday, February 11, 2019, for the purchase of all of the City’s \$1,330,000\* principal amount of General Obligation Bonds, Series 2019A (the “Bonds”), as hereinafter described.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the City Council, at 6:30 p.m., or soon thereafter as practicable, on said sale date. No oral, telephone, or auction bids will be considered. Bids for the Bonds shall not be less than \$1,330,000, plus accrued interest on the total principal amount of the Bonds 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. The Bonds will be dated March 6, 2019, and will become due September 1 in each of the years as follows:

**MATURITY SCHEDULE\***

Maturity September 1	Principal* Amount	Maturity September 1	Principal* Amount
2021	\$120,000	2024	\$130,000

2022	120,000	2025	410,000
2023	125,000	2026	425,000

The Bonds will bear interest from their date at the rates to be determined when the Bonds are sold as hereinafter provided, payable semiannually on March 1 and September 1 in each year, commencing September 1, 2019. 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**

Treasurer of the State of Kansas, Topeka, Kansas will be the Paying Agent and Bond Registrar.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in the manner that complies with the requirements set forth in the Notice of Sale in the amount of \$26,600 (2% of the principal amount of the Bonds for which the bid is submitted).

**Delivery**

The City will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about March 6, 2019, through the facilities 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 2018 is \$206,661,655. The total general obligation bonded indebtedness of the City as of the date of the Bonds, including the Bonds, is \$3,110,000.

**Approval of Bonds**

The Bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City and delivered to the successful bidder as and when the Bonds are delivered.

**Additional Information**

Additional information regarding the Bonds may be obtained from the City Administrator, phone 913-362-9620, the City’s Municipal Advisor, George K. Baum & Company, Attn: David Arteberry, Plaza Colonnade, 4801 Main St., Suite 500, Kansas City, MO 64112, phone 816-474-1100, or from Kutak Rock LLP, Bond Counsel, Attn: Joe Serrano, 2300 Main St., Suite 800, Kansas City, MO 64108-2416, phone 816-960-0090.

Dated January 17, 2019.

City of Mission Hills, Kansas  
 Courtney Christensen  
 City Administrator  
 6300 State Line Rd.  
 Mission Hills, KS 66208  
 913-362-9620  
 913-362-0673 – Telecopier

\* Preliminary, subject to change  
 Doc. No. 046885

## State of Kansas

## Board of Healing Arts

Notice of Hearing on Proposed  
Administrative Regulation

A public hearing will be conducted at 8:30 a.m. Tuesday, March 26, 2019, in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to the fees for Healing Arts licensees and Podiatrists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulation. All interested parties may submit comments prior to the hearing to Tucker Poling, General Counsel, at the Board of Healing Arts at the address above, or via email to [KSBHA\\_HealingArts@ks.gov](mailto:KSBHA_HealingArts@ks.gov). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the amended regulation during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation may be obtained from the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, KS 66612, on the agency website at <http://www.ksbha.org/publicinformation/publicinformation.shtml>, by contacting Jenne Cook at 785-296-2482, or by emailing the agency at [KSBHA\\_HealingArts@ks.gov](mailto:KSBHA_HealingArts@ks.gov).

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Rice at 785-296-8558 or at [Sheila.Rice@ks.gov](mailto:Sheila.Rice@ks.gov). Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and in the building's parking garage. From the street, both the West entrance to the building on Jackson Street and the North entrance on 8th Street are accessible.

A summary of the proposed regulation and the economic impact follows:

**K.A.R. 100-11-1. Amount** This revision updates the fee regulation for those seeking licenses in medicine and surgery, osteopathy, and podiatry. The fee amounts in this regulation have not been updated since 2010. The updates to the fees, compared to the date of last update, for on-time license renewal are, overall, below the rate of inflation. The new timely online renewal fee is \$47 below the rate of inflation, and the new timely paper renewal fee is \$11 above the rate of inflation (in order to incentivize online and on-time renewal). The revisions to the regulation clarify the “additional fee” for late renewals required pursuant to K.S.A. 65-2809(d) by reducing the listed amount of the late fee and clarifying that

this late fee is, pursuant to K.S.A. 65-2809(d), a fee that is additional to the underlying fee for license renewal. The updates incentivize online and on-time renewal, as opposed to paper renewal, by creating additional relative cost savings to renewal applicants who renew online and on time. This is consistent with the agency's overall efforts to move toward a paperless system.

Kathleen Selzler Lippert  
Executive Director

Doc. No. 046881

## State of Kansas

## Wildlife, Parks and Tourism Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m., Thursday, March 28, 2019, at the Capitol Plaza Hotel, Emerald I & II, 1717 SW Topeka Blvd., Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks and Tourism Commission will begin at 1:30 p.m., March 28, 2019 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. March 29, 2019 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ks.gov](mailto:sheila.kemmis@ks.gov) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulation that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-2-1.** This permanent regulation establishes fees. The proposed amendments would remove fees for duplicate issues as the agency transitions towards electronic licensing.

**Economic Impact Summary:** The proposal would reduce fees in the amount of approximately \$126,000 annually to the wildlife fee fund based on previous duplicate issuances. No other substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-2-3.** This permanent regulation establishes camping, utility and other fees. The proposed amendments would remove fees for duplicate issues as the agency transitions towards electronic licensing.

**Economic Impact Summary:** The proposal would reduce fees in the amount of approximately \$1500 annually to the park fee fund based on previous duplicate issuances. No other substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-2-4.** This permanent regulation establishes boating fees. The proposed amendments would remove fees for duplicate issues as the agency transitions towards electronic licensing.

**Economic Impact Summary:** The proposal would reduce fees in the amount of approximately \$13,500 annually to the boating fee fund based on previous duplicate issuances. No other substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-3-2.** This permanent regulation establishes legal equipment, taking methods, and possession requirements for rabbits, hares and squirrels. The proposed amendments would clarify that lures, decoys and calls may be used when hunting these species.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-4-4.** This permanent regulation establishes legal equipment and taking methods for big game. The proposed amendments would allow the use of a new bullet type for taking big game.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-4-11.** This permanent regulation establishes requirements for big game and wild turkey applications. The proposed amendments would align application dates for resident big game permit drawings.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-8-2.** This permanent regulation establishes requirements for blinds, stands, and decoys on department lands and waters. The proposed amendments would remove the requirement that portable blinds may not be left overnight.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-9-5.** This permanent regulation establishes effective dates for hunting, fishing, and furharvester licenses, state park permits and annual trail passes. The proposed amendments would clean up language related to annual trail passes as the regulation related to those passes was revoked previously by the commission.

**Economic Impact Summary:** No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of the regulation and its respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department’s website at [www.kdwpt.state.ks.us](http://www.kdwpt.state.ks.us), or by calling 785-296-2281.

Gerald Lauber  
Chairman

Doc. No. 046882

State of Kansas

Department of Agriculture  
Division of Animal Health

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

**9-18-6. Fees.** Each applicant for a license or permit and each applicant, licensee, or permittee subject to or requesting an inspection pursuant to K.S.A. 47-1701 et seq., and amendments thereto, shall pay the applicable fee or fees, as follows:

- (a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq. .... \$450.00
- (b) License for an animal shelter located as follows:
  - (1) First-class city, as defined in K.S.A. 13-101, and amendments thereto, or any entity contracting with a first-class city ..... \$400.00
  - (2) Second-class city, as defined in K.S.A. 14-101, and amendments thereto, or any entity contracting with a second-class city ..... \$335.00
  - (3) Third-class city, as defined in K.S.A. 15-101, and amendments thereto, or any entity contracting with a third-class city ..... \$285.00
  - (4) License for a rescue network manager, regardless of location ..... \$125.00
  - (c) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq. .... \$450.00
  - (d) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq. .... \$450.00
  - (e) License for an operator of a temporary pet shop with 12 or fewer sale days in a license year ..... \$200.00
  - (f) License for an operator of a pet shop ..... \$600.00

(continued)

- (g) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq. .... \$300.00
- (h) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq. .... \$300.00
- (i) License for a hobby breeder ..... \$250.00
- (j) License for a boarding or training kennel operator ..... \$200.00
- (k) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq. .... \$400.00
- (l) Out-of-state distributor permit ..... \$650.00
- (m) Temporary closing permit for a hobby breeder or training kennel operator ..... \$45.00
- (n) Temporary closing permit for an animal shelter, animal breeder, animal distributor, retail breeder, pet shop, or research facility ..... \$95.00
- (o) Inspection fee for each inspection performed upon request by a licensee, permittee, or applicant for a license or permit ..... \$200.00
- (p) No-contact fee pursuant to K.S.A. 47-1721, and amendments thereto ..... \$200.00
- (q) Reinspection fee pursuant to K.S.A. 47-1721, and amendments thereto ..... \$200.00
- (r) License for each premises required to be licensed under multiple license categories..... the fee for the most expensive applicable license and a fee of \$50 for each additional applicable license
- (s) Late fee for failure to renew any existing license before October 1 ..... \$70.00

(Authorized by and implementing K.S.A. 2018 Supp. 47-1721; effective Nov. 17, 2017; amended February 8, 2019.)

**9-18-9. Inspections of premises.** (a) Each premises that is licensed or that the commissioner finds reasonable grounds to believe is required to be licensed under the act shall be subject to routine inspections by the commissioner or any of the commissioner's authorized representatives to determine compliance with the act and all applicable regulations.

(b) Each premises shall be subject to routine inspections at the following intervals: (1) A routine inspection shall be conducted every three to 12 months for each new premises and each premises that has failed one of its two most recent inspections.

(2) A routine inspection shall be conducted every nine to 18 months for each premises that has passed its two most recent inspections.

(3) A routine inspection shall be conducted every 15 to 24 months for each premises that has passed its three most recent inspections.

(c) In addition to routine inspections, any premises may be subject to one or more additional inspections under any of the following circumstances:

(1) A violation was found in a previous inspection.

(2) A complaint is filed regarding the premises.

(3) The ownership of the premises changed in the previous year.

(4) The license for the premises was not renewed in a timely manner.

(d) Routine inspections shall be made on Monday through Friday, between the hours of 7:00 A.M. and 7:00 P.M., except that these inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(e) If the owner or operator of the premises is not routinely available between the hours of 7:00 A.M. and 7:00 P.M., the owner or operator shall designate a representative who will be present while the inspection is conducted and shall notify the commissioner in writing of the name of the designated representative. The designated representative shall be 18 years of age or older and mentally and physically capable of representing the licensee in the inspection process. The owner or operator shall notify the commissioner in writing of any new representative who is designated to be present during inspections.

(f) Any inspection to investigate allegations of violations adversely affecting the health, safety, and welfare of the animals may be conducted on any day of the week and at any hour deemed reasonably necessary by the commissioner.

(g) Prior notice of inspection dates shall not be provided to the owner or operator of any licensed premises. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2018 Supp. 47-1709, K.S.A. 2018 Supp. 47-1733, and K.S.A. 2018 Supp. 47-1736; effective Nov. 17, 2017; amended February 8, 2019.)

**9-18-28. Pet animal foster homes.** (a) Rescue networks and animal shelters may utilize pet animal foster homes.

(b) Rescue network managers and animal shelter licensees shall require each of their prospective pet animal foster homes to sign a pet animal foster home agreement with the supervising rescue network or animal shelter licensee. The rescue network manager or animal shelter licensee shall state in the agreement that the pet animal foster home is required to comply with all the requirements contained in this regulation.

(c) Each rescue network manager and animal shelter licensee shall keep records of all pet animal foster homes utilized by the rescue networks and animal shelter.

(d) Each rescue network manager and each animal shelter licensee shall ensure that all pet animal foster homes utilized by the rescue network or animal shelter comply with the Kansas pet animal act and all applicable regulations.

(e) Each animal shelter licensee or rescue network manager using a pet animal foster home shall develop a plan of veterinary care to be followed by the pet animal foster home. The plan of veterinary care shall be recorded on the form specified in the definition of "adequate veterinary medical care" in K.S.A. 47-1701, and amendments thereto. This plan shall include the name of the licensed veterinarian whom the pet animal foster home shall contact in case of injury or illness and the name of the party responsible for the payment of treatment and office call charges. The animal shelter licensee or rescue network manager shall require each pet animal foster home to notify the sponsoring animal shelter or rescue network manager of any dog or cat receiving veterinary care within 24 hours of treatment. A copy of the plan of veterinary care shall be filed annually with the commissioner.

(f) The animal shelter licensee or rescue network manager shall require that a pet animal foster home not directly accept stray dogs or cats or any animal relinquished by its owner. Each pet animal foster home wanting to accept stray dogs or cats or animals that are relinquished by their owners shall apply for and receive an animal shelter license before accepting these animals. Each rescue network manager shall be responsible for the intake of all animals in the care of the rescue network. No stray dog or cat may be placed with a pet animal foster home until the applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met.

(g) A pet animal foster home shall not foster more than 10 adult cats or dogs at the same time.

(h)(1) A pet animal foster home shall not at any time maintain or house on the premises more than 19 adult dogs or cats. The limit of 19 dogs or cats shall include the following:

(A) Any adult dog or cat that is a personal pet of the pet animal foster home caretaker; and

(B) any adult dog or cat owned by any other individual or entity and maintained, housed, or harbored on the premises.

(2) If more than 19 adult dogs or cats will be housed on the premises for any reason, the pet animal foster home shall apply for an animal shelter license and shall not accept any adult dogs or cats in excess of that limit before receiving the animal shelter license.

(i)(1) An animal shelter licensee or rescue network manager shall not place any intact dog or cat six months of age or older into the custody of a pet animal foster home unless spaying or neutering is contraindicated by a licensed veterinarian. If a veterinarian has examined and recommends that the dog or cat should not be altered, the pet animal foster home shall obtain a copy of a written opinion by the veterinarian as to why the animal cannot be altered and an estimated time of when, if ever, the animal can be altered. A copy of the written opinion shall be kept by both the pet animal foster home and the rescue network manager or animal shelter licensee.

(2) Intact female dogs or cats that are nursing puppies or kittens may be housed in a pet animal foster home until the puppies or kittens are weaned. Puppies or kittens shall be considered weaned once they are eating solid food and not nursing for five consecutive days. Puppies or kittens may remain unaltered in foster care only up to six months of age. Puppies and kittens at four months of age shall be considered adults and shall be counted as part of the 10 total dogs or cats that rescue network managers or animal shelter licensees may place at pet animal foster homes.

(j) The animal shelter licensee or rescue network manager shall process all documentation for each adoption and all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. Each intact dog, cat, puppy, or kitten shall be adopted directly from the animal shelter or, in the case of a rescue network, from the premises of the rescue network manager. Any altered dog, cat, puppy, or kitten may be adopted directly from the pet animal foster home only after all final adoption paperwork has been processed through the animal shelter or rescue network manager and all applicable requirements of K.S.A. 47-1710, and amendments thereto, have been

met by a licensed animal shelter. (Authorized by K.S.A. 47-1712; implementing K.S.A. 2018 Supp. 47-1701, K.S.A. 2018 Supp. 47-1704, K.S.A. 2018 Supp. 47-1710, K.S.A. 47-1712, and K.S.A. 2018 Supp. 47-1731; effective Nov. 17, 2017; amended February 8, 2019.)

Michael M. Beam  
Interim Secretary

Doc. No. 046887

## State of Kansas

### Department of Agriculture

#### Permanent Administrative Regulations

#### Article 34.—INDUSTRIAL HEMP

**4-34-1. Definitions.** Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Act" means the alternative crop research act, K.S.A. 2018 Supp. 2-3901 et seq. and amendments thereto.

(b) "Administrative license" means a license issued to any of the following:

(1) An individual appointed as a member of the state advisory board;

(2) an individual employed by the designated certifying agency who requires licensure as a result of the individual's assigned employment duties and is involved in the administration of the designated certifying agency's responsibilities pursuant to the pilot program; or

(3) an individual employed by the department who is involved in the administration, regulation, or oversight of the pilot program or an individual employed by the department who requires licensure as a result of the individual's assigned employment duties.

(c) "Approved variety of industrial hemp" means a variety or strain of industrial hemp authorized for use in the pilot program.

(d) "Certifying agency" has the meaning specified in K.S.A. 2-1415, and amendments thereto.

(e) "Condition," as used in this article of the department's regulations, means to clean or to clean and blend seed within a licensed research section, in order to meet the requirements of agricultural seed for the purpose of being planted or seeded. Seed that has undergone this process is known as "conditioned."

(f) "Destroy" means to make incapable of being harvested or processed by means of being incinerated, tilled under the soil, or made into compost or by using another manner approved by the secretary. This process is known as "destruction."

(g) "Devitalize" means to render incapable of germinating.

(h) "Grain," as used in this article of the department's regulations, means an industrial hemp plant's unit of sexual reproduction intended to be consumed or processed into hemp products.

(i) "Handle" means to cause any movement of industrial hemp on or within a licensed research section.

(j) "Harvest" means to remove industrial hemp plants, plant parts, grain, or seeds from the research area where

(continued)

the industrial hemp plants, plant parts, grain, or seeds were cultivated, planted, or grown.

(k) "Harvest certificate" means a document issued by the department to the primary licensee, after the industrial hemp plants, plant parts, grain, or seeds are harvested, that includes information to assist in identifying the industrial hemp plants, plant parts, grain, or seeds that were harvested.

(l) "Individual" means a natural person.

(m) "Licensed research distributor" means an individual licensed by the department to handle, condition, store, distribute, or transport raw, harvested industrial hemp plants, plant parts, grain, or seeds in Kansas.

(n) "Licensed research grower" means an individual licensed by the department to cultivate, plant, grow, handle, harvest, condition, store, distribute, or transport industrial hemp plants, plant parts, grain, or seeds in Kansas.

(o) "Licensed research processor" means an individual licensed by the department to handle, store, or process industrial hemp plants, plant parts, or grain and take part in any aspect of turning raw, harvested industrial hemp into a hemp product in Kansas.

(p) "Licensed research section" means a section legally designated by the public land survey system that is identified in the license issued by the department establishing where a licensee may cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds. A licensed research section may include land, structures, and buildings that are not used to cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds.

(q) "Licensee" means any individual who possesses a valid license issued by the department pursuant to the act.

(r) "Pilot program" means the industrial hemp research program administered by the department pursuant to the act.

(s) "Plant part" means any portion of an industrial hemp plant, including any of the following:

(1) Whole or partial unprocessed plants, including stalk, leaf, seed, floral, and root materials;

(2) raw roots;

(3) fresh, unprocessed, dried, or ground leaves or floral material; or

(4) rooted plants, cuttings, propagules, or clones.

(t) "Primary licensee" means an individual at least 18 years of age who was issued a research license by the department and who shall be responsible for ensuring that all licensees listed on the research license application submitted by that individual comply with the requirements of the act and the implementing regulations.

(u) "Research area" means a location within a licensed research section used for the cultivation, planting, growth, handling, harvesting, conditioning, storage, distribution, transporting, or processing of industrial hemp plants, plant parts, grain, or seeds.

(v) "Secretary" means secretary of the Kansas department of agriculture or the secretary's designated representative.

(w) "Seed," as used in this article of the department's regulations, means an industrial hemp plant's unit of sexual reproduction intended to be planted for germination.

(x) "Variety" means a subdivision of a species that meets the following conditions:

(1) Is uniform, in the sense that the variations in essential and distinctive characteristics are describable;

(2) is stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and

(3) is distinct, in that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other publicly known varieties.

(y) "Volunteer plant" means any plant of the genus cannabis that grows of its own accord from seeds or roots and is not intentionally planted. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-2. Certified seed.** (a) All certified seed shall be considered "agricultural seed" subject to the Kansas agricultural seed act, K.S.A. 2-1415 et seq. and amendments thereto, and the implementing regulations.

(b) No certification of seed shall be made unless by or on the authority of the designated certifying agency. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-3. License approval process.** (a) Each individual wanting to conduct research pursuant to the pilot program shall submit or be listed on a completed, accurate, and legible research license application. Each research license application shall be submitted on a form provided by the department and shall designate the individual wanting to be the primary licensee and all proposed licensees. Each research license application shall include a research proposal and all required state and national criminal history record check and application fees, except that an individual wanting to be a primary licensee on a state educational institution license shall not be required to submit an application fee.

(b) Each individual issued an administrative license, each individual wanting to be a primary licensee, and each individual listed on a research license application shall meet the following requirements:

(1) Be fingerprinted and submit to a state and national criminal history record check, which shall be performed by the Kansas bureau of investigation;

(2) submit payment for the fingerprint-based criminal history record check to the Kansas bureau of investigation; and

(3) submit payment for the costs of fingerprinting to the law enforcement agency that provided the fingerprinting services.

(c) Each individual wanting to be a primary licensee and each individual listed on a research license application shall submit that individual's fingerprints and a state and national criminal history record check no more than 30 days before submitting the research license application to the department.

(d) Following the department's receipt of the completed research license application, verification that all individuals passed the state and national criminal history record check, and the application fees, the re-



search license application shall be reviewed by the state advisory board and either rejected or recommended for approval and forwarded to the secretary.

(e) Following the secretary's review, each research license application shall be denied or conditionally approved. The individual wanting to be the primary licensee shall be notified by the department of the denial or conditional approval in writing. Each research license application for a state educational institution license shall be reviewed solely by the secretary and shall be denied or approved. If approved, each state educational institution license shall be issued by the department and the licensee may begin the approved research.

(f) Upon conditional approval of a research license application, the individual wanting to be the primary licensee shall remit the applicable license fees for each approved license category within 15 days of receipt of the department's written notice of conditional approval. Once the department receives the applicable license fees, the research license application shall be officially approved and each appropriate license shall be issued by the department. Upon receipt of the research license, the licensee may begin the approved research. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-4. Research license applications.** (a) Each individual wanting to be a primary licensee shall identify the following on the research license application:

(1) Each owner of all land, structures, and buildings where any proposed research will be conducted;

(2) each owner of all motor vehicles that will be used to distribute or transport industrial hemp plants, plant parts, grain, or seeds;

(3) each individual that will own 10 percent or more of the industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, or grown; and

(4) each individual that will otherwise be involved in the research proposal, including those individuals that will be engaged in the purchasing, researching, cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, studying, analyzing, or selling of industrial hemp plants, plant parts, grain, or seeds.

(b) Each research license application shall include the following:

(1) A research proposal submitted on a form provided by the department that includes the following, at a minimum:

(A) A statement of the type of research to be conducted;

(B) the purpose of the research;

(C) the data that will be collected;

(D) the location where the research will occur;

(E) the number of acres or square feet that will be used to conduct the research;

(F) the methods to be used in conducting the research;

(G) the intended duration of the research;

(H) the anticipated results of the research; and

(I) any other relevant information that the secretary requests;

(2) legal descriptions and maps depicting each location where industrial hemp plants, plant parts, grain, or seeds will be cultivated, planted, grown, handled, har-

vested, conditioned, stored, distributed, transported, or processed, including appropriate designations for field identifications and boundaries and the global positioning system coordinates;

(3) a description of each vehicle that will be used for transporting or distributing industrial hemp plants, plant parts, grain, or seeds, including the make, model, license plate number, and color; and

(4) a list of each individual who will transport any industrial hemp plants, plant parts, grain, or seeds, along with a copy of the individual's current driver's license.

(c) Each research license application shall be submitted to the department on an annual basis, on a form provided by the department. Each research license application shall be submitted to the department no later than March 1 for the 2019 growing season and no later than November 30 for each subsequent growing season.

(d) Incomplete or illegible research license applications shall not be accepted, and the application fees shall not be refunded.

(1) Any individual wanting to be a primary licensee may complete or resubmit a previously incomplete or illegible research license application no later than November 30.

(2) For the 2019 growing season, any individual wanting to be a primary licensee may complete or resubmit a previously incomplete or illegible research license application no later than March 1.

(e) Any individual may apply for multiple licenses in a single license category or multiple license categories. Each individual shall provide the department with all required information for each license being sought along with payment of separate application fees and license fees.

(f) A research license application may be denied and the application fees shall not be refunded if at least one of the following conditions is met:

(1) The research license application is not submitted by the established deadline.

(2) The research license application does not include the application fees.

(3) Any individual identified on the research license application fails to submit to the state and national criminal history record check as required.

(4) Any criminal history records check reveals that an individual identified on the license application has been convicted of any crime specified in K.S.A. 2018 Supp. 2-3902, and amendments thereto, or a violation of any law of another jurisdiction that is in substantial conformity with the offenses listed in that statute.

(5) The research license application does not include a research proposal.

(6) The research license application includes a home or residence as a location to cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-5. Licenses issued by the department; general requirements for licensees.** (a) Each license issued by the department shall establish the requirements governing each licensee's participation in the pilot program.

(continued)

Any violation of the terms and conditions specified in a license may result in the revocation of any license held by the licensee and denial of future applications. Each licensee shall comply with all instructions from representatives of the department and local, state, and federal law enforcement agencies pertaining to the licensee's involvement in the pilot program.

(b) Before cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain, or seeds for research purposes at any location in Kansas, each individual shall obtain a license issued by the department.

(c) Before a license is issued by the department, license fees shall be paid as required by K.A.R. 4-34-12. Failure by the individual wanting to be the primary licensee to pay the license fees within 15 days of receipt of notice of conditional approval shall terminate the approval process of the research license application, and the requested licenses shall not be issued by the department.

(d) Except in the case of the death of the primary licensee, a license issued by the department shall not be sold or transferred. If the primary licensee dies, any individual listed on the research license application that has also been issued a license may request that the department modify the license as required by K.A.R. 4-34-13.

(e)(1) Each licensee shall use or allow to be used as part of the pilot program only industrial hemp plants, plant parts, grain, or seeds from varieties currently designated by the department as approved varieties of industrial hemp. The department's document titled "approved varieties of industrial hemp for planting," dated October 15, 2018, is hereby adopted by reference.

(2) Upon request of the individual wanting to be the primary licensee, any licensees listed on that individual's research license application may be authorized by the secretary to cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process varieties of industrial hemp other than those varieties identified under paragraph (e)(1), if doing so is appropriate and consistent with the individual's research proposal.

(f) At all times while a licensee is engaged in cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds pursuant to the pilot program, the licensee shall have that individual's current license authorizing the activity in possession.

(g) Each license issued by the department shall be valid from the date of issuance until the expiration date unless the license is revoked by the department. Each license shall expire on January 31, following the date of issuance. An individual may apply for a license in successive years by completing a research license application, state and national criminal history records check, fingerprinting, and paying the application and license fees. Issuance of a license in one year shall not guarantee issuance of a license in any subsequent year.

(h) A license shall not be issued by the department to an individual if the individual's research license application includes a location approved by the department

as a research area in a license previously issued by the department in the same license year. Any individual may request that the department approve multiple licensed research sections. However, each request shall require a separate research license application, application fees, and license fees.

(i) Any primary licensee may be approved by the department to cultivate, plant, or grow industrial hemp plants, plant parts, grain, or seeds on an acreage or square footage that is equal to or less than the acreage or square footage stated in the research license application. Industrial hemp plants, plant parts, grain, or seeds may be cultivated, planted, or grown on an acreage or square footage that is equal to or less than the approved acreage or square footage. Completion of a modification request form shall not be required if a primary licensee elects to cultivate, plant, or grow industrial hemp plants, plant parts, grain, or seeds on an acreage or square footage that is less than the acreage or square footage authorized in the license.

(j) Licensees shall use only approved varieties of industrial hemp when engaged in cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, or processing industrial hemp plants, plant parts, grain, or seeds, except that any primary licensee may request that the secretary approve varieties of industrial hemp pursuant to paragraph (e)(2).

(k) Each licensee growing seed for seed certification shall meet the requirements specified in the Kansas agricultural seed act, K.S.A. 2-1415 et seq. amendments thereto, and the implementing regulations.

(l)(1) Each licensee shall consent to the department's providing information to law enforcement, fire, and rescue agencies and the public regarding each research area. Additionally, each licensee shall consent to the department's providing information about any licensed research section or research area, including global positioning system coordinates, to representatives of the Kansas bureau of investigation, United States drug enforcement agency, and other law enforcement agencies if representatives of any of these agencies request the information.

(2) Each licensee shall consent to the department's providing appropriate law enforcement agencies in each county with copies of the licensee's license.

(m) Each research area shall be subject to inspection by the department. Each representative of the department shall have complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds, whether growing or not, including access to all land, buildings, facilities, motor vehicles, and other structures listed on the license issued by the department. Access shall be granted whether the licensee is present or not, at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The right of access shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain, or seeds present at the location being accessed, as well as the right to inspect any reports or records pertaining to the licensee's research.

(n) Each licensee shall permit the department to perform any inspections and to collect any samples of any industrial hemp plants, plant parts, grain, or seeds at any time.

(o) Each licensee shall submit all reports required by the department on or before the specified deadlines.

(p) Each primary licensee shall retain, for at least five years, all records created as a result of the primary licensee's participation in the pilot program unless otherwise ordered by the secretary. The records shall be made available for inspection by the department, the Kansas bureau of investigation, and any other law enforcement agencies upon request.

(q) Each licensee shall ensure that any individual applying pesticides to industrial hemp plants or plant parts complies with the Kansas pesticide act, K.S.A. 2-2438a et seq. amendments thereto, and the implementing regulations.

(r) Each licensee shall be solely responsible for that licensee's risk of financial or other loss as a result of participating in the pilot program.

(s) A licensee shall not allow industrial hemp plants, plant parts, grain, or seeds to be cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed at any location other than the locations included on the license issued by the department.

(t)(1) Each licensee shall immediately notify the department of any interaction with law enforcement related to the licensee's participation in the pilot program, as well as any contact with law enforcement related to criminal charges or a criminal investigation involving any crime specified in K.S.A. 2018 Supp. 2-3902, and amendments thereto, or a violation of any law of another jurisdiction that is in substantial conformity with the offenses listed in that statute. The licensee shall provide a written follow-up summarizing the interaction and its outcome to the department within three calendar days of the interaction.

(2) Each primary licensee shall notify the department and appropriate law enforcement agencies of the theft of any industrial hemp plants, plant parts, grain, or seeds within three calendar days of the theft.

(u) A primary licensee shall not permit any individual to participate in the pilot program pursuant to the primary licensee's research license application if that individual's license was revoked by the department or that individual was denied admission to participate in the pilot program. Except when conducting educational activities, a licensee shall not allow access to any research area listed on the license, industrial hemp plants, plant parts, grain, or seeds by an individual whose license was revoked by the department or who was denied admission to participate in the pilot program.

(v) A primary licensee shall not rent or lease land, buildings, facilities, motor vehicles, or other structures that will be used to conduct research as part of the pilot program from any individual whose license was revoked by the department or who was denied admission to participate in the pilot program.

(w) Any licensee may host or engage in educational activities as authorized by the license issued by the department. Any licensee hosting or engaging in educational activities may allow members of the public access to each research area for the sole purpose of participating in educational activities. Any licensee may set up a public display booth showcasing the individual's research relating

to industrial hemp plants, plant parts, grain, or seeds at trade shows, county fairs, or other similar events. Licensees shall not allow any members of the public to have physical contact with or possess any industrial hemp plants, plant parts, grain, or seeds and shall not transfer, distribute, trade, sell, give away, barter, or exchange for value any industrial hemp plants, plant parts, grain, or seeds to any member of the public.

(x) A licensee shall not conduct activities that involve industrial hemp plants, plant parts, grain, or seeds that are unrelated to the licensee's approved research proposal, license, or educational activities at any location listed on the license, including industrial hemp-related activities involving an industrial hemp maze.

(y) A licensee shall not distribute industrial hemp plants, plant parts, grain, or seeds at any location that is not identified on the license, including trade shows, county fairs, educational or other events, and any other address not listed on the license. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-6. Research grower license.** (a) In addition to the requirements of K.A.R. 4-34-5, each individual who is issued a research grower license by the department shall meet the following requirements:

(1) Obtain industrial hemp plants or certified seeds from a licensed research distributor or from legally imported sources of industrial hemp;

(2) obtain and retain a copy of each seed label for all certified seed planted, cultivated, or grown;

(3) obtain and retain a copy of the following documents, if applicable:

(A) The research grower license of the primary licensee that cultivated, planted, grew, handled, harvested, conditioned, stored, distributed, or transported the industrial hemp plants or seeds being received;

(B) the research distributor license of the primary licensee that handled, conditioned, stored, distributed, or transported the industrial hemp plants or seeds being received; and

(C) the harvest certificate pertaining to the industrial hemp plants or seeds being received by the licensee or a bill of lading or other documentation identifying the source of the industrial hemp plants or seeds being received;

(4) ensure that industrial hemp plants, plant parts, grain, or seeds are not interplanted with any other crop in any research area;

(5) ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, grain, or seeds that were harvested or a bill of lading or other documentation identifying the source of the industrial hemp plants, plant parts, grain, or seeds accompanies the industrial hemp plants, plant parts, grain, or seeds being transported;

(6) ensure that industrial hemp plants, plant parts, grain, or seeds are not commingled with any other commodity or other items being transported; and

(7) survey and monitor any unlicensed growing areas, whether inactive or previously licensed as part of any research area, or never been licensed, including any ditches, fence lines, and other unmanaged land areas adjacent

*(continued)*

to the research areas, for volunteer plants and destroy any volunteer plants during the current license year and for at least three years after the last date of planting reported to the department.

(b) The primary licensee on each research grower license shall have a primary residence in Kansas.

(c) Any licensed research grower may cultivate, plant, grow, handle, harvest, condition, store, distribute, or transport industrial hemp plants, plant parts, grain, or seeds pursuant to the license issued by the department.

(d) A licensed research grower shall not handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds cultivated, planted, or grown by another licensee without first obtaining any required license issued by the department.

(e) A licensed research grower shall not cultivate, plant, grow, handle, or harvest more than 80 acres in a licensed research section under one license in calendar year 2019 and shall not cultivate, plant, grow, handle, or harvest more than 320 acres in a licensed research section under one license in calendar year 2020. Each primary licensee on a research grower license who wants to cultivate, plant, grow, handle, or harvest more than the authorized acres in a licensed research section in any calendar year shall obtain an additional research grower license and pay all required application fees and license fees for the additional acreage.

(f) Each licensed research grower that cultivates, plants, grows, handles, harvests, conditions, stores, or transports industrial hemp plants or seeds that were obtained from outside Kansas shall maintain a bill of lading or other documentation that identifies the source of the industrial hemp plants or seeds to demonstrate that the industrial hemp plants or seeds were legally imported into Kansas. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-7. Research distributor license.** (a) In addition to the requirements of K.A.R. 4-34-5, each individual who is issued a research distributor license by the department shall meet the following requirements:

(1) Obtain industrial hemp plants, plant parts, grain, or seeds from a licensed research grower, licensed research distributor, or licensed research processor or from legally imported sources of industrial hemp;

(2) obtain and retain a copy of the following documents, if applicable:

(A) The research grower license of the primary licensee that cultivated, planted, grew, handled, harvested, conditioned, stored, distributed, or transported the industrial hemp plants, plant parts, grain, or seeds being received;

(B) the research distributor license of the primary licensee that handled, conditioned, stored, distributed, or transported the industrial hemp plants, plant parts, grain, or seeds being received;

(C) the research processor license of the primary licensee that handled or stored the industrial hemp plants, plant parts, or grain being received; and

(D) the harvest certificate pertaining to the industrial hemp plants, plant parts, grain, or seeds being received by the licensee or a bill of lading or other documentation identifying the source of the industrial hemp plants, plant parts, grain, or seed being received by the licensee;

(3) ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, grain, or seeds that were harvested or a bill of lading or other documentation identifying the source of the industrial hemp plants, plant parts, grain, or seeds accompanies the industrial hemp plants, plant parts, grain, or seeds being distributed or transported; and

(4) ensure that industrial hemp plants, plant parts, grain, or seeds are not commingled with any other commodity or other items being distributed or transported.

(b) The primary licensee on a research distributor license shall have a primary residence in Kansas.

(c) Any licensed research distributor may handle, condition, store, distribute, or transport industrial hemp plants, plant parts, grain, or seeds pursuant to the license issued by the department.

(d) A licensed research distributor shall not harvest or process industrial hemp plants, plant parts, grain, or seeds cultivated or grown by another licensee without first obtaining any required license issued by the department.

(e) Each individual exchanging, distributing, selling, or reselling certified seed in Kansas shall be licensed pursuant to the Kansas agricultural seed act, K.S.A. 2-1415 et seq. amendments thereto, and the implementing regulations.

(f) A licensed research distributor that handles, conditions, stores, distributes, or transports industrial hemp plants, plant parts, grain, or seeds that were obtained from outside Kansas shall maintain a bill of lading or other documentation that identifies the source of the industrial hemp plants, plant parts, grain, or seeds to demonstrate that the industrial hemp plants, plant parts, grain, or seeds were legally imported into Kansas. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-8. Research processor license.** (a) In addition to the requirements of K.A.R. 4-34-5, each individual who is issued a research processor license by the department shall meet the following requirements:

(1) Obtain industrial hemp plants, plant parts, or grain from a licensed research grower or licensed research distributor or from legally imported sources of industrial hemp;

(2) devitalize any industrial hemp grain within 10 days of receipt and take appropriate security measures to ensure that the industrial hemp grain cannot be stolen before it is devitalized;

(3) obtain and retain a copy of the following documents, if applicable:

(A) The research grower license of the primary licensee that cultivated, planted, grew, handled, harvested, conditioned, stored, distributed, or transported the industrial hemp plants, plant parts, or grain being received;

(B) the research distributor license of the primary licensee that handled, conditioned, stored, distributed, or transported the industrial hemp plants, plant parts, or grain being received; and

(C) the harvest certificate pertaining to the industrial hemp plants, plant parts, or grain being received by the licensee or a bill of lading or other documentation identifying the source of the industrial hemp plants, plant parts, or grain being received; and

(4) ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, or grain that was harvested or a bill of lading or other documentation identifying the source of the industrial hemp plants, plant parts, or grain accompanies the industrial hemp plants, plant parts, or grain being processed.

(b) Any licensed research processor may handle, store, or process industrial hemp plants, plant parts, or grain pursuant to the license issued by the department. A licensed research processor shall not handle, store, or process seeds.

(c)(1) The primary licensee on a research processor license who processes industrial hemp plants, plant parts, or grain into hemp products in a mobile processing facility shall meet the following requirements:

(A) Notify the department of the mobile processing facility's planned processing locations no more than five days in advance of the first day of processing in each location. The primary licensee shall immediately notify the department of any changes to a submitted schedule; and

(B) at all times, operate in compliance with all state, county, and local laws, regulations, and ordinances.

(2) The primary licensee shall be present at each mobile processing facility's planned processing locations at all times while each mobile processing facility is operating.

(d) A licensed research processor shall not cultivate, plant, grow, harvest, condition, distribute, or transport industrial hemp plants, plant parts, grain, or seeds cultivated, planted, or grown by another licensee without first obtaining any required license issued by the department.

(e) A licensed research processor that processes industrial hemp plants, plant parts, or grain that were obtained from outside Kansas shall maintain a bill of lading or other documentation demonstrating that the industrial hemp plants, plant parts, or grain was legally imported into Kansas.

(f) Possession of a current research processor license shall not guarantee a licensee access to the premises of any private landowner. Permission for a licensee to enter the premises of any landowner shall be established contractually or otherwise by agreement of the licensee and the landowner. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-9. State educational institution research license.** (a) Each state educational institution wanting to allow individuals to conduct research pursuant to the pilot program shall authorize this participation and shall be directly responsible for any volunteer, student, employee, or research and extension employee conducting the research.

(b) Each volunteer, student, employee, or research and extension employee of a state educational institution that wants to conduct research pursuant to the pilot program shall submit a completed, accurate, and legible research license application for a state educational institution research license. Each research license application shall designate the individual wanting to be a primary licensee and list all proposed licensees. Each research license application shall include a research proposal and the required state and national criminal history record check.

No application fees or license fees shall be assessed to any individuals wanting a state educational institution

research license. However, the costs associated with fingerprinting and the state and national criminal history record check shall be the responsibility of any individual wanting a state educational institution research license.

(c) Volunteers, students, employees, and research and extension employees of a state educational institution shall not apply for a license or conduct research without first obtaining written approval from the head of any applicable department stating that the individual wanting to be a primary licensee and the proposed licensees are part of a sanctioned state educational institution research proposal, which shall be submitted with the research license application. Each individual wanting to be the primary licensee on a state educational institution research license shall apply for and obtain that license before conducting research or having industrial hemp plants, plant parts, grain, or seeds at any location in Kansas.

(d) Each individual wanting to be the primary licensee on a state educational institution research license shall identify the following on the research license application:

(1) Each owner of all land, structures, and buildings where any proposed research will be conducted;

(2) each owner of any motor vehicle that will be used to distribute or transport industrial hemp plants, plant parts, grain, or seeds;

(3) each individual that will own 10 percent or more of the industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, or grown;

(4) each individual that will otherwise be involved in the research proposal, including volunteers, students, employees, research and extension employees, and any other individuals that will be engaged in the purchasing, researching, cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, studying, analyzing, or selling of industrial hemp plants, plant parts, grain, or seeds; and

(5) all individuals that will have access to any proposed research area.

(e) Any state educational institution licensee may cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds pursuant to the license.

(f)(1) The requirements for research license applications specified in K.A.R. 4-34-4 (b) through (f) and the requirements for the state and national criminal history record check specified in K.A.R. 4-34-3 shall apply to state educational institution licensees. Each state educational institution licensee shall comply with the requirements of K.A.R. 4-34-5, the requirements for a research grower license pursuant to K.A.R. 4-34-6, the requirements for a research distributor license pursuant to K.A.R. 4-34-7, and the requirements for a research processor license pursuant to K.A.R. 4-34-8, except that a state educational institution licensee shall not be required to pay any application fees, license fees, modification fees, sampling fees, or testing fees.

(2) Any individual wanting to be primary licensee on a state educational institution license may include a location on the individual's research license application that has previously been approved by the department as a research area in the same license year.

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(3) A state educational institutional licensee shall be prohibited from the following:

(A) Storing or distributing industrial hemp plants, plant parts, grain, or seeds cultivated or grown under another's license, except with the secretary's written permission; and

(B) operating a mobile processing facility.

(g) A state educational institution licensee shall not conduct research as part of the pilot program on any research area not owned by the state educational institution. A state educational institution licensee shall not enter into any agreement or otherwise subcontract with an individual or business entity to permit the licensee to conduct research on any land, structures, or buildings not owned by the state educational institution.

(h) A primary licensee on a state educational institution license shall not permit any individual to participate in the pilot program pursuant to the primary licensee's research license application or otherwise have access to the licensee's research area, industrial hemp plants, plant parts, grain, or seeds if that individual's license was revoked by the department or that individual was denied admission to participate in the pilot program.

(i) Any individual wanting to be a primary licensee on a state educational institution licensee may request that the department authorize the licensee to interplant industrial hemp plants, plant parts, grain, or seeds with other crops in a research area.

(j) Each state educational institution licensee that is no longer affiliated with the state educational institution shall notify the department and withdraw from the pilot program pursuant to K.A.R. 4-34-16. (Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

**4-34-10. Administrative license.** (a) an administrative license may be issued to any individual specified in K.A.R. 4-34-1(b).

(b) Before being issued an administrative license, each individual shall be required to undergo and pass the state and national criminal history record check as specified in K.A.R. 4-34-3.

(c) Each administrative license shall identify the activities that the licensee is authorized to undertake, including handling, inspecting, sampling, testing, and transporting industrial hemp plants, plant parts, grain, or seeds.

(d) No application fee or license fee shall be assessed for any administrative license issued pursuant to this regulation. (Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

**4-34-11. State advisory board.** (a) The board established by the secretary pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto, shall be recognized as the state advisory board. Members shall be appointed by the secretary. The state advisory board shall consist of at least five and no more than nine members. Membership shall reflect the different geographic areas of the state equally, to the greatest extent possible. Members of the state advisory board shall receive no compensation for serving on the board, but may be paid subsistence allowances, mileage, and other expenses as provided in

K.S.A. 75-3223, and amendments thereto. Each member appointed to the state advisory board shall be recognized for knowledge and leadership in at least one of the following sectors: crop research, industrial hemp production or processing, law enforcement, seed certification, or any other sector deemed relevant by the secretary. The secretary shall appoint one member from the Kansas legislature to the state advisory board.

(b) Of the members first appointed to the state advisory board, four members whose terms shall expire on June 30, 2021 shall be designated by the secretary. The remaining members' terms shall expire on June 30, 2023. After the expiration of the initial terms, each member shall be appointed by the secretary to serve for a term of four years until a successor is appointed. Each member shall be limited to serving a total of two full terms and shall hold office until the expiration of the term for which the member is appointed or until a successor has been qualified and appointed. A member may be appointed by the secretary to fill an unexpired term of any member due to a vacancy on the state advisory board.

(c) Before being qualified and appointed as a member of the state advisory board, each individual shall undergo and be required to pass the state and national criminal history record check as specified in K.A.R. 4-34-3. Upon determination that an individual is qualified, that individual may be appointed by the secretary as a member of the state advisory board and shall be issued an administrative license by the department. No application or license fees shall be assessed for an administrative license issued to a member of the state advisory board pursuant to this regulation.

(d) A quorum of the state advisory board shall be a majority of the members appointed to the state advisory board. A quorum of the state advisory board shall organize by election of a chairperson, vice-chairperson, and other officers as the state advisory board deems appropriate.

(e) In addition to the duties specified in K.S.A. 2018 Supp. 2-3902 and amendments thereto, the state advisory board shall perform other duties, which may include the review of regulations and recommendation of potential changes. The state advisory board shall make recommendations to the secretary only if the recommendations are approved by a majority vote of the state advisory board members.

(f) Any member of the state advisory board may be removed by the secretary for misconduct, incompetence, or neglect of duty. (Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

**4-34-12. Fees.** (a) The application fee shall be \$200 for each license sought, with the exception of state educational institution licenses and administrative licenses, for which no application fee shall be charged.

(b) Upon conditional approval of a research grower license, each individual wanting to be the primary licensee shall pay a license fee of \$1,000.

(c) Upon conditional approval of a research distributor license, each individual wanting to be the primary licensee shall pay a license fee of \$2,000 for each licensed research section approved by the department.

(d)(1) Upon conditional approval of a research processor license for processing fiber or grain, each individual wanting to be the primary licensee shall pay a license fee of \$3,000 for each processing facility in a licensed research section and for each mobile processing facility.

(2) Upon conditional approval of a research processor license for processing floral material, each individual wanting to be the primary licensee shall pay a license fee of \$6,000 for each processing facility in a licensed research section and for each mobile processing facility.

(e) Each license fee shall include the cost for the department's initial sample collection and initial laboratory test. Each primary licensee shall pay a subsequent sampling fee of \$45 per hour, plus transportation time and mileage for representatives of the department, for each of the following:

(1) The department collects a subsequent sample.

(2) The primary licensee requests that the department collect a subsequent pre-harvest sample.

(3) The primary licensee requests that the department collect a subsequent post-harvest sample.

(4) More than one harvest occurs in the same research area in a license year.

(f) Each primary licensee shall pay a testing fee of \$250 for every laboratory test determining the delta-9 tetrahydrocannabinol concentration for each of the following:

(1) The department collects a subsequent sample.

(2) The primary licensee requests that the department collect a subsequent pre-harvest sample.

(3) The primary licensee requests that the department collect a subsequent post-harvest sample.

(4) The department collects more than one sample because more than one harvest occurs in the same research area in a license year.

(g) Each primary licensee shall pay a modification fee of \$750 for each requested change to a license that was previously issued by the department. (Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

**4-34-13. Modification of license.** (a) Each primary licensee who wants to modify that individual's license or the license of any individual listed on the research license application shall submit a modification request form and the required fee, except as specified in paragraph (d)(2), to the department.

(b) Each licensee shall comply with the requirements of the original license, unless the department modifies the license in writing.

(c) Any primary licensee may request multiple license modifications by submitting one modification request form, but separate fees shall be required for each requested change.

(d)(1) If a primary licensee dies, any licensee who was listed on the research license application and was issued a license may request that the department modify the license to name the requesting individual as the primary licensee. This request may be granted by the department if the requesting individual performs the following:

(A) Notifies the department of the primary licensee's death within 15 business days;

(B) submits a license modification request form to the department within 45 days of the primary licensee's death;

(C) submits a copy of the primary licensee's death certificate to the department within 45 days of that individual's death; and

(D) meets the requirements in K.A.R. 4-34-5 and, if applicable, the requirements of K.A.R. 4-34-6, K.A.R. 4-34-7, K.A.R. 4-34-8, and K.A.R. 4-34-9.

(2) A modification fee to name the requesting individual as the new primary licensee shall not be charged by the department, except for modification requests received more than 45 days after the death of the primary licensee, which shall require a modification request form and modification fee unless the department extends the 45-day time period in writing.

If any other modification request is included, that modification request shall be subject to the modification fee specified in K.A.R. 4-34-12.

(e) A license modification shall be approved by the secretary if the request is appropriate and consistent with the licensee's approved research proposal and meets the requirements of this regulation. If the secretary denies the requested modification, no refund of the modification fee shall be provided, and the licensee shall comply with the terms and conditions of the existing license. (Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

**4-34-14. Land-use restrictions.** (a) A licensee shall not cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process any plants, plant parts, grain, or seeds of the genus *cannabis* that are not industrial hemp.

(b) A licensee shall not cultivate, plant, grow, handle, harvest, condition, store, distribute, or process industrial hemp plants, plant parts, grain, or seeds at any location not included on the licensee's license.

(c)(1) A licensee shall not cultivate, plant, grow, handle, harvest, condition, store, distribute, or process industrial hemp plants, plant parts, grain, or seeds as follows, except with the secretary's written permission:

(A) In or within 50 feet of a residential structure; or

(B) within one-quarter mile of any public or private K-12 school or public recreational area.

(2) For licensed research sections consisting of any outdoor locations, one-quarter mile shall be calculated from any field boundary of any research area, and for licensed research sections consisting of any indoor locations or a greenhouse, one-quarter mile shall be calculated from any exterior wall.

(d) A licensee shall not interplant, cultivate, plant, or grow any crop other than industrial hemp plants, plant parts, grain, or seeds in any research area, except that any state educational institution licensee may do so upon authorization by the secretary. A licensee shall not cultivate, plant, grow, harvest, or condition more than one approved variety of industrial hemp in a research area without the secretary's written approval.

(e) A licensee shall not cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds on property owned by any individual whose license was revoked by the department or who was denied admission to participate in the pilot program.

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(f) Each primary licensee shall post and maintain at least one sign at each research area listed on the license. A sign shall be posted along each research area boundary adjacent to a public road, except that if the research area is adjacent to an intersection of two or more public roads, a sign shall be posted at the intersection. If a research area is not adjacent to any public road, a sign shall be posted at the point of access to the research area. Each sign shall measure at least 36 inches per side, shall be clearly visible and legible from the adjacent public road, intersection of public roads or access point, and shall include the following information:

(1) The following text: "Kansas Department of Agriculture Industrial Hemp Research Program";

(2) the primary licensee's name;

(3) the primary licensee's license number; and

(4) the department's telephone number.

(g) Each licensee shall allow the department to inspect unlicensed growing areas for volunteer plants. The primary licensee or a licensee listed on the primary licensee's research license application shall destroy any volunteer plants for at least three years after the last reported date of planting. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-15. Movement of industrial hemp; restrictions on sale or transfer of industrial hemp; compliance with applicable law.** (a) The movement of all industrial hemp plants, plant parts, grain, or seeds into, out of, or within Kansas shall be at the licensee's expense and risk.

(b) A licensee shall not sell or transfer industrial hemp plants, plant parts, grain, or seeds to any individual or business entity outside Kansas who is not authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of that state. A licensee shall not purchase or receive industrial hemp plants, plant parts, grain, or seeds from an individual or business entity or permit any transfer of industrial hemp plants, plant parts, grain, or seeds to or from any individual or business entity outside Kansas who is not authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of that state. Each licensee shall ensure that any sale or transfer of industrial hemp plants, plant parts, grain, or seeds is lawful in the state in which the transaction is undertaken.

(c) Each licensee shall comply with all local, state, and federal laws and regulations related to industrial hemp and with the act and the implementing regulations.

(d) Each licensee shall be responsible for any loss or obligation that the licensee incurs as a result of the licensee's involvement in the pilot program. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-16. Voluntary withdrawal; voluntary partial destruction.** (a) Any licensee may voluntarily withdraw from the pilot program after providing the department with written notice of the intent to do so. Notice shall be provided at least 30 days before the intended withdrawal date, except with prior written approval from the department. If a licensee listed on a primary licensee's research license application withdraws from the pilot program,

the primary licensee shall modify each license as specified in K.A.R. 4-34-13.

(b) If a primary licensee voluntarily withdraws from the pilot program, all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to the licensee's license shall be destroyed and all licenses issued pursuant to the research license application shall be surrendered. Each primary licensee who voluntarily withdraws from the pilot program shall provide the department at least 15 days' notice of the date and time the primary licensee intends to destroy the industrial hemp plants, plant parts, grain, or seeds pursuant to that individual's license and shall notify the department of any change in the destruction date or time.

(c) If a primary licensee notifies the department of the intent to withdraw from the pilot program but fails to destroy all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to that individual's license within 15 days of the intended destruction date, the license of the primary licensee and each license issued pursuant to the research license application may be revoked and all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed as part of the primary licensee's research shall be destroyed at the primary licensee's expense.

(d) Any primary licensee conducting research pursuant to a research grower license may voluntarily destroy any industrial hemp plants being cultivated, planted, or grown in a portion of any research area without withdrawing from the pilot program. Each primary licensee conducting research pursuant to a research grower license who intends to destroy the industrial hemp plants being cultivated, planted, or grown in any research area listed on that individual's license shall provide the department at least 15 days' notice of the date and time of destruction and shall notify the department of any change in the destruction date or time.

(e) Each primary licensee that has been issued a failing report of analysis shall comply with the destruction requirements in K.A.R. 4-34-18 and K.A.R. 4-34-19, as applicable.

(f) Representatives of the department or law enforcement may be present during any destruction of industrial hemp plants, plant parts, grain, or seeds, or proof of the destruction may be required by the department.

(g) Each primary licensee who destroys any industrial hemp plants being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to that individual's license shall, within 15 days after the destruction, notify the department in writing of the number of acres of industrial hemp plants, plant parts, grain, or seeds that were planted in each research area and the number of acres destroyed in each research area.

(h) Upon destruction of any industrial hemp plants, plant parts, grain, or seeds, all volunteer plants shall also be destroyed during the current license year and for at



least three years after the last date of planting reported to the department.

(i) Voluntary destruction of industrial hemp plants, plant parts, grain, or seeds shall be performed by a licensee listed on the research license application of the primary licensee and shall be at the primary licensee's expense. If the destruction of industrial hemp plants, plant parts, grain, or seeds occurs, the licensee shall not be eligible for a refund of any fees paid by a primary licensee. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-17. Pre-harvest and harvest requirements; harvest certificates.** (a) Each primary licensee shall notify the department of every intended harvest date in a pre-harvest report at least 30 days before each intended harvest date. Each primary licensee shall immediately notify the department regarding a change to any date previously reported to the department if the change to the harvest date is five or more days. Additional sampling and testing may be required by the department as a result of any change to the harvest date of five or more days.

(b) If two or more harvests will be conducted from the same research area within a license year, the primary licensee shall notify the department of each intended harvest date at least 30 days before each intended harvest date. The primary licensee shall pay a subsequent sampling fee and testing fee for each harvest conducted after the initial harvest of a research area.

(c) No more than 15 days before any industrial hemp plants, plant parts, grain, or seeds are cut, picked, collected, or otherwise harvested, each licensee shall allow a sample to be collected by the department for testing as specified in K.A.R. 4-34-18. The initial pre-harvest sample shall not require an additional sampling fee or testing fee.

(d) Before harvesting any industrial hemp plants, plant parts, grain, or seeds, the licensee shall be required to receive a passing report of analysis from the department. After issuance of a passing report of analysis from the department, the licensee shall have 10 days to fully harvest the industrial hemp plants, plant parts, grain, or seeds, unless otherwise authorized in writing by the secretary.

(e) If a licensee fails to fully harvest the industrial hemp plants, plant parts, grain, or seeds within 10 days after issuance of the passing report of analysis, the primary licensee shall perform one of the following:

(1) Notify the department within seven days after the expiration of the 10-day harvest period of the intended second harvest date, request that the department collect a subsequent pre-harvest sample, and pay the required sampling and testing fees; or

(2) notify the department within seven days after the expiration of the 10-day harvest period of the intended date by which the licensee shall destroy the industrial hemp plants, plant parts, grain, or seeds. The primary licensee shall notify the department of any change in the destruction date.

Destruction of industrial hemp plants, plant parts, grain, or seeds shall occur by an individual listed on the primary licensee's research license application and at the primary licensee's expense. All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting. If destruction of industrial hemp plants, plant parts, grain, or

seeds occurs, no refund shall be issued for any fees paid by a primary licensee.

(f) No more than five days after the harvest of industrial hemp plants, plant parts, grain, or seeds is completed, the primary licensee shall notify the department that the harvest has been completed and request issuance of a harvest certificate. A harvest certificate shall not be issued by the department until the following information is provided for inclusion in the harvest certificate:

(1) The official name of the industrial hemp variety that was cultivated, planted, or grown;

(2) each date on which the licensee harvested the industrial hemp plants, plant parts, grain, or seeds;

(3) the global positioning system coordinates for each research area where the industrial hemp plants, plant parts, grain, or seeds were harvested; and

(4) a statement of intended end-use for all industrial hemp plants, plant parts, grain, or seeds that were harvested. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-18. Pre-harvest inspection; sample collection; testing and post-testing actions.** (a) A licensee, whether present or not, shall permit representatives of the department complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds and all locations, buildings, and motor vehicles listed on the license. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice.

(b) Any primary licensee may request collection of a sample from each research area listed on the license. Each sample collected shall be subject to the sampling and testing fees required by K.A.R. 4-34-12.

(c) Based on the results of the testing, one of the following shall apply:

(1) A sample containing a delta-9 tetrahydrocannabinol concentration of 0.3 percent or less on a dry-weight basis shall result in the issuance of a passing report of analysis and shall list each research area from which the sample was taken.

(2) A sample containing a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis and shall list each research area from which the sample was taken.

(A) Within seven days of issuance of a failing report of analysis, the primary licensee may request that the department either collect a subsequent pre-harvest sample or destroy all plants, plant parts, grain, or seeds located in each research area sampled and identified on the failing report of analysis.

(B) A subsequent pre-harvest sample requested by the primary licensee and found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis. Within seven days of issuance of the failing report of analysis, a licensee listed on the primary licensee's research license application shall destroy all plants, plant parts, grain, or seeds that are located in each research area that was sampled and identified in the failing report of analysis.

(continued)

(C) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis, the testing results and the location of each sampled research area may be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(D) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of 2.0 percent or higher on a dry-weight basis, the testing results and the location of each sampled research area shall be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(d) Destruction of industrial hemp plants, plant parts, grain, or seeds shall occur by a licensee listed on the primary licensee's research license application and at the primary licensee's expense. All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting. Each licensee shall allow representatives of the department or law enforcement to be present during the destruction of industrial hemp plants, plant parts, grain, or seeds, or proof of destruction may be required by the department. If the destruction of industrial hemp plants, plant parts, grain, or seeds is required, the primary licensee shall not be eligible for a refund of any fees paid.

(e) All samples collected by the department shall become the property of the department, and no compensation shall be owed to the licensee. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-19. Post-harvest inspection; sample collection; testing and post-testing actions.** (a) Each licensee shall allow the department to inspect and sample industrial hemp plants, plant parts, grain, or seeds any time after the industrial hemp plants, plant parts, grain, or seeds have been harvested. The initial post-harvest sample shall not require an additional sampling fee or testing fee.

(b) A licensee, whether present or not, shall permit representatives of the department complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds and all locations, buildings, and motor vehicles listed on the license. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice.

(c) Any primary licensee may request collection of a sample from each research area listed on the license. Each sample collected shall be subject to the sampling and testing fees required by K.A.R. 4-34-12.

(d) Based on the results of the testing, one of the following shall apply:

(1) A sample containing a delta-9 tetrahydrocannabinol concentration of 0.3 percent or less on a dry-weight basis shall result in the issuance of a passing report of analysis and shall list each research area from which the sample was taken. Each passing report of analysis shall identify the harvest certificate or bill of lading that accompanied the industrial hemp plants, plant parts, grain, or seeds sampled.

(2) A sample containing a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis and shall list each research area from which the sample was taken.

(A) Within seven days of issuance of a failing report of analysis, the primary licensee may request that the department either collect a subsequent post-harvest sample or destroy all plants, plant parts, grain, or seeds located in each research area that was sampled and identified on the failing report of analysis.

(B) A subsequent post-harvest sample requested by the primary licensee and found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis. Within seven days of issuance of the failing report of analysis, a licensee listed on the primary licensee's research license application licensee shall destroy all plants, plant parts, grain, or seeds that are located in each research area that was sampled and identified in the failing report of analysis.

(C) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis, the testing results and the location of each sampled research area may be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(D) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of 2.0 percent or higher on a dry-weight basis, the testing results and the location of each sampled research area shall be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(e) After the collection of a sample, no licensee shall handle, condition, distribute, transport, or process the sampled industrial hemp plants, plant parts, grain, or seeds until the primary licensee is issued a passing report of analysis. The sampled industrial hemp plants, plant parts, grain, or seeds shall not be processed, exchanged for value, or otherwise allowed to come into the possession of anyone other than a licensee listed on the primary licensee's research license application until a passing report of analysis is issued.

(f) Destruction of industrial hemp plants, plant parts, grain, or seeds shall occur by a licensee listed on the primary licensee's research license application at the primary licensee's expense. All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting. Each licensee shall allow representatives of the department or law enforcement to be present during the destruction of industrial hemp plants, plant parts, grain, or seeds, or proof of the destruction may be required by the department. If the destruction of industrial hemp plants, plant parts, grain, or seeds occurs, the primary licensee shall not be eligible for a refund of any fees paid.

(g) All samples collected by the department shall become the property of the department, and no compensation shall be owed to the licensee. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-20. Reports.** (a) Each report required by the department shall be submitted on a form provided by the department. Each licensee shall submit the complete, accurate, and legible reports on or before the date required.

(b) A primary licensee on a research grower license shall submit a field planting report to the department

within 15 days after every planting, including replanting seeds or propagules or establishing plants. Each field planting report shall identify the following for each research area:

(1) The official name of the industrial hemp variety that was cultivated, planted, or grown;

(2) the global positioning system coordinates for each research area where industrial hemp plants, plant parts, grain, or seeds are being cultivated, planted, or grown; and

(3) a statement of intended end-use for all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, or grown in each research area.

(c) Each primary licensee on a research grower license shall submit a voluntary withdrawal report if either of the following conditions is met:

(1) Industrial hemp plants, plant parts, grain, or seeds are not cultivated, planted, or grown in a research area. The report shall be due no later than June 1.

(2) Industrial hemp plants being grown in a portion of any research area are voluntarily destroyed as specified in K.A.R. 4-34-16. The report shall be due no later than 15 days after the industrial hemp plants are destroyed.

(d) Each primary licensee on a research grower license shall submit a pre-harvest report to the department at least 30 days before every intended harvest date, for each licensed research section. The pre-harvest report shall include the following:

(1) The number of acres planted in each research area;

(2) the intended harvest date for each research area; and

(3) a statement of intended end-use for all industrial hemp plants, plant parts, grain, or seeds that will be harvested from each research area.

(e) Each primary licensee on a research grower license shall submit a production report to the department within 30 days after the last harvest date for every harvest. Each production report shall include the following, at a minimum:

(1) The amount of industrial hemp plants, plant parts, grain, or seeds harvested from each research area, which shall be provided as follows:

(A) If the industrial hemp crop was cultivated, planted, or grown for the production of fiber, the number of bales and the size and shape of the bales;

(B) if the industrial hemp crop was cultivated, planted, or grown for the production of grain or seed, the quantity by weight;

(C) if the industrial hemp crop was cultivated, planted, or grown for the production of floral material, the quantity by weight; and

(D) if the industrial hemp crop was cultivated, planted, or grown for the production of more than one end-use, the information for each end-use as required by this regulation;

(2) the name, address, and, if applicable, the license number of the primary licensee on the research distributor license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that transported any industrial hemp plants, plant parts, grain, or seeds that were harvested; and

(3) the name, address, and, if applicable, the license number of the primary licensee on the research proces-

sor license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that received the industrial hemp plants, plant parts, or grain for processing.

(f) Each primary licensee on a research distributor license shall annually submit a completed distribution report to the department no later than November 30. Each distribution report shall include the following, at a minimum:

(1) The amount of industrial hemp plants, plant parts, grain, or seeds distributed in each load, which shall be provided as follows:

(A) If the industrial hemp crop was cultivated, planted, or grown for the production of fiber and was distributed, the number of bales and the size and shape of the bales;

(B) if the industrial hemp crop was cultivated, planted, or grown for the production of grain or seed and was distributed, the quantity by weight;

(C) if the industrial hemp crop was cultivated, planted, or grown for the production of floral material and was distributed, the quantity by weight; and

(D) if the industrial hemp crop was cultivated, planted, or grown for the production of more than one end-use and was distributed, the information for each end-use as required by this regulation;

(2) the name, address, and, if applicable, the license number of the primary licensee on the research grower license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that cultivated, planted, grew, handled, harvested, conditioned, stored, distributed, or transported any industrial hemp plants, plant parts, grain, or seeds that the licensee distributed or transported;

(3) the name, address, and, if applicable, the license number of the primary licensee on the research processor license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that processed each load of industrial hemp plants, plant parts, or grain that the licensee distributed or transported; and

(4) the amount of industrial hemp plants, plant parts, grain, or seeds that was sold during the current license year.

(g) Each primary licensee on a research processor license shall annually submit a completed processing report no later than November 30. Each processing report shall include the following, at a minimum:

(1) The amount of industrial hemp plants, plant parts, or grain processed by the licensee, which shall be provided as follows:

(A) If the industrial hemp crop was cultivated, planted, or grown for the production of fiber and was processed, the number of bales and the size and shape of the bales;

(B) if the industrial hemp crop was cultivated, planted, or grown for the production of grain or seed and was processed, the quantity by weight;

(C) if the industrial hemp crop was cultivated, planted, or grown for the production of floral material and was processed, the quantity by weight; and

*(continued)*

(D) if the industrial hemp crop was cultivated, planted, or grown for the production of more than one end-use and was processed, the information for each end-use as required by this regulation;

(2) the name, address, and, if applicable, the license number of the primary licensee on the research grower license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that cultivated, planted, grew, handled, harvested, conditioned, stored, distributed, or transported any industrial hemp plants, plant parts, or grain that the licensee processed; and

(3) the name, address, and, if applicable, the license number of the primary licensee on the research distributor license or an out-of-state individual or business entity that is authorized by an institution of higher education or a state department of agriculture under 7 U.S.C. 5940, as amended, and the laws of the state that distributed or transported any of industrial hemp plants, plant parts, or grain that the licensee processed.

(h) On and after January 1, 2019, each primary licensee shall prepare and submit a research report to the department no later than November 30 each year. Each research report shall include the following, at a minimum:

(1) A summary of the research conducted;

(2) a description of the methods and materials used in conducting the research;

(3) the results of the research; and

(4) an analysis of the results.

(i) All research conducted and all reports submitted to the department as part of the pilot program shall become the property of the department, and no compensation shall be due from the department to any licensee. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

**4-34-21. Violations; disciplinary sanctions.** (a) Each of the following acts and omissions shall constitute a violation for which disciplinary sanctions, including revocation of any license and denial of future applications, may be imposed by the department:

(1) Failure to cooperate with the department and law enforcement agencies in administration and enforcement of the act, and amendments thereto, and the implementing regulations;

(2) failure to provide any information relating to the administration of the pilot program that the department requests;

(3) providing false, misleading, or incorrect information relating to the licensee's participation in the pilot program to the department;

(4) failure to submit any forms or reports as required;

(5) cultivating, planting, growing, or otherwise possessing plants of the genus cannabis with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis;

(6) failure to pay any fees assessed by the department;

(7) submitting a pre-harvest report or destruction report and harvesting or destroying industrial hemp plants, plant parts, grain, or seeds before sampling by the department;

(8) harvesting any industrial hemp plants, plant parts,

grain, seeds without being issued a passing report of analysis;

(9) failure to destroy any industrial hemp plants, plant parts, grain, seeds, volunteer plants, or plants of the genus cannabis with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis as required by this article of the department's regulations;

(10) harvesting any industrial hemp plants, plant parts, grain, or seeds after being issued a failing report of analysis; and

(11) any other violation of the act, and amendments thereto, or the implementing regulations.

(b) If a licensee cultivates, plants, grows, handles, harvests, conditions, stores, distributes, transports, or processes any industrial hemp plants, plant parts, grain, or seeds as part of the pilot program at any location not listed on the license, the industrial hemp plants, plant parts, grain, or seeds at that location shall be destroyed by any licensee that received a license issued pursuant to the primary licensee's research license application. The destruction shall be at the primary licensee's expense, and any license may be revoked.

(c)(1) Each licensee whose license is revoked shall destroy any industrial hemp plants, plant parts, grain, or seeds in that individual's possession at that individual's own expense, no more than 15 business days after the department directs the individual to do so. The licensee shall not be eligible to reapply or otherwise participate in the pilot program for at least five years from the date of revocation. If a primary licensee's research license is revoked, all industrial hemp plants, plant parts, grain, or seeds that are subject to the primary licensee's license shall be destroyed by a licensee listed on the research license application and at the primary licensee's expense.

(2) Each licensee that will destroy industrial hemp plants, plant parts, grain, or seeds pursuant to paragraph (c)(1) shall notify the department of the date and time of destruction within five days of issuance of the notification that destruction is required. Each licensee shall notify the department of any change in the destruction date or time. Additional sampling and testing may be required by the department for a change of five or more days. Representatives of the department or law enforcement may be present during the destruction, or proof of the destruction may be required by the department.

(3) All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting.

(4) No refund shall be issued for any fees paid by the primary licensee.

(d) If a licensee violates any provision of the act, and amendments thereto, or the implementing regulations, any license may be revoked, in whole or in part, by the secretary, as deemed appropriate.

(e) Any prior violations of the act, and amendments thereto, the implementing regulations or previous revocations of a license may be considered when reviewing new research license applications. (Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

Michael M. Beam  
Interim Secretary

Doc. No. 046888

**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. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2018 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-3	Amended	V. 37, p. 592
4-28-5	Amended	V. 37, p. 592
4-28-6	Amended	V. 37, p. 593

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-13-1	New	V. 37, p. 466
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11-13-3	New	V. 37, p. 467
11-13-4	New	V. 37, p. 467
11-13-5	New	V. 37, p. 467
11-13-6	New	V. 37, p. 467

**AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

Reg. No.	Action	Register
14-13-1	Amended	V. 37, p. 484
14-13-2	Amended	V. 37, p. 485
14-13-10	Amended	V. 37, p. 485
14-13-13	Amended	V. 37, p. 486
14-25-1	New	V. 37, p. 487
14-25-2	New	V. 37, p. 487
14-25-3	New	V. 37, p. 487
14-25-4	New	V. 37, p. 488
14-25-5	New	V. 37, p. 488
14-25-6	New	V. 37, p. 488
14-26-1	New	V. 37, p. 490
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**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-17-1	New	V. 37, p. 160

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
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21-40-5	Revoked	V. 37, p. 1059
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21-45-2	Revoked	V. 37, p. 1059
21-45-3	Revoked	V. 37, p. 1059
21-45-4	Revoked	V. 37, p. 1059
21-45-5	Revoked	V. 37, p. 1059
21-45-6	Revoked	V. 37, p. 1059

21-45-7	Revoked	V. 37, p. 1059
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28-15a-534	Revoked	V. 37, p. 499
28-15a-535	Revoked	V. 37, p. 499
28-15a-536	Revoked	V. 37, p. 499
28-15a-540	Revoked	V. 37, p. 499

28-15a-541	Revoked	V. 37, p. 499
28-15a-542	Revoked	V. 37, p. 499
28-15a-543	Revoked	V. 37, p. 499
28-15a-544	Revoked	V. 37, p. 499
28-15a-550	Revoked	V. 37, p. 499
28-15a-551	Revoked	V. 37, p. 499
28-15a-552	Revoked	V. 37, p. 499
28-15a-553	Revoked	V. 37, p. 499
28-15a-560	Revoked	V. 37, p. 499
28-15a-561	Revoked	V. 37, p. 499
28-15a-562	Revoked	V. 37, p. 499
28-15a-563	Revoked	V. 37, p. 499
28-15a-564	Revoked	V. 37, p. 499
28-15a-570	Revoked	V. 37, p. 499
28-15a-571	Revoked	V. 37, p. 499
28-15a-600	New	V. 37, p. 499
28-15a-620	New	V. 37, p. 499
28-15a-700	New	V. 37, p. 499
28-15a-851	New	V. 37, p. 499
28-16-28b	Amended	V. 37, p. 98
28-16-28d	Amended	V. 37, p. 101
28-16-28e	Amended	V. 37, p. 103
28-16-28f	Amended	V. 37, p. 105
28-16-28h	New	V. 37, p. 106
28-32-11	Amended	V. 37, p. 244
28-35-135a	Amended	V. 37, p. 325
28-35-135c	Amended	V. 37, p. 327
28-35-135i	Amended	V. 37, p. 328
28-35-135s	Amended	V. 37, p. 329
28-35-135u	Amended	V. 37, p. 330
28-35-140	Amended	V. 37, p. 331
28-35-177a	Amended	V. 37, p. 331
28-35-178i	Amended	V. 37, p. 332
28-35-179a	Amended	V. 37, p. 333
28-35-180a	Amended	V. 37, p. 333
28-35-180b	Amended	V. 37, p. 334
28-35-181h	Amended	V. 37, p. 336
28-35-181i	Amended	V. 37, p. 337
28-35-181k	Amended	V. 37, p. 337
28-35-181m	Amended	V. 37, p. 338
28-35-181o	Amended	V. 37, p. 339
28-35-181t	New	V. 37, p. 340
28-35-184a	Amended	V. 37, p. 340
28-35-192a	Amended	V. 37, p. 341
28-35-192c	Amended	V. 37, p. 342
28-35-192g	Amended	V. 37, p. 342
28-35-192h	New	V. 37, p. 343
28-35-197a	Revoked	V. 37, p. 343
28-35-197b	New	V. 37, p. 343
28-35-205b	Amended	V. 37, p. 343
28-35-217b	Amended	V. 37, p. 343
28-35-221a	Amended	V. 37, p. 344
28-35-221b	Amended	V. 37, p. 345
28-35-230d	Revoked	V. 37, p. 345
28-35-264	Amended	V. 37, p. 345
28-35-288	Amended	V. 37, p. 346
28-35-343	Amended	V. 37, p. 346
28-35-344	Amended	V. 37, p. 346
38-35-347	Amended	V. 37, p. 346
28-35-362	Amended	V. 37, p. 347
28-35-504	Amended	V. 37, p. 347
28-35-700	New	V. 37, p. 348
28-70-2	Amended	V. 37, p. 1135

#### AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-46-10	Amended (T)	V. 37, p. 1132
30-46-13	Amended (T)	V. 37, p. 1132
30-46-15	Amended (T)	V. 37, p. 1132
30-46-17	Amended (T)	V. 37, p. 1133

#### AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 37, p. 291

40-3-60	New	V. 37, p. 127
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#### AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-1-1	Revoked	V. 37, p. 1081
51-1-26	New	V. 37, p. 1081
51-9-17	Amended (T)	V. 37, p. 1134
51-17-2	Amended	V. 37, p. 1081

#### AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-23	New	V. 37, p. 1208
68-5-17	New	V. 37, p. 366
68-7-10	Amended	V. 37, p. 1209
68-7-25	New	V. 37, p. 1210
68-9-2	Amended	V. 37, p. 1210
68-9-3	Amended	V. 37, p. 1211
68-13-1	Revoked	V. 37, p. 1212
68-13-2	New	V. 37, p. 366
68-13-3	New	V. 37, p. 368
68-13-4	New	V. 37, p. 370
68-20-15b	New	V. 37, p. 1212
68-21-7	Amended	V. 37, p. 374

#### AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-1	Amended	V. 37, p. 19
74-2-7	Amended	V. 37, p. 19
74-3-8	Amended	V. 37, p. 20
74-4-3a	Amended	V. 37, p. 20
74-4-7	Amended	V. 37, p. 20
74-4-8	Amended	V. 37, p. 21
74-4-9	Amended	V. 37, p. 22
74-4-10	Amended	V. 37, p. 23
74-5-2	Amended	V. 37, p. 23
74-5-202	Amended	V. 37, p. 24
74-5-405	Revoked	V. 37, p. 25
74-5-406	Amended	V. 37, p. 25
74-5-408	Amended	V. 37, p. 25
74-6-2	Amended	V. 37, p. 25
74-7-2	Amended	V. 37, p. 26
74-11-6	Amended	V. 37, p. 26
74-12-1	Amended	V. 37, p. 26

#### AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-206	Amended	V. 37, p. 592
82-3-307	Amended	V. 37, p. 592
82-4-3a	Amended (T)	V. 37, p. 27
82-4-3a	Amended	V. 37, p. 307

#### AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-3	Amended	V. 37, p. 1212
86-1-5	Amended	V. 37, p. 1163
86-1-15	Revoked	V. 37, p. 1163
86-1-19	Amended	V. 37, p. 1163
86-3-15	Amended	V. 37, p. 1164
86-3-26	Amended	V. 37, p. 181
86-3-27	Amended	V. 37, p. 181
86-3-28	Amended	V. 37, p. 181

#### AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8a	Amended	V. 37, p. 500

#### AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-77-1	New (T)	V. 38, p. 8
100-77-2	New (T)	V. 38, p. 8

100-77-3	New (T)	V. 38, p. 8
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#### AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*.

Reg. No.	Action	Register
111-2-325	New	V. 37, p. 1192
111-2-326	New	V. 37, p. 1192
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217
111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-4-3516	New	V. 37, p. 439
111-4-3517	New	V. 37, p. 440
111-4-3518	New	V. 37, p. 442
111-4-3519	New	V. 37, p. 443
111-4-3520	New	V. 37, p. 444
111-4-3521	New	V. 37, p. 614
111-4-3522	New	V. 37, p. 615
111-4-3523	New	V. 37, p. 616
111-4-3524	New	V. 37, p. 617
111-4-3525	New	V. 37, p. 618
111-4-3526	New	V. 37, p. 660
111-4-3527	New	V. 37, p. 661
111-4-3528	New	V. 37, p. 662
111-4-3529	New	V. 37, p. 693
111-4-3530	New	V. 37, p. 694
111-4-3531	New	V. 37, p. 695
111-4-3532	New	V. 37, p. 697
111-4-3533	New	V. 37, p. 698
111-4-3534	New	V. 37, p. 776
111-4-3535	New	V. 37, p. 776
111-4-3536	New	V. 37, p. 777
111-4-3537	New	V. 37, p. 980
111-4-3538	New	V. 37, p. 982
111-4-3539	New	V. 37, p. 983
111-4-3540	New	V. 37, p. 984
111-4-3541	New	V. 37, p. 985
111-4-3542	New	V. 37, p. 1166
111-4-3543	New	V. 37, p. 1167
111-4-3544	New	V. 37, p. 1168
111-4-3545	New	V. 37, p. 1169
111-4-3546	New	V. 37, p. 1083

111-4-3547	New	V. 37, p. 1171
111-5-80	Amended	V. 37, p. 218
111-5-81	Amended	V. 37, p. 219
111-5-82	Amended	V. 37, p. 220
111-5-83	Amended	V. 37, p. 221
111-5-84	Amended	V. 37, p. 221
111-5-85	Amended	V. 37, p. 221
111-5-243	New	V. 37, p. 620
111-7-81	Amended	V. 37, p. 986
111-7-267	New	V. 37, p. 133
111-7-268	New	V. 37, p. 987
111-7-269	New	V. 37, p. 987
111-4-270	New	V. 37, p. 987
111-7-271	New	V. 37, p. 988
111-7-272	New	V. 37, p. 988
111-7-273	New	V. 37, p. 988
111-7-274	New	V. 37, p. 989
111-7-275	New	V. 37, p. 989
111-9-218	New	V. 37, p. 251
111-9-219	New	V. 37, p. 989
111-9-220	New	V. 37, p. 1193
111-15-1	Amended	V. 37, p. 1171
111-15-2	Amended	V. 37, p. 1171
111-15-3	Amended	V. 37, p. 1172
111-15-5	Amended	V. 37, p. 1173
111-15-6	Amended	V. 37, p. 1173
111-15-21	Amended	V. 37, p. 1174
111-19-11	Amended	V. 37, p. 251
111-19-26	New	V. 37, p. 134
111-19-27	New	V. 37, p. 222
111-19-28	New	V. 37, p. 222
111-19-29	New	V. 37, p. 620
111-19-30	New	V. 37, p. 620
111-19-31	New	V. 37, p. 620
111-19-32	New	V. 37, p. 621
111-19-33	New	V. 37, p. 621
111-19-34	New	V. 37, p. 621
111-19-35	New	V. 37, p. 622
111-19-36	New	V. 37, p. 622
111-19-37	New	V. 37, p. 622
111-19-38	New	V. 37, p. 623
111-19-39	New	V. 37, p. 623
111-19-40	New	V. 37, p. 624
111-19-41	New	V. 37, p. 624
111-19-42	New	V. 37, p. 625

111-19-43	New	V. 37, p. 252
111-19-44	New	V. 37, p. 665
111-19-45	New	V. 37, p. 778
111-19-46	New	V. 37, p. 990
111-19-47	New	v. 37, p. 1084
111-301-39	Amended	V. 37, p. 223
111-301-63	New	V. 37, p. 135
111-301-64	New	V. 37, p. 135
111-301-65	New	V. 37, p. 135
111-301-66	New	V. 37, p. 136
111-301-67	New	V. 37, p. 626
111-301-68	Amended	V. 37, p. 990
111-301-69	New	V. 37, p. 626
111-301-70	Amended	V. 37, p. 991
111-301-71	Amended	V. 37, p. 991
111-302-4	Amended	V. 37, p. 223
111-302-5	Amended	V. 37, p. 223
111-401-6	Amended	V. 37, p. 253
111-401-11	Amended	V. 37, p. 254
111-401-63	Amended	V. 37, p. 445
111-401-109	Amended	V. 37, p. 628
111-401-117	Amended	V. 37, p. 254
111-401-208	Amended	V. 37, p. 1037
111-401-240	New	V. 37, p. 667
111-401-241	New	V. 37, p. 667
111-401-242	New	V. 37, p. 667
111-401-243	New	V. 37, p. 667
111-401-244	New	V. 37, p. 668
111-401-245	New	V. 37, p. 668
111-401-246	New	V. 37, p. 669
111-401-247	New	V. 37, p. 779
111-401-248	New	V. 37, p. 779
111-401-249	New	V. 37, p. 779
111-401-250	New	V. 37, p. 780
111-401-251	New	V. 37, p. 780
111-401-252	New	V. 37, p. 781
111-501-24	Amended	V. 37, p. 256
111-501-25	Amended	V. 37, p. 257
111-501-44	Amended	V. 37, p. 1174
111-501-45	Amended	V. 37, p. 783
111-501-101	Amended	V. 37, p. 1085
111-501-141	Amended	V. 37, p. 1037
111-501-142	Amended	V. 37, p. 258
111-501-143	Amended	V. 37, p. 993
111-501-144	New	V. 37, p. 993

111-501-145	New	V. 37, p. 994
111-501-146	New	V. 37, p. 994
111-501-147	New	V. 37, p. 994
111-501-148	New	V. 37, p. 996
111-601-22	Amended	V. 37, p. 630
111-601-23	Amended	V. 37, p. 630
111-601-24	Amended	V. 37, p. 631
111-601-25	Amended	V. 37, p. 632
111-601-36	Amended	V. 37, p. 1086
111-601-37	Amended	V. 37, p. 1088
111-601-46	New	V. 37, p. 632
111-601-47	New	V. 37, p. 632
111-601-48	Amended	V. 37, p. 1038
111-601-49	New	V. 37, p. 633
111-601-50	New	V. 37, p. 633

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

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
115-2-3	Amended	V. 37, p. 1164
115-2-5	Revoked	V. 37, p. 1165
115-2-7	New	V. 37, p. 1226
115-4-6b	Amended	V. 37, p. 723
115-7-1	Amended	V. 37, p. 1227
115-7-3	Amended	V. 37, p. 1165
115-7-4	Amended	V. 37, p. 1228
115-7-10	Amended	V. 37, p. 1228
115-8-1	Amended	V. 37, p. 724
115-15-3	Amended	V. 37, p. 81
115-15-4	Amended	V. 37, p. 82
115-17-2	Amended	V. 37, p. 1165
115-18-10	Amended	V. 37, p. 1166
115-18-8	Amended	V. 37, p. 1228

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
117-2-1	Amended	V. 37, p. 1107
117-2-2	Amended	V. 37, p. 1107
117-3-2	Amended	V. 37, p. 1108
117-4-1	Amended	V. 37, p. 1109
117-4-2	Amended	V. 37, p. 1111
117-5-1	Amended	V. 37, p. 1112
117-8-3	Amended	V. 37, p. 98

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