



Kansas Register

Kris W. Kobach, Secretary of State

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June 22, 2017

Pages 601-630

In this issue ...

Page

Rates

Pooled Money Investment Board

Notice of investment rates.....602

Notices

North Central Regional Planning Commission

Notice to bidders for portable message signs.....602

City of Wichita

Notice to bidders.....603

Kansas Department of Administration—Procurement and Contracts

Notice to bidders for state purchases.....603

Kansas Board of Regents Universities

Notice to bidders.....603

Kansas Department of Transportation

Request for comments on the Statewide Transportation Improvement Program604

Notice to contractors604

Department of Health and Environment

Notice concerning water pollution control permits/applications.....605

Notice concerning proposed air quality class I operating permit renewal607

Notice of hearing on proposed water pollution control permit.....607

Bond Sale

City of Salina

Summary notice of bond sale.....608

Regulations

Kansas Department of Agriculture—Division of Animal Health

Notice of hearing on proposed administrative regulations.....609

Kansas State Department of Education

Permanent administrative regulations609

New State Law

Substitute for House Bill 2230, concerning the Kansas cigarettes and tobacco

products act; relating to definitions, licenses and permits, suspension or

revocation of licenses, stamps, records required of remittance of taxes, escrow

deposits, taxation of electronic cigarettes.....618

Index to administrative regulations

627

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 6-19-17 through 6-25-17

Term	Rate
1-89 days	1.05%
3 months	1.03%
6 months	1.13%
12 months	1.24%
18 months	1.30%
2 years	1.35%

Scott Miller
Director of Investments

Doc. No. 045503

(Published in the Kansas Register June 22, 2017.)

North Central Regional
Planning Commission

Notice to Bidders

A request for bid for portable message signs will be accepted by the North Central Regional Planning Commission (NCRPC), 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CDT) Friday, July 7, 2017 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. This action is being taken on behalf of the Southwest Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters
Homeland Security Clerk

Doc. No. 045506

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(Published in the Kansas Register June 22, 2017.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing office, 455 North Main, 12th Floor, Wichita, until 10:00 a.m. **Friday, July 28, 2017**, for the bidding of 143rd Street East from Central to Kellogg.

**KDOT Project No. 87N-0614-01/472-85159/
211530/775071
(OCA Code 707066/636348)**

Plans and specifications for this project will be available on June 21, 2017. Requests for the bid documents and plans should be directed to ARC Document Solutions, 316-264-9344, or you may contact Jody Doyle, 316-268-4503. Other questions should be directed to the respective design engineer at 316-268-4501.

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 percent (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, 316-268-4499, for extra sets of plans/specs.

Jody Doyle
Administrative Aide II
City of Wichita-Engineering

Doc. No. 045510

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.

07/06/2017	EVT0005169	Parking Lot and Boat Ramp – Neosho Wildlife Area
07/12/2017	EVT0005162	Cameras & AiPhone Intercom System
07/28/2017	EVT0005170	Links to Quality (L2Q) Support Services Pilot
07/28/2017	EVT0005171	Links to Quality (L2Q) Evaluation

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>

07/11/2017 A-013318 El Dorado Correctional Facility G Cell House Metal Roof Retrofit

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 045512

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <http://www.emporia.edu/busaff/purchasing>. Additional contact info: phone 620-341-5145, fax: 620-341-5073, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801-5415.

Fort Hays State University – Bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.k-state.edu/rfq>. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: <http://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: purch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1115. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Ephrom Marks
Associate Director of Procurement
Operations & Strategic Sourcing
The University of Kansas Procurement Services

Doc. No. 044666

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation (KDOT) requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 17-20. The comprehensive list of project(s) being amended to the STIP may be viewed online at: <http://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. This list includes projects for counties, cities, and projects on the State Highway System.

The amendment of the STIP requires a public comment period of 14 days. To make comment on this STIP amendment, contact KDOT's Bureau of Program and Project Management, 2nd Floor Tower, 700 SW Harrison, Topeka, KS 66603-3754, 785-296-2252, or fax 785-296-8168.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Affairs, 785-296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude July 6, 2017.

Richard Carlson
Secretary

Doc. No. 045505

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the 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 "Non-Bid 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. local time July 19, 2017. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 1:30 p.m. local time July 19, 2017. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/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 non-responsive and not eligible for award consideration.

District One — Northeast

Douglas—24-23 KA-4570-01—U.S. 24, pavement marking, 6.6 miles. (Federal Funds)

Douglas—23 U-0561-01—Install roundabout at the intersection of Harvard Road and Wakarusa Drive in Lawrence, roundabout. (Federal Funds)

Jefferson—44 C-4824-02—Emergency relief on 13th Street (RS-2102) west of Wellman Road (RS-0217), flood damage. (Federal Funds)

Jefferson—44 C-4824-03—Emergency relief on Half Mound Road (RS-1325) east of Jackson Road, flood damage. (Federal Funds)

Jefferson—44 C-4824-04—Emergency relief on Effingham Road (RS-0019) south of 190th Street, flood damage. (Federal Funds)

Jefferson—24-44 KA-4571-01—U.S. 24, pavement marking, 4.4 miles. (Federal Funds)

Jefferson—59-44 KA-4592-01—U.S. 59, pavement marking, 25.0 miles. (Federal Funds)

Johnson—635-46 KA-4566-01—I-635, pavement marking, 0.4 mile. (Federal Funds)

Leavenworth—24-52 KA-4567-01—U.S. 24, pavement marking, 10.3 miles. (Federal Funds)

Wyandotte—7-105 KA-4564-01—K-7, pavement marking, 4.4 miles. (Federal Funds)

Wyandotte—635-105 KA-4565-01—I-635, also U.S. 69, pavement marking, 12.0 miles. (Federal Funds)

Wyandotte—24-105 KA-4568-01—U.S. 24, pavement marking, 1.2 miles. (Federal Funds)

Wyandotte—32-105 KA-4569-01—K-32, pavement marking, 10.0 miles. (Federal Funds)

District Two — North Central

Clay—14 C-4842-01—1.0 mile north and 3.0 miles west of Industry, bridge replacement, 0.2 mile. (Federal Funds)

District Three — Northwest

Statewide—106 KA-4595-01—Various locations in District Three in Cheyenne, Thomas, Wallace, Sheridan, Norton, and Phillips counties, milling, 92.0 miles. (State Funds)

District Four — Southeast

Elk—25 C-4800-01—All major collectors east of K-99 except RS-228 from US-160 to RS-1624, signing, 127.0 miles. (Federal Funds)

Statewide—69-106 KA-4496-01—North U.S. 400/U.S. 69 junction, intersection improvement, 0.2 mile. (State Funds)

District Five — South Central

Harvey—196-40 KA-4524-01—K-196, at railroad grade crossing in Whitewater, traffic signals, 0.5 mile. (State Funds)

Sedgwick–15-87 KA-4546-01–K-15, pavement marking, 3.5 miles. (Federal Funds)

District Six – Southwest

Finney–28 U-0218-01- City of Holcomb–Safe Routes to School, pedestrian and bicycle paths. (Federal Funds)

Grant–34 C-4802-01–RS-1701 from the Stevens/Grant county line to RS-2169, RS-5009 from RS-1701 to K-25, RS-2169 from RS-1701 to K-25, RS-282 from U.S. 160 to RS-1593, and RS-1593, signing, 26.0 miles. (Federal Funds)

Richard Carlson
Secretary

Doc. No. 045507

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-17-095/102

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Daryl Bott Bott Cattle Co. Inc. 1663 1st Road Palmer, KS 66962	SE/4 of Section 27 & NE/4 of Section 34, T05S, R03E, Washington County	Big Blue River Basin
Kansas Permit No. A-BBWS-C001 Permit No. KS0117200	Federal	

The current permit is being modified to change the planned drainage control structure for the feed storage silo. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Greg Bergkamp Cottonwood Feeders, LLC 7690 NE 50th St. Pretty Prairie, KS 67570	E/2 of Section 11, T27S, R10W, Kingman County	Lower Arkansas River Basin

Kansas Permit No. A-ARKM-C001 Federal Permit No. KS0099686

This is a reissued permit for an existing facility for 20,000 head (20,000 animal units) of cattle weighing greater than 700 pounds. There is no change in the number of animal units. The permit contains modifications consisting of a commodity storage area on the south side of the facility that will drain to a new sediment basin. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Bernard te Velde High Plains Ranch, LLC 12225 E. Highway 160 Satanta, KS 67870	NW/4 & SW/4 of Section 03, T29S, R35W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-D001 Federal Permit No. KS0096229

This is a renewal permit for an expanding facility. The existing dairy facility has the maximum capacity for 7,800 head (10,920 animal units) of mature dairy cows and 760 head (380 animal units) of dairy cattle weighing 700 pounds or less, for a total of 8,560 head (11,300 animal units) of dairy cattle. The facility encompasses approximately 147.7 acres; which includes 3 milk parlors, 12 freestall barns, feed storage area, manure composting area, the waste management system, and other miscellaneous areas. The waste management system includes flush systems, drainage ditches, two concrete pits, two dual manure screen separators, two concrete manure storage areas, two concrete settling basins, four earthen settling basins, and three Retention Control Structures (RCS). A proposed expansion of 134 acres will include open lot pens, manure/feed storage area, two sediment basins and two retention control structures. The facility proposes to add 4,500 head [4,500 animal units] of dairy cattle weighing greater than 700 pounds. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Dick Hemphill Hemphills, Inc. 90020 NW 90th Ave. Byers, KS 67021	SW/4 of Section 18, T26S, R14W, Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-B013

This is a new permit for an existing facility for 999 head (499.5 animal units) of cattle weighing 700 pounds or less. A proposed new earthen wastewater retention structure will be constructed to control runoff from the facility. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Cossman 27060 SW L Road Jetmore, KS 67854	SW/4 of Section 01, T23S, R24W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-B009

This is a renewal permit for an existing facility with a maximum capacity of 400 head of cattle weighing more than 700 pounds (400 animal units) and 400 head of cattle weighing 700 pounds or less (200 animal units) for a total of 600 animal units. There is no change in the permitted animal units.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
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Allen Quenzer Rocking Q Farms, Inc. 3440 Road 66 Brewster, KS 67732	SE/4 of Section 10, T08S, R37W, Sherman County	Upper Republican River Basin
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Kansas Permit No. A-URSH-B005

This is a renewal permit for an existing facility for 900 head (900 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Lance Thiessen Lance Thiessen Feedlot 184 Old Mill Road Peabody, KS 66866	NW/4 of Section 34, T22S, R03E, Marion County	Walnut River Basin
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Kansas Permit No. A-WAMN-B002

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle weighing over 700 pounds. There are no changes in animal numbers from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
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Jay Rezac River Feedlot 24430 Aiken Switch Road Onaga, KS 66521	NW/4 of Section 04, T10S, R11E, Pottawatomie County	Kansas River Basin
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Kansas Permit No. A-KSPT-B002

This is a renewal permit for an existing facility for 700 head (350 animal units) of cattle 700 pounds or less and 299 head (299 animal units) of cattle more than 700 pounds for a total of 649 animal units. There is no change in the permitted animal units from the previous permit cycle.

Public Notice No. KS-Q-17-075/076

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
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Horton, City of 205 E. 8th St. Horton, KS 66439	Grasshopper Creek via Little Lake Municipal Reservoir L-43	Process Wastewater
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Kansas Permit No. I-KS24-CO01 Federal Permit No. KS0092185

Legal Description: SW¼, S28, T4S, R17E, Brown County, KS

Facility Name: Horton Municipal Power Plant

Facility Location: 602 E. 15th St., Horton, KS 66439

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a standby electrical generating station used for emergency power. Untreated lake water is circulated through the single phase heat exchangers for cooling of a diesel electric generator. The proposed permit contains generic language to protect waters of the state.

Name and Address of Applicant	Legal Description	Receiving Water
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Nelson Quarries Inc. PO Box 100 Gas, KS 66742	Buffalo Creek via Elder Branch	Pit De-Watering and Stormwater Runoff
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Kansas Permit No. I-VE02-PO02 Federal Permit No. KS0089940

Legal Description: S½, S36, T27S, R15E and NW¼, SW¼, S31, T27S, R16E, Wilson County, KS

Facility Name: Benedict Quarry

The proposed action is to reissue an existing permit for discharge during quarrying operations. This is a limestone quarrying and crushing operation, which occasionally washes rock. Outfall 001A1 consists of wash water and stormwater runoff that is treated by a settling pond. The proposed permit contains limits for total suspended solids.

Public Notice No. KS-PT-17-009/010

The requirements of the draft permits public noticed below are pursuant to the Kansas Administrative Regulations 28-16-82 through 28-16-98, and U.S. Environmental Protection Agency Pretreatment Regulation 40 CFR 403.

Name and Address of Applicant	Receiving Facility	Type of Discharge
-------------------------------	--------------------	-------------------

Circle D Corporation 613 N. Ash St. Hillsboro, KS 67063	Hillsboro MWWTP	Process Wastewater
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Kansas Permit No. P-NE35-OO02 Federal Tracking No. KSP000034

The proposed action consists of reissuing an existing pretreatment permit for an existing facility. This facility manufactures fifth wheel trailers and pickup flatbed bodies which are welded, phosphating and painted, to produce the final product. The phosphating system uses a pressure spray gun system. Phosphating is considered to be a type of conversion coating operation, which is one of the six core processes under the Metal Finishing Standard. The proposed permit contains limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH, as well as monitoring of flow.

Name and Address of Applicant	Legal Description	Receiving Water
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Heatron Inc. 3000 Wilson Ave. Leavenworth, KS 66048	Leavenworth WWTP	Process Wastewater
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Kansas Permit No. P-MO12-OO03 Federal Tracking No. KSP000114

Facility Name: Heatron Inc. – Plant #2

Facility Location: 200 Commercial St., Leavenworth, KS 66048

The proposed action consists of reissuing an existing pretreatment permit for an existing facility. This facility manufactures cartridge heaters used in various industrial and medical applications. Metal parts are cleaned, polished, and passivated to produce the heaters. Passivating is a core process under the Metal Finishing Standard. The proposed permit contains limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH, as well as monitoring of flow.

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, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before **July 22, 2017**, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropri-

ate Kansas document number (KS-AG-17-095/102, KS-Q-17-075/076, KS-PT-17-009/010) 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.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045509

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. McPherson Area Solid Waste Utility has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

McPherson Area Solid Waste Utility, 1431 17th Ave., McPherson, KS, owns and operates an air curtain incinerator located at 1431 17th Ave., McPherson, KS.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours, 8:00 a.m. to 5:00 p.m., at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the North Central District Office (NCDO), 2501 Market Place, Suite D, Salina, KS 67401. To obtain or review the proposed permit and supporting documentation, contact Rumela Bhadra, 785-291-3271, at the KDHE central office or Joshua Webb, 785-827-9639, at the NCDO. The standard departmental cost will be assessed for any copies requested.

Written comments or questions regarding the proposed

permit may be directed to Rumela Bhadra, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than noon Monday, July 24, 2017.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Rumela Bhadra, KDHE, BOA, no later than noon on Monday, July 24, 2017, in order for the secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045508

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a proposed Kansas Water Pollution Control Permit, A-SHRH-H001, for Bison Rush Genetics, located in Bison, Kansas. This permit is being reissued for an existing expanding confined animal feeding operation. The facility will be capable of housing 11,586 head (1,158.6 animal units) of swine weighing less than 55 pounds each and 12,822 head (5,128.8 animal units) of swine weighing more than 55 pounds each. The permit contains modifications consisting of three new proposed enclosed swine buildings, and a new animal mortality compost facility to be added to the facility with four existing finishing buildings and two existing earthen wastewater retention structures.

The facility is located in the SW/4 of Section 03, Township 16 South, Range 17 West in Rush County, Kansas. A notice in the Kansas Register dated May 11, 2017 informed the public of the availability of the proposed water pollution control permit for Bison Rush Genetics. A

(continued)

public hearing has been scheduled in conformance with Kansas Administrative Regulation 28-16-61.

A public hearing on the proposed permit has been scheduled at 5:30 p.m. (CDT) Tuesday, July 25, 2017, at the La Crosse City Auditorium, 417 Main, La Crosse, KS 67648. KDHE will accept public comments on the proposed facility until the close of the hearing.

Copies of the permit application, the proposed KDHE permit, and other pertinent documents may be viewed at, or requested by writing to, Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367, via telephone at 785-296-6432, or fax 785-559-4258. Appropriate copying charges will be assessed for each request.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045511

(Published in the Kansas Register June 22, 2017.)

Summary Notice of Bond Sale

\$6,980,000*

City of Salina, Kansas

**General Obligation Internal Improvement Bonds,
Series 2017-A**

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

Bids

Subject to the notice of bond sale dated June 30, 2017 (the Notice), written and electronic bids will be received on behalf of the clerk of the city of Salina, Kansas (the Issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 1:00 p.m. (CDT) **July 10, 2017**, for the purchase of the above-referenced bonds (the Bonds). No bid of less than 100 percent of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated July 27, 2017, and will become due on October 1 in the years as follows:

October 1	Principal Amount*	October 1	Principal Amount*
2018	\$245,000	2028	\$345,000
2019	285,000	2029	355,000
2020	290,000	2030	365,000
2021	295,000	2031	375,000
2022	300,000	2032	385,000
2023	305,000	2033	400,000
2024	315,000	2034	410,000
2025	320,000	2035	425,000
2026	330,000	2036	440,000
2027	340,000	2037	455,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semian-

nually on April 1 and October 1 in each year, beginning on April 1, 2018.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of 2 percent of the principal amount of the Bonds.

Delivery

The Issuer 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 July 27, 2017, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2016 was \$471,200,164. The total general obligation bonded indebtedness of the issuer as of the dated date, including the Bonds being sold, is \$63,785,080.

Approval of Bonds

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

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor, at the addresses set forth below:

Issuer – Written and Facsimile Bid and Good Faith Deposit Delivery Address:

Mike Schrage, Deputy City Manager
300 W. Ash
PO Box 736
Salina, KS 67402
785-309-5700
Fax: 785-309-5711
mike.schrage@salina.org

Financial Advisor:

George K. Baum & Company
Attn: David Arteberry
4801 Main St., Suite 500
Kansas City, MO 64112
816-283-5137
Fax: 816-283-5326
arteberry@gkbaum.com

Dated June 22, 2017.

City of Salina, Kansas

* Subject to change, see the Notice
Doc. No. 045502

State of Kansas

**Department of Agriculture
Division of Animal Health**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10:00 a.m. Wednesday, August 23, 2017, in the 1st floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, or by email at ronda.hutton@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R 9-10-33a and 9-10-40. The proposed regulations seek to align state regulations in regards to the licensing requirements and associated fees between Kansas public livestock markets and electronic livestock markets.

Economic Impact Statement:

The present Kansas regulation that addresses the fees that an electronic livestock market must pay provides an inequitable situation between the electronic sales and the public livestock market facilities. This change is to define the licensing and fee requirements for the electronic and public livestock markets as being equal. This regulation is authorized by Kansas Statutes and is not mandated by Federal law.

Based on current numbers of livestock that are sold via an electronic sale, the economic impact would be an increase of approximately \$39,000 in fees.

A small financial impact may be incurred upon producers as a result of this regulation if the electronic sale chooses to pass the inspection fee on to them; however, the impact will be very minimal on a per head basis.

The alternative would be to leave the state fees as they are. This was deemed as not appropriate because it puts the state's public livestock markets at an economic disadvantage due to the higher fee they are responsible for.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at 785-564-6715 or fax 785-564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan. The entrance to the building is also on the west side and is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502, 785-564-6715, or by accessing the department's website at agriculture.ks.gov. Comments may also be made through our website under the proposed regulation.

Jackie McClaskey
Secretary

Doc. No. 045504

State of Kansas

Department of Education

Permanent Administrative Regulations

Article 1.—CERTIFICATE REGULATIONS

91-1-70a. Accreditation. The following portions of the document titled "CAEP accreditation standards," as approved by the council for the accreditation of educator preparation (CAEP) board of directors on August 29, 2013, are hereby adopted by reference:

- (a) Standard 1 on pages 2 and 3 and the related glossary on page 3;
- (b) standard 2 and the related glossary on page 6;
- (c) standard 3 on pages 8 and 9 and the related glossary on page 10, except for the following text in 3.2:
 - (1) The second and third bulleted items; and
 - (2) the three paragraphs immediately following the bulleted list;
- (d) standard 4 on page 13; and
- (e) standard 5 on pages 14 and 15 and the related glossary on page 15. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1997; amended Jan. 4, 2002; amended July 7, 2017.)

91-1-208. General requirements. (a) Application procedures. Application for each license, renewal, or duplicate license shall be made by the person seeking the license. Each application shall be submitted on a form provided by the state department of education. The form shall be filled out completely, including all names under which the applicant has been known. The application shall be submitted by mail or in person, with the correct fee and, when required, official documentation to the certification section of the state department of education.

(b) Child abuse and neglect central registry. Each application shall include a completed child abuse and neglect central registry release.

(c) Renewal period. Any license may be renewed up to six months before its expiration date.

(d) License registration. Each teacher or other licensed person employed in a public school shall file a valid license in the office of the superintendent of the district in which the person is employed. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 7, 2017.)

91-1-221. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 5, 2005; amended July 18, 2008; revoked July 7, 2017.)

(continued)

91-1-235. Procedures for initial approval of teacher education programs. (a) Application.

(1) Each teacher education institution that desires to have any new program approved by the state board shall submit an application for program approval to the commissioner. The application shall be submitted at least 12 months before the date of implementation.

(2) Each institution shall submit with its application a program report containing a detailed description of each proposed program, including program coursework based on standards approved by the state board, and the performance-based assessment system that will be utilized to collect performance data on candidates' knowledge and skills. Each program report shall be in the form and shall contain the information prescribed by the commissioner. The program report shall include confirmation that the candidates in the program will be required to complete the following successfully:

(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major;

(B) at least 12 weeks of student teaching; and

(C) a validated preservice candidate work sample.

(b) Review team. Upon receipt of a program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program to be reviewed.

Any institution may challenge the appointment of a review team member. The institution's challenge shall be submitted in writing and received by the commissioner no later than 30 days after the notification of review team appointments is sent to the institution. Each challenge to the appointment of a review team member shall be only on the basis of a conflict of interest.

(c) Program review process.

(1) In accordance with procedures adopted by the state board, a review team shall examine and analyze the proposed program report and shall prepare a report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to an appropriate representative designated by the teacher education institution.

(2) Any institution may prepare a response to the review team's report. This response shall be prepared and submitted to the commissioner no later than 45 days of receipt of the review team's report. Receipt of the review team's report shall be presumed to occur three days after mailing. The review team's report, any response by the institution, and any other supporting documentation shall be forwarded to the evaluation review committee by the commissioner.

(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner.

(e) Request for hearing.

(1) Within 30 days of receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request by certified mail to the evaluation review committee for a hearing before the committee to appeal the initial recommendation. Receipt of the initial recommendation of the evaluation review committee shall be presumed to occur three days after mailing. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(3) If a request for a hearing is not submitted by certified mail within the time allowed under paragraph (e) (1), the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(f) Approval status. Each new program shall be approved with stipulation or not approved.

(g) Annual report.

(1) If a new program is approved with stipulation, the institution shall submit a progress report to the commissioner within 60 days after completion of the second semester of operation of the program and thereafter in each of the institution's annual reports that are due on or before July 30.

(2) Each progress report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. Following review of the progress report, the evaluation review committee may remove any areas for improvement and change the status to approved until the institution's next program review.

(h) Change of approval status.

(1) At any time, the approval status of a teacher education program may be changed by the state board if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards or has materially changed the program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the current approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board. This extension shall be counted as part of any subsequent approval period of a program.

(2) At the time of an institution's next on-site visit, the new program shall be reviewed pursuant to K.A.R. 91-1-236.

(3) For licensure purposes, each teacher education program that is approved with stipulation shall be consid-

ered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004; amended Aug. 12, 2011; amended July 7, 2017.)

Article 38.—SCHOOL BUS TRANSPORTATION

91-38-1. Definitions. (a) “Activity bus” means any bus utilized by a governing body only to transport students to and from school activities as authorized by K.S.A. 72-8301 (c)(3), and amendments thereto. An activity bus may be a color other than school bus yellow.

(b) “Bus” means any motor vehicle that is designed for transporting more than 10 passengers in addition to the driver.

(c) “Driver-trainer” means any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers, including knowledge of vehicles used to provide student transportation, safe driving practices, emergency procedures, and passenger control. The driver-trainer shall maintain current licensure to operate the largest vehicle about which the driver-trainer is to provide instruction and shall have experience as a school bus driver.

(d) “Governing body” means the local board of education or other entity having authority over a school district.

(e) “Multipurpose passenger vehicle” means a motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed to transport 10 or fewer persons, in addition to the driver, and that is constructed on a truck chassis.

(f) “School bus” means school bus as defined in K.S.A. 72-8301, and amendments thereto. A school bus may be owned by a school district, a private school, or a private company. The term shall include any van or other vehicle rated by the manufacturer, or having a door label, as a bus.

(g) “School bus driver” means any person employed by a school district or school bus contractor to drive a school bus or activity bus.

(h) “School district” means any unified school district or private school.

(i) “School passenger vehicle” means any passenger car or multipurpose passenger vehicle that is owned or leased by a school district or private individual and is used regularly to provide student transportation on behalf of a school district.

(j) “School passenger vehicle driver” means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.

(k) “School transportation provider” means either a school bus driver or a school passenger vehicle driver.

(l) “School vehicle” means any activity bus, school bus, or school passenger vehicle.

(m) “Short-term leased vehicle” means any school vehicle that is leased by a school district for a period of 30 or fewer days.

(n) “Substitute driver” means any person who is not assigned to a regular route but is employed to serve as a school transportation provider when necessary due to driver absences or emergencies.

(o) “Transportation supervisor” means a person designated by a governing body to be responsible for trans-

portation activities within a school district. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-2. General limitations and requirements. (a) No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977 and either is no more than 25 years old or has been modified to meet current standards. Each school bus shall meet the standards specified by law and this article of the department’s regulations.

(b) The owner’s name shall be displayed on each side of any school bus.

(c) Activity buses shall not be utilized to provide student transportation from any student’s home to school or from school to any student’s home.

(d) Each school bus, activity bus, and school passenger vehicle shall be equipped with a two-way communication system.

(e)(1) Each bus shall contain the following emergency supplies:

- (A) At least one 2A-10BC fire extinguisher;
- (B) at least one readily identifiable first-aid kit in a removable, waterproof, and dustproof container;
- (C) at least one readily identifiable body fluid clean-up kit in a removable, waterproof, and dustproof container;
- (D) at least three reflectorized triangle warning devices, securely stored but in an accessible location; and
- (E) at least one emergency seat belt cutter.

(2) The first-aid kit, body fluid clean-up kit, fire extinguisher, and seat belt cutter shall be mounted in full view of, and readily accessible to, the driver.

(f) Each governing body shall ensure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. When providing transportation for infants and preschool children in school passenger vehicles, age- and size-appropriate child safety restraining systems shall be utilized, pursuant to K.S.A. 8-1344 and amendments thereto. (Authorized by K.S.A. 8-2009; implementing K.S.A. 8-2009, K.S.A. 2015 Supp. 8-2009a; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-3. School transportation supervisor; duties and responsibilities. (a) Appointment and general responsibilities.

(1) Each governing body shall designate an employee to be the transportation supervisor.

(2)(A) The transportation supervisor shall be responsible for supervision and maintenance of the school district’s transportation system.

(B) The transportation supervisor shall act as liaison between the school district and any contracted bus transportation service.

(b) School transportation routes and stops.

(1) The transportation supervisor shall be responsible for establishing all regular transportation routes and stops for the loading and unloading of students along those routes. The supervisor shall keep a current map on file for each regular transportation route, with all stops noted and a current map of the school district showing each attendance center.

(continued)

(2) The transportation supervisor shall not establish stops on any interstate highway, state toll road, or other limited-access highway.

(3) The transportation supervisor shall give special consideration to road conditions and safety concerns when planning the regular transportation routes. If a safety hazard is encountered, the appropriate authorities shall be contacted about eliminating or correcting the hazard, if possible.

(4) Each driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.

(5) If visibility is less than 500 feet when approaching an established school bus stop from any direction, the transportation supervisor shall contact state, county, or township road authorities and request that warning signs be posted for the school bus stop. Whenever practicable, stops shall be established only at points where visibility is at least 500 feet for all motorists.

(c) Driver training meetings.

(1) Each transportation supervisor shall conduct at least 10 safety meetings per year for all school transportation providers employed by the school district.

(2) Attendance at each meeting shall be documented with a sign-in sheet or similar document. The record of attendance and the agenda shall be retained by the supervisor for at least two years.

(3) Safety meeting topics shall include school transportation safety concerns from drivers regarding route safety, changes in laws or regulations, and other safety issues as determined appropriate by the transportation supervisor.

(4) Safety meetings may be electronically recorded so that drivers who are unable to attend a particular meeting can view the program at another time.

(5) Each school transportation provider shall attend at least 10 safety meetings per year. Newly hired drivers shall be required to attend only those meetings held following their employment.

(d) Records retention.

(1) The transportation supervisor shall be responsible for maintenance and repair records for all school buses, activity buses, and school passenger vehicles used for student transportation, except short-term leased vehicles, that are either owned or leased and are operated by the school district. These records shall include information on scheduled maintenance, lubrication records, repair orders, and other maintenance.

(2) The maintenance record for each vehicle shall be kept as long as the school owns or leases the vehicle, and for at least two years following disposition of the vehicle.

(3) Maintenance records shall be available for inspection by the Kansas highway patrol, other law enforcement agencies, and Kansas state department of education officials.

(e) Contracts for bus transportation services. Each school district that contracts for bus transportation services shall ensure that each contract for those services includes a provision requiring the contractor to meet the requirements of subsections (c) and (d).

(f) Students with special needs. Each school district shall, before transportation, notify the transportation su-

pervisor of any student with special health care concerns, special needs for transportation, or an individualized education program requiring transportation. The supervisor shall ensure that all drivers, substitute drivers, and attendants are informed of these needs and receive any training that is necessary to safely transport the student or to accommodate the student's special needs. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-4. Compliance with chassis and body construction standards. (a) Except as otherwise provided in subsection (c), a governing body shall not allow students to be transported on any school bus acquired or leased after the effective date of this regulation until the governing body has on file a verified statement, as prescribed by the state board, from the seller or lessor of the school bus attesting that the school bus meets the following requirements:

(1) The school bus chassis and body construction standards promulgated by the United States department of transportation that apply to the particular bus; and

(2) the bus chassis and body construction standards, including standards for specially equipped school buses, if applicable, prescribed in the national school transportation specifications adopted by the national congress on school transportation.

(b) A governing body shall not alter, change, or otherwise modify any school bus used to transport students in any manner that results in nullification of the statement required in subsection (a) or that results in the failure of the school bus to comply with standards applicable to it under K.S.A. 8-2009a, and amendments thereto.

(c) If a governing body is acquiring a school bus from another governing body, the governing body acquiring the school bus shall obtain the following statements from the governing body that is disposing of the school bus:

(1) The verified statement obtained by the governing body under subsection (a); and

(2) a verified statement from the governing body that is disposing of the school bus attesting to the fact that the governing body has not altered, changed, or otherwise modified the school bus in any manner that results in nullification of the statement required in subsection (a) or that results in the failure of the school bus to comply with the standards applicable to it under K.S.A. 8-2009a, and amendments thereto. (Authorized by K.S.A. 8-2009; implementing K.S.A. 8-2009, K.S.A. 2015 Supp. 8-2009a; effective July 1, 2000; amended July 7, 2017.)

91-38-5. Annual inspection of school vehicles. (a) (1) Each governing body that either owns or leases and that operates any school bus or activity bus shall have each of those buses inspected annually in accordance with this regulation.

(2) Each person or entity that contracts with any governing body to provide bus transportation services to students shall have each school bus or activity bus used to transport students inspected annually in accordance with this regulation.

(3) Except for new buses, which shall be inspected upon delivery and before being used to transport students, the inspection process shall be conducted between

June 1 and September 30. No school bus or activity bus shall be used to transport students until the inspection process has been completed and the bus is in proper working order.

(b)(1) Each governing body and each bus transportation contractor shall have each school bus and each activity bus that is operated by the governing body or the contractor inspected by a mechanic who is knowledgeable about the mechanical systems of school buses. In addition, each governing body shall have each school passenger vehicle that is used to transport students inspected annually by a mechanic. The mechanic shall inspect each school vehicle to determine whether the mechanical system is in proper working order.

(2) Each mechanic shall indicate the results of the inspection on the form provided by the state department of education and shall return the form to the governing body or bus transportation contractor.

(c)(1) After the inspection prescribed in subsection (b) is completed, each school vehicle shall be inspected by the Kansas highway patrol to determine whether the school vehicle is equipped with the appropriate safety devices and those devices are in proper working order.

(2) The results of the inspection shall be indicated by the highway patrol officer on the form provided by the state department of education. Following completion of this form, it shall be returned to the governing body or bus transportation contractor and shall become a maintenance record.

(d) Upon successful completion of the inspection process specified in subsections (b) and (c), a school vehicle inspection sticker issued by the Kansas highway patrol shall be placed on the school vehicle's windshield in a location that will not impair the driver's vision.

(e)(1) If any school vehicle fails either the mechanical or safety inspection specified in this regulation, that school vehicle shall not be used for student transportation until all defects have been corrected and the school vehicle has been approved.

(2) If repairs or other corrections are required for a school vehicle to pass the inspection and these repairs or corrections are completed within 10 days after the initial inspection, then only the defective items shall be reexamined. If the repairs or corrections are not made within 10 days following the initial inspection, the school vehicle shall be completely reinspected.

(f) At any time, spot inspections of any school vehicle used for student transportation may be conducted by the Kansas highway patrol.

(g) Each school bus, activity bus, and school passenger vehicle that is purchased at any time following the required annual inspection for school vehicles shall pass the inspections required by this regulation before being used to transport students. (Authorized by and implementing K.S.A. 8-209; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-6. School transportation driver qualifications.

(a) Driver's licensing and age requirements. Each person employed by a school district or by a school bus contractor who, at any time, will provide student transportation shall be licensed pursuant to K.S.A. 8-234b and amendments thereto, or the appropriate licensing statutes of the

person's state of residence. Each person also shall meet the following requirements:

(1) Each driver of a school bus or activity bus with a gross weight of over 26,000 pounds shall maintain a commercial class A or B driver's license, with passenger and school bus endorsements.

(2) Each driver of a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed for transporting 16 passengers or more shall maintain a commercial class A, B, or C driver's license, with passenger and school bus endorsements.

(3) Each driver of a school passenger vehicle or a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed to transport fewer than 16 passengers shall maintain an appropriate noncommercial operator's license.

(4) Each driver's license shall be valid within the driver's state of residence.

(5) Each driver of an activity bus shall be 21 years of age or older.

(b) Criminal and driving records.

(1) Each prospective school transportation provider or other school employee who may transport students shall be required to sign a statement indicating whether that individual has been convicted in any state or federal court of any crime involving a child. A person who has been convicted of such a crime shall not be employed, re-employed, or retained as an employee to provide student transportation.

(2) Each prospective driver shall be required to sign a statement indicating whether, within the past 10 years, that individual has been convicted in any state of any felony or any major traffic violations specified in subsection (c).

(3) For purposes of this regulation, a conviction shall mean entering a plea of guilty or nolo contendere, a finding of guilty by a court or jury, or forfeiture of bond.

(4) Each prospective school transportation provider shall give written authorization to the prospective employer to obtain the applicant's driving record through a local law enforcement agency or the Kansas department of revenue, division of vehicles, pursuant to K.S.A. 74-2012 and amendments thereto. The authorization also shall allow the prospective employer to obtain the applicant's driving record in states other than Kansas through a local law enforcement agency or the appropriate agency of the other state.

(c) Disqualification from employment.

(1) Except as otherwise provided in paragraph (c)(2), a governing body shall not employ or retain to transport students any person who discloses or whose driving record indicates that, within the past 10 years, the person has been convicted of any of the following major traffic violations:

(A) Hit-and-run driving;

(B) driving while under the influence of alcohol or drugs;

(C) vehicular homicide;

(D) reckless driving; or

(E) any offense for which the driver's license was suspended or revoked pursuant to K.S.A. 8-254 and 8-255, and amendments thereto.

(continued)

(2) A governing body may waive the disqualification for employment by a unanimous vote of the full membership of the governing body.

(d) Driver experience and training requirements.

(1) Each driver who operates a school vehicle to transport students shall have at least one year's experience in operating a motor vehicle.

(2)(A) Each school bus driver shall be provided with at least 12 hours of bus driver training. The first six hours of training shall be completed without student passengers, but the remaining hours may be completed with student passengers if the driver-trainer is on the bus. All driver training shall be supervised by the assigned driver-trainer.

(B) Except as otherwise provided in paragraph (d)(2)(C), each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, within 30 days after the first day the driver is allowed to transport students. Each driver completing any training session shall obtain a wallet card or other certificate attesting to that individual's completion of the training program and shall maintain this certification.

(C) A school transportation provider who is certified as an emergency medical service provider shall not be required to complete first aid and CPR training, if the emergency medical certification is maintained in valid status.

(e)(1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, within 30 days after the first day the driver transports students. The driver shall obtain a completion certificate or wallet card as evidence that the course requirements have been met.

(2) After completion of the initial accident prevention course, each driver shall be required to maintain certification by completion of an accident prevention course at least every three years.

(3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and at least two years thereafter.

(f) Substitute and emergency school transportation providers.

(1) Substitute school transportation providers shall meet the requirements in this regulation, but these individuals may be allowed up to 30 days following employment to complete the first aid, CPR, and accident prevention course training requirements.

(2) Any person who holds a valid commercial driver's license with passenger and school bus endorsements and a current medical certificate may operate a school bus in an emergency situation. For purposes of this paragraph, an "emergency situation" shall mean a situation in which no qualified driver or substitute driver is available. A specific driver shall not drive as an emergency driver for more than five days during a school year.

(g) Physical examination and health requirements.

(1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on January 14, 2014, which is hereby adopted by reference. The medical examiner's report form and the medical examiner's certificate that are

approved by the state department of education shall be used to document the results of each examination.

(2) The physical examination shall be certified by a doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician assistant, nurse practitioner, or any medical professional on the federal motor carrier safety administration's national registry of certified medical examiners, according to the following schedule:

(A) Before beginning employment as a school transportation provider;

(B) at least every two years after the date of the initial physical examination; and

(C) at any time requested by the driver's employer, the school transportation supervisor, or the state department of education.

(3) A certified medical examiner's certificate required under this subsection shall not constitute the certification of health required by K.S.A. 72-5213, and amendments thereto.

(4) Each governing body shall keep on file a current medical examiner's certificate for each school transportation provider. If a provider leaves employment for any reason, the person's last medical examiner's certificate shall be kept for two years after the person leaves.

(h) Waiver of physical requirements.

(1)(A) Any person failing to meet the requirements of subsection (g) may be permitted to be a school transportation provider for a particular school district, if a waiver is granted by the governing board of that school district under this sub-section. Each waiver shall meet the following requirements:

(i) The person seeking the waiver, the transportation supervisor for the school district, and the contract manager, if applicable, shall submit a joint application for a waiver to the local board of education.

(ii) Each application shall be accompanied by reports from two of the following, indicating their opinions regarding the person's ability to safely operate a school bus: doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician assistant, or nurse practitioner.

(iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience of the person in driving vehicles of the type to be driven.

(B) An application for a waiver shall be granted only by unanimous approval of the governing board.

(2)(A) A waiver as described in paragraph (h)(1) shall not be granted for a period longer than two years, but may be renewed by following the procedures in paragraph (h)(1).

(B) While on duty, the driver shall keep in the driver's possession the original document granting the waiver or a legible copy of this document.

(C) Each governing body shall retain the original document granting the waiver or a legible copy of the waiver in the driver's personnel file for as long as the driver is employed and for at least two years following termination of the driver's employment.

(D) A waiver may be revoked, for cause, by the gov-

erning body. Before revocation, the governing body shall perform the following:

- (i) Suspend the driver from service;
- (ii) provide notice of the proposed revocation to the driver, including the reason or reasons for the proposed revocation; and
- (iii) allow the driver a reasonable opportunity to show cause, if any, why the revocation should not occur.

(i) Alcohol and drug testing requirements. Any governing body may develop a policy to include all drivers of any school motor vehicles in the alcohol and drug testing program required for drivers not holding commercial driver's licenses. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-7. Driver's duties and responsibilities. (a) Each school transportation provider shall inspect a school vehicle before its use to ascertain that the vehicle is in a safe condition and equipped as required by law and that all required equipment is in working order. The school transportation provider shall document each inspection.

(b) If any defect is discovered, students shall not be transported in the vehicle until the defect is corrected.

(c) Documentation of the inspections of each school vehicle shall be kept on file for at least one year following the vehicle inspection.

(d) A school transportation provider shall not drive a school vehicle for more than 10 consecutive hours or for more than a total of 10 hours in any 15-hour period.

(e) Each school transportation provider shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

(f) Each school transportation provider shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions.

(g) Each school transportation provider shall utilize the driver's safety belt at all times while the vehicle is in motion.

(h) If the school transportation provider leaves the driver's seat, the parking brake shall be set, the motor turned off, and the keys removed. However, drivers of specially equipped buses may leave the motor running to operate a power lift after setting the parking brake.

(i) If a school vehicle is refueled during any trip when passengers are being transported, the school transportation provider shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be transported in any manner, except in the vehicle's fuel tank.

(j) Following the completion of any trip, each school transportation provider shall perform a walk-through inspection of the school bus or activity bus or a visual check of the school passenger vehicle that the provider was driving, to ensure that all passengers have disembarked.

(k) A driver of a school bus or activity bus shall not tow any trailer or other vehicle with the bus, while any passenger is on the bus. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

91-38-8. Loading and unloading procedures. (a) On routes.

(1) Each school bus driver shall activate the alternate flashing warning lights as required by K.S.A. 8-1556 and amendments thereto, at any time that the loading or unloading of students occurs on the traveled portion of any roadway.

(2) Each governing body shall adopt procedures for the loading and unloading of students, consistent with the requirements of this article of the department's regulations. The procedures shall include the following:

(A) Each school bus driver shall load and unload students off the roadway whenever adequate space is provided, unless parking the bus off the roadway would threaten the safety or stability of the bus or safety of the students.

(B) Each school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.

(C) Students shall not be required to cross any divided highway, as defined in K.S.A. 8-1414 and amendments thereto, or any roadway consisting of more than one lane of traffic traveling in the same direction excluding turn lanes in order to board the bus or to reach the students' destination upon unloading from the bus.

(D) When the loading or unloading of students takes place on a roadway, the bus shall stop in the far right-hand lane of the roadway.

(E) Each driver shall ensure that all students who have unloaded from the bus have moved a safe distance away from the bus before the driver moves the bus.

(b) At school.

(1) Whenever possible, each governing body shall provide bus parking so that the loading or unloading of students is conducted in an area away from vehicular traffic and off the roadway.

(2) Before each school's dismissal time, and where adequate space is available, the bus drivers shall park the buses in single file.

(3) If the loading or unloading of students is conducted on the traveled portion of a roadway, each bus driver shall park the bus on the side of the roadway nearest to the school, with the entry door opening away from the traveled portion of the roadway. Buses shall be parked adjacent to curbing, if present. If there is no curbing, the buses shall be parked as far to the right of the roadway as possible without threatening the stability of the bus.

(4) Each board shall ensure that there is adult supervision during loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

(c) On activity trips.

(1) Whenever possible, each bus driver shall park the bus so that the loading or unloading of students takes place in an area away from other vehicular traffic.

(2) The transportation supervisor shall designate, in advance, stops for the loading and unloading of buses along each activity trip route.

(d) In school passenger vehicles. Each driver of a school passenger vehicle shall park the vehicle in a location so that students are loaded or unloaded in an area off

(continued)

the roadway. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended July 7, 2017.)

Article 42. — EMERGENCY SAFETY INTERVENTIONS

91-42-1. Definitions. As used in this article, each of the following terms shall have the meaning specified in this regulation: (a) "Administrative review" means review by the state board upon request of a parent.

(b) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(c) "Commissioner" means commissioner of education.

(d) "Complaint" means a written document that a parent files with a local board as provided for in this article.

(e) "Department" means the state department of education.

(f) "District" means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-1106, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.

(g) "Emergency safety intervention" means the use of seclusion or physical restraint.

(h) "Hearing officer" means the state board's designee to conduct an administrative review as specified in K.A.R. 91-42-5. The hearing officer shall be an officer or employee of the department.

(i) "Incident" means each occurrence of the use of an emergency safety intervention.

(j) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.

(k) "Mechanical restraint" means any device or object used to limit a student's movement.

(l) "Parent" means any of the following:

- (1) A natural parent;
- (2) an adoptive parent;
- (3) a person acting as a parent, as defined in K.S.A. 72-1046 and amendments thereto;

(4) a legal guardian;

(5) an education advocate for a student with an exceptionality;

(6) a foster parent, unless the foster parent's child is a student with an exceptionality; or

(7) a student who has reached the age of majority or is an emancipated minor.

(m) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

(n) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

(o) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board.

(p) "Seclusion" means placement of a student in a location where all the following conditions are met:

(1) The student is placed in an enclosed area by school personnel.

(2) The student is purposefully isolated from adults and peers.

(3) The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.

(q) "State board" means Kansas state board of education.

(r) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-91-2-17-16, Feb. 17, 2016; amended June 10, 2016; amended July 7, 2017.)

91-42-2. Standards for the use of emergency safety interventions. (a) An emergency safety intervention shall be used only when a student presents a reasonable and immediate danger of physical harm to the student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, including positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior before the use of any emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention.

(b) Use of an emergency safety intervention for purposes of discipline or punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(c)(1) A student shall not be subjected to an emergency safety intervention if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.

(2) The existence of the medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file. The written statement shall include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.

(3) Notwithstanding the provisions of this subsection, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

(d) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

(e) Each seclusion room equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, including fire or severe weather.

(f) Each seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Each room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

(g) The following types of restraint shall be prohibited:

- (1) Prone, or face-down, physical restraint;
- (2) supine, or face-up, physical restraint;
- (3) any restraint that obstructs the airway of a student;
- (4) any restraint that impacts a student's primary mode of communication;

(5) chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments; and

(6) the use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.

(h) The following shall not be deemed an emergency safety intervention, if its use does not otherwise meet the definition of an emergency safety intervention:

- (1) Physical escort; and
- (2) time-out. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-91-2-17-16, Feb. 17, 2016; amended June 10, 2016; amended July 7, 2017.)

91-42-4. Parent notification; required meeting; filing a complaint. (a) When an emergency safety intervention is used with a student, the school shall notify the parent the same day the emergency safety intervention was used. The school shall attempt to contact the parent using at least two methods of contact, one of which shall be the preferred method of contact if so designated by the parent as specified in this subsection. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

(b) The school shall provide written documentation of the emergency safety intervention used to the parent no later than the school day following the day on which the emergency safety intervention was used. This documentation shall include the following:

- (1) The date and time of the intervention;
- (2) the type of intervention;
- (3) the length of time the intervention was used;
- (4) the school personnel who participated in or supervised the intervention;
- (5) the events leading up to the incident;
- (6) the student behaviors that necessitated the emergency safety intervention;
- (7) the steps taken to transition the student back into the educational setting;
- (8) space or an additional form for parents to provide feedback or comments to the school regarding the incident;

(9) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and

(10) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the items in paragraphs (b)(5) through (7) if the triggering issue necessitating the emergency safety interventions is the same.

(c) In addition to the documentation required by subsection (b), the school shall provide the parent the following information:

(1) After the first incident in which an emergency safety intervention is used with a student during the school year, the school shall provide the following information in printed form to the parent or, upon the parent's written request, by email:

(A) A copy of the standards of when emergency safety interventions can be used;

(B) a flyer on the parent's rights;

(C) information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and

(D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system.

(2) After subsequent incidents in which an emergency safety intervention is used with a student during the school year, the school shall provide a full and direct web site address containing the information in paragraph (c)(1).

(d) After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request the meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the date on which the parent sent the request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

(1) For a student who has an individualized education program or a section 504 plan, the student's individualized education program team or section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan, or amend either if already in existence.

(2) For a student with a section 504 plan, the student's section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto.

(3) For a student who has an individualized education program and is placed in a private school by a parent, a meeting called under this subsection shall include the parent and the designee of the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate the meeting.

(continued)

(4) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq. and amendments thereto, the need for a functional behavioral analysis, or the need for a behavior intervention plan. Each meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for the meeting.

(5) The parent shall determine whether the student shall be invited to any meeting called pursuant to this subsection.

(6) The time for calling a meeting pursuant to this subsection shall be extended beyond the 10-school-day limit if the parent of the student is unable to attend within that time period.

(7) Nothing in this subsection shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if the student could benefit from such measures.

(e) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student on school grounds or during a school-sponsored activity, the school shall notify the parent on the same day the school becomes aware of the use, using the parent's preferred method of contact as described in K.A.R. 91-42-4(a). A school shall not be required to provide written documentation to a parent, as set forth in subsection (b) or (c) regarding law enforcement use of an emergency safety intervention, or report to the department law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(f) If a parent believes that emergency safety interventions have been used in violation of this article or policies of the school district, then within 30 days from being informed of the use of emergency safety intervention, the parent may file a complaint through the local dispute resolution process. Any parent may request an administrative review by the state board within 30 days from the date the final decision was issued pursuant to the local dispute resolution process. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective June 10, 2016; amended July 7, 2017.)

91-42-7. Reporting. (a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually there-

after. The department's reported results shall include but shall not be limited to the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) the number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) the total number of incidents in which emergency safety interventions were used on students;

(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;

(8) the maximum and median number of minutes a student was placed in seclusion;

(9) the maximum number of incidents in which emergency safety interventions were used on a student;

(10) the information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;

(11) the information reported under paragraphs (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and

(12) any other information that the department deems necessary to report.

(c) Actual data values shall be used when providing statewide aggregate data for the reports. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective June 10, 2016; amended July 7, 2017.)

Randy Watson
Commissioner of Education

Doc. No. 045482

State of Kansas

Secretary of State

Certification of New State Law

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

Kris W. Kobach
Secretary of State

(Published in the Kansas Register June 22, 2017.)

Substitute for HOUSE BILL No. 2230

AN ACT concerning the Kansas cigarettes and tobacco products act; relating to definitions, licenses and permits, suspension or revocation of licenses, stamps, records required of dealers, unlawful acts, penalties, sale of cigarettes, application of certain laws to taxes, remittance of taxes, escrow deposits, taxation of electronic cigarettes; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392, 79-3393 and 79-3399 and repealing the existing sections.

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

New Section 1. (a) Notwithstanding any other provision in this act, any person who purchases, possesses, uses or consumes more than 400 cigarettes in this state without the required tax indicia being affixed as herein provided shall be liable for the tax imposed by this act.

(b) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

New Sec. 2. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this act:

(a) "Conviction" or "convicted" includes being convicted of a violation of this act or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this act;

(b) "conviction" or "convicted" includes being convicted of a violation of a law of another state or the United States, which prohibits the acts that this act prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law;

(c) only convictions occurring in the immediately preceding five years beginning on July 1, 2017, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense, whichever is applicable; and

(d) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 3. K.S.A. 2016 Supp. 79-3301 is hereby amended to read as follows: 79-3301. As used in K.S.A. 79-3301 et seq., and amendments thereto:

(a) "Act" means the Kansas cigarette and tobacco products act.

(b) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

(c) "Carton" means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

(d) "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco.

(e) "Conspicuous location or place" means a location or place available to the general public.

(f) "Consumer" means the person purchasing or receiving cigarettes or tobacco products for final use.

(g) "Contracting entity" means any public or private person, firm or entity that has entered into a contract with the secretary of revenue to provide services.

(h) "Dealer" means any person who engages in the sale or manufacture of cigarettes, tobacco products or electronic cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act.

(i) "Dealer establishment" means any location or premises, other than vending machine locations, at or from which cigarettes, tobacco products or electronic cigarettes are sold, and where records are kept.

(j) "Director" means the director of taxation.

(k) "Distributor" means: (1) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from outside the state any tobacco products for sale;

(2) any person who makes, manufactures, fabricates or stores tobacco products in this state for sale in this state; or

(3) any person engaged in the business of selling tobacco products outside this state who ships or transports tobacco products to any person in the business of selling tobacco products in this state.

(l) "Division" means the division of taxation.

(m) "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.

(n) "Importer" means the same as provided in 26 U.S.C. § 5702(k).

(o) "License" means the privilege of a licensee to sell cigarettes or tobacco products in the state of Kansas, and the written evidence of such authority or privilege as issued by the director.

(p) "Licensee" means any person holding a current license issued pursuant to this act.

(q) "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

(r) "Manufacturer's salesperson" means a person employed by a cigarette manufacturer who sells cigarettes, manufactured by such employer and procured from wholesale dealers.

~~(m) "Meter imprints" means tax indicia applied by means of ink printing machines.~~

(s) (1) "Package" means a container in which no more than 25 individual cigarettes are wrapped and sealed by the manufacturer of cigarettes prior to shipment to a wholesale dealer;

(2) for the purposes of ~~subsections (t), (v) and (w)~~ of K.S.A. 79-3321(v) and (w), and amendments thereto, "package" means the same as provided in 15 U.S.C. § 1332(4).

(t) "Person" means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise and any combination of individuals.

(u) "Received" means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.

(v) "Retail dealer" or "retailers" means a person, other than a vending machine operator, in possession of cigarettes or electronic cigarettes for the purpose of sale to a consumer.

(w) "Sale" means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, tobacco products or electronic cigarettes, with or without consideration.

(x) "Sample" means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.

(y) "Self-service display" means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer's consumers, and from which such consumers can readily access cigarettes or tobacco products without the assistance of a salesperson, and which is knowingly utilized by the retail dealer to market and sell cigarettes and tobacco products to consumers. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display.

(z) "Stamps" means tax indicia applied ~~either by means of water applied gummed paper or heat process, pressure or any other process approved by the director.~~

(aa) "Tax indicia" means visible evidence of tax payment in the form of stamps or meter imprints.

(bb) "Tobacco products" means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes.

(cc) "Tobacco specialty store" means a dealer establishment that derives at least 75 percent of such dealer establishment's revenue from cigarettes or tobacco products.

(dd) "Vending machine" means any coin operated machine, contrivance or device, by means of which merchandise may be sold.

(ee) "Vending machine distributor" means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.

(ff) "Vending machine operator" means any person who places a vending machine, owned, leased or operated by such person, at locations where cigarettes are sold from such vending machine. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, nor shall the owner or lessee, or any employee or agent of the owner or lessee be considered an authorized agent of the vending machine operator, if the owner or lessee does not own or lease the machine and the owner's or lessee's sole remuneration from the machine is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, or a combination of both.

(gg) "Wholesale dealer" means any person who sells cigarettes to other wholesale dealers, retail dealers, vending machine operators and manufacturer's salespersons for the purpose of resale in the state of Kansas.

(hh) "Wholesale sales price" means the original net invoice price for which a manufacturer sells a tobacco product to a distributor, as shown by the manufacturer's original invoice.

(continued)

(dd) "Importer" means the same as provided in 26 U.S.C. § 5702(f).

(ee) "Manufacturer" means the same as provided in 26 U.S.C. § 5702(d).

(ff) "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.

Sec. 4. K.S.A. 2016 Supp. 79-3302 is hereby amended to read as follows: 79-3302. (a) K.S.A. 79-3301 through 79-3304, 79-3306, 79-3309, 79-3310, 79-3311, 79-3312, 79-3312a, 79-3313, 79-3316, 79-3321, 79-3322, 79-3323, 79-3324a, 79-3326, 79-3328, 79-3329, 79-3333, 79-3335, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378, 79-3379, 79-3387, 79-3388, 79-3391, 79-3392, 79-3393, 79-3394 and K.S.A. 2016 Supp. 79-3395 through 79-3398 79-3399, *section 1, section 2 and section 24*, and amendments thereto, shall be known and may be cited as the Kansas cigarette and tobacco products act.

(b) It is the purpose and intent of this act to regulate the sale of cigarettes and tobacco products in this state and to impose a tax thereon.

Sec. 5. K.S.A. 2016 Supp. 79-3303 is hereby amended to read as follows: 79-3303. (a) Each person engaged in the business of selling cigarettes or electronic cigarettes in the state of Kansas and each vending machine distributor shall obtain a license as provided by this act. A separate application, license and fee is required for each dealer establishment owned or operated by a dealer. A vending machine operator is required to obtain a vending machine operator's master license and, in addition, a separate permit for each vending machine operated by the operator. A vending machine operator may submit one application for the vending machine operator's master license and all permits for vending machines operated by the operator. The license shall be displayed in the dealer establishment and the vending machine permit shall remain securely and visibly attached to the vending machine and contain such information as the director may require. Any vending machine found without such permit attached to the machine shall be sealed by an agent of the director and such seal shall be removed only by an agent of the director after payment of the permit fee and the penalties provided by this act.

(b) The application for a vending machine operator's master license and vending machine permits shall list the brand name and serial number of each machine and such other information as required by the director. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the division to divulge or make known in any way the location of any vending machine to any person not an officer or employee of the division or contracting entity of the division, where the division has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality, except that such information may be divulged to any law enforcement officer for use in the officer's official duties. Any officer or employee or contracting entity revealing any such location in violation of this provision, in addition to the penalties otherwise provided in this act, shall be dismissed from office.

(c) A vending machine operator, in the course of business as a vending machine operator, may dispose of or sell vending machines without securing a license to sell vending machines. The vending machine operator may move vending machines from one location to another and, if a vending machine becomes inoperative or is disposed of, the permit for such machine may be transferred to another machine. A vending machine operator, within 10 days, shall notify the director of the brand name and serial number of vending machines that become inoperative or that the operator disposes of, sells, acquires or brings into service in this state as additional machines.

(d) The key to the lower or storage compartment of a vending machine shall remain only in the possession of the vending machine operator or the operator's authorized agent. All services connected with the operation of a vending machine shall be performed by the vending machine operator or the operator's authorized agent. All vending machines shall be subject to inspection by the director or the director's authorized agents. No permit shall be issued for a vending machine unless it is constructed so that at least one package of each vertical column of cigarettes located therein is visible showing tax indicia.

(e) All vending machines operated on military installations shall have a permit affixed to the machines and the cigarettes shall show tax indicia of the Kansas tax.

(f) On or before the 10th day of each month, each vending machine distributor shall report to the director, on forms provided by the director, all sales of cigarette vending machines by the distributor to per-

sons in the state of Kansas during the preceding month; the name and address of the purchaser; and the brand name, serial number and sale price of the machines.

(g) Concurrently with a change in ownership of a dealer establishment the license applicable to the establishment is void and shall be surrendered to the director and shall not be transferred. On removal of a dealer establishment from one location to another, the owner of the establishment shall notify the director and surrender the owner's license. The director shall issue a new license for the unexpired term of the surrendered license on payment of a fee of \$2. If a dealer's license is lost, stolen or destroyed, the director may issue a new license on proof of loss, theft or destruction, at a cost of \$2. The director shall remit all moneys received under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 6. K.S.A. 79-3304 is hereby amended to read as follows: 79-3304. (a) The license fee for each biennium or portion thereof shall be as follows:

(1) For retail dealer's license, \$25 for each dealer establishment.

(2) For retailer's license on railroad or sleeping cars, \$50. Only one retail license need be obtained by each railroad or sleeping car company to permit the sale of cigarettes on any or all of its cars within the state.

(3) For show, carnival or catering license, \$50 for each concession.

(4) For resident retail dealer's temporary license for a place of business of a temporary nature, \$2 for each seven days or portion thereof.

(5) For wholesale dealer's license, \$50 for each dealer establishment. No wholesale dealer's license shall be issued until the person applying therefor has filed with the director a bond payable to the state of Kansas in such an amount as shall be fixed by the director, but in no event less than \$1,000, with a corporate surety authorized to do business in the state of Kansas, and approved by the director. If a wholesale dealer is unable to secure a corporate surety bond, the director may issue a license to such wholesale dealer, upon the wholesale dealer furnishing a personal bond meeting the approval of the director. Such bond shall be conditioned on the wholesale dealer's compliance with all the provisions of this act during the license period.

(6) For vending machine distributor's license, \$50.

(7) For manufacturer's salesperson license, \$20 for each salesperson. The manufacturer's salesperson shall, with respect to each sale made to a retail dealer, make and deliver to the retail dealer a true invoice wherein such salesperson shall insert the name of the wholesale dealer from whom such salesperson secured such cigarettes, together with such salesperson's own name and the name of the retail dealer purchasing the cigarettes.

(8) For vending machine operator's license, no fee.

(9) For vending machine permit, \$25 for each permit.

(b) An application for any license required under the provisions of this act may be refused to: (1) A person who is not of good character and reputation in the community in which such person resides; or (2) a person who has been convicted of a felony or of any crime involving moral turpitude or of the violation of any law of any state or the United States pertaining to cigarettes or tobacco products and who has not completed the sentence, parole, probation or assignment to a community correctional services program imposed for any such conviction within two years immediately preceding the date of making application for any of such licenses.

(c) The director may refuse to issue or renew a license to any person who:

(1) Has been convicted on or after January 1, 2013, of a felony under the laws of this state or any other state or the United States;

(2) is not current in the payment of any tax or fine under this act;

(3) has had a cigarette license revoked in this state or any other state;

(4) is not at least 18 years of age;

(5) intends to carry on the business as an agent of another;

(6) at the time of application for renewal of any license issued under this act, would not be eligible for the license upon first application;

(7) does not own the premises for which a license is sought, or does not, at the time of the application, have a written lease;

(8) has been convicted of a crime involving any tax under this act;

(9) is a corporation in which any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:

(A) *Has had a license revoked under this act; or*
 (B) *has been convicted of a crime involving any tax under this act; or*
 (10) *is a limited liability company in which any officer, manager or director thereof, or any member owning in the aggregate more than 5% of the limited liability company, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:*

- (A) *Has had a license revoked under this act; or*
 (B) *has been convicted of a crime involving any tax under this act.*

Sec. 7. K.S.A. 79-3309 is hereby amended to read as follows: 79-3309. (a) Whenever the director has reason to believe that any person licensed under this act has violated any of the provisions of this act, *in any of the following ways*, the director shall notify the person by certified mail of the director's intention to suspend or revoke the person's license or licenses, *if the person:*

(1) *Has been convicted on or after January 1, 2013, of a felony under the laws of this state or any other state or the United States;*
 (2) *is not current in the payment of any tax or fine under this act;*
 (3) *has had a cigarette license revoked in this state or any other state;*
 (4) *is not at least 18 years of age;*
 (5) *intends to carry on the business as an agent of another;*
 (6) *at the time of application for renewal of any license issued under this act, would not be eligible for the license upon first application;*
 (7) *does not own the premises for which a license is sought, or does not, at the time of the application, have a written lease;*
 (8) *has been convicted of a crime involving any tax under this act;*
 (9) *in the case of a corporation, any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:*

(A) *Has had a license revoked under this act; or*
 (B) *has been convicted of a crime involving any tax under this act; or*
 (10) *in the case of a limited liability company, any officer, manager or director thereof, or any member owning in the aggregate more than 5% of the limited liability company, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation that:*

- (A) *Has had a license revoked under this act; or*
 (B) *has been convicted of a crime involving any tax under this act.*

(b) Within 30 days after the mailing of the notice, the person may request a hearing in writing before the director. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If, after such hearing, it appears to the satisfaction of the director that the person has violated any of the provisions of this act, the director is hereby authorized and empowered to suspend or revoke the person's license or licenses and may in addition deny the application of the person for a license or licenses for a portion of the succeeding calendar year for such period as the director determines is necessary, but in no case for a period ending more than one year following the date upon which the license or licenses were suspended or revoked. The suspension or revocation of a vending machine operator's master license shall suspend or revoke all vending machine permits issued to the vending machine operator for the term of the license suspension or revocation.

(b)(c) If a person continues to engage in activities requiring a license under this act after having notice or knowledge of the suspension or revocation of the person's license or licenses or after becoming more than 10 days delinquent in *filing a bond payable to the state of Kansas as required by the director*, payment of any *fine*, tax, penalty or interest imposed pursuant to this act, the state shall be entitled, in any proceedings brought for such purposes, to have an order and judgment restraining and enjoining such unlawful sale and no bond shall be required for the issuance of any such restraining order or injunction.

Sec. 8. K.S.A. 2016 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. ~~The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and Stamps applied by the heat process and meter imprints~~

shall be supplied to wholesale dealers *in good standing with the director at the time of purchase* at a discount of 0.55% on and after July 1, 2015, and thereafter, from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps ~~or meter imprints~~ shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall first credit such amount as the director shall order to the cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps ~~or tax meter imprints~~ required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax ~~meter imprints~~ stamps upon original packages of cigarettes and is charged with the duty of regulating the use of tax ~~meters~~ stamps to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax ~~meter imprints~~ stamps to original packages of cigarettes without first having obtained permission from the director to employ this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax ~~meter imprints~~ stamps to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of ~~imprinting tax meter imprints affixing tax stamps~~ upon original packages of cigarettes. ~~All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter.~~

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 9. K.S.A. 2016 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps ~~or meter imprints~~ that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less 0.55% thereof if such stamps ~~or meter imprints~~ have been purchased from the director *and are whole, complete stamps*. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less 0.55% of such tax.

Sec. 10. K.S.A. 2016 Supp. 79-3316 is hereby amended to read as follows: 79-3316. (a) All purchases of cigarettes by any dealer shall be evidenced by an invoice, a duplicate of which shall be furnished to the party receiving the cigarettes from any dealer.

(b) Purchases of cigarettes by wholesale dealers shall be made from the manufacturers of cigarettes or from other Kansas licensed wholesale dealers. Purchases of cigarettes by retail dealers or vending machine operators shall be from wholesale dealers.

(continued)

(c) All invoices issued by wholesale dealers shall be in duplicate and a copy must accompany the consigned cigarettes. Cigarettes sold by a wholesale dealer to any other dealer shall be evidenced by invoices bearing the vendee's name and license number. A wholesale dealer selling cigarettes to a manufacturer's salesperson shall at the time of delivery of same make a true duplicate invoice, inserting therein the name of the salesman together with the name of such salesperson's employer, *except that for an outlet, or fuel outlet or fuel center owned by the same entity, separate invoices are not required if cigarettes are sold from the fuel outlet owned by the same entity.*

(d) All records pertaining to sales of cigarettes by dealers in the state of Kansas shall be preserved for a period of three years and shall be available for inspection by the director or the director's designee at the dealer's place of business or, if the dealer has more than one place of business in the state, at a central location of the dealer.

(e) Every wholesale dealer shall report to the director on or before the 10th day of each month, stating the amount of cigarettes sold during the preceding month and the amount of all cigarettes returned to the manufacturer. Any wholesale dealer who refuses any shipment or part of a shipment of unstamped cigarettes or has a shortage in the shipment of cigarettes consigned to such dealer shall in the monthly report next following the refusal or shortage report to the director the number of packages or cartons of cigarettes refused or short and the name of the carrier from whom the cigarettes were refused or shortage occurred. Such report shall be ~~made on forms provided filed electronically in the manner prescribed by the director and shall contain such other information as the director may require.~~

(f) Exemption from payment of cigarette tax on sale of cigarettes made outside the state by any wholesale dealer shall be filed on forms provided by the director.

Sec. 11. K.S.A. 2016 Supp. 79-3321 is hereby amended to read as follows: 79-3321. It shall be unlawful for any person:

(a) ~~To possess, Except as otherwise specifically provided by this act, to possess, sell, transport, import, distribute, wholesale or manufacture more than 200 1,000 cigarettes without the required tax indicia being affixed as herein provided.~~

(b) To mutilate or attach to any individual package of cigarettes any stamp that has in any manner been mutilated or that has been heretofore attached to a different individual package of cigarettes or to have in possession any stamps so mutilated.

(c) To prevent the director or any officer or agent authorized by law, to make a full inspection for the purpose of this act, of any place of business and all premises connected thereto where cigarettes are or may be manufactured, sold, distributed, or given away.

(d) To use any artful device or deceptive practice to conceal any violation of this act or to mislead the director or officer or agent authorized by law in the enforcement of this act.

(e) Who is a dealer to fail to produce on demand of the director or any officer or agent authorized by law any records or invoices required to be kept by such person.

(f) Knowingly to make, use, or present to the director or agent thereof any falsified invoice or falsely state the nature or quantity of the goods invoiced.

(g) Who is a dealer to fail or refuse to keep and preserve for the time and in the manner required by this act all the records required by this act to be kept and preserved.

(h) To wholesale cigarettes to any person, other than a manufacturer's salesperson, retail dealer or wholesaler who is:

(1) Duly licensed by the state where such manufacturer's salesperson, retail dealer or wholesaler is located; or

(2) exempt from state licensing under applicable state or federal laws or court decisions including any such person operating as a retail dealer upon land allotted to or held in trust for an Indian tribe recognized by the United States bureau of Indian affairs.

(i) To have in possession any evidence of tax indicia provided for herein not purchased from the director.

(j) To fail or refuse to permit the director or any officer or agent authorized by law to inspect a carrier transporting cigarettes.

(k) To vend small cigars, or any products so wrapped as to be confused with cigarettes, from a machine vending cigarettes, nor shall a vending machine be so built to vend cigars or products that may be confused with cigarettes, be attached to a cigarette vending machine.

(l) To sell, furnish or distribute cigarettes, electronic cigarettes or tobacco products to any person under 18 years of age.

(m) Who is under 18 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes or tobacco products.

(n) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes or tobacco products.

(o) To sell cigarettes to a retailer or at retail that do not bear Kansas tax indicia or upon which the Kansas cigarette tax has not been paid.

(p) To sell cigarettes without having a license for such sale as provided herein.

(q) To sell a vending machine without having a vending machine distributor's license.

(r) Who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "By law, cigarettes, electronic cigarettes and tobacco products may be sold only to persons 18 years of age and older."

(s) To distribute samples within 500 feet of any school when such facility is being used primarily by persons under 18 years of age unless the sampling is:

(1) In an area to which persons under 18 years of age are denied access;

(2) in or at a retail location where cigarettes and tobacco products are the primary commodity offered for sale at retail; or

(3) at or adjacent to an outdoor production, repair or construction site or facility.

(t) To sell cigarettes, electronic cigarettes or tobacco products by means of a vending machine, *including vending machines that sell packaged, single cigarettes*, in any establishment, or portion of an establishment, which is open to minors, except that this subsection shall not apply to:

(1) The installation and use by the proprietor of the establishment, or by the proprietor's agents or employees, of vending machines behind a counter, or in some place in such establishment, or portion thereof, to which minors are prohibited by law from having access; or

(2) the installation and use of a vending machine in a commercial building or industrial plant, or portions thereof, where the public is not customarily admitted and where machines are intended for the sole use of adult employees employed in the building or plant; or

~~(3) a vending machine which has a lock-out device which is inoperable in the continuous standby mode and which requires manual activation by the person supervising the operation of the machine each time cigarettes or tobacco products are purchased from the machine.~~

(u) To sell cigarettes, electronic cigarettes or tobacco products by means of a self-service display in any establishment, except that the provisions of this subsection shall not apply to:

(1) A vending machine that is permitted under subsection (t); or

(2) a self-service display that is located in a tobacco specialty store; or

(3) a self-service display located in a facility where the retailer ensures that no person younger than 18 years of age is present or permitted to enter at any time.

(v) To sell or distribute in this state; to acquire, hold, own, possess or transport for sale or distribution in this state; or to import or cause to be imported, into this state for sale or distribution in this state:

(1) Any cigarettes the package of which: (A) Bears any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to, labels stating "For Export Only," "U.S. Tax-Exempt," "For Use Outside U.S." or similar wording; or (B) does not comply with: (i) All requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the federal cigarette labeling and advertising act, 15 U.S.C. § 1333; and (ii) all federal trademark and copyright laws;

(2) any cigarettes imported into the United States in violation of 26 U.S.C. § 5754 or any other federal law, or federal regulations implementing such laws;

(3) any cigarettes that such person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed or used in the United States; or

(4) any cigarettes for which there has not been submitted to the secretary of the U.S. department of health and human services the list or lists of the ingredients added to tobacco in the manufacture of such cigarettes required by the federal cigarette labeling and advertising act, 15 U.S.C. § 1335a.

(w) To alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, so as to remove, conceal or obscure:

(1) Any statement, label, stamp, sticker or notice described in subsection (v); or

(2) any health warning that is not specified in, or does not conform with, the requirements of, the federal cigarette labeling and advertising act, 15 U.S.C. § 1333.

(x) To affix any stamp required pursuant to K.S.A. 79-3311, and amendments thereto, to the package of any cigarettes described in subsection (v) or altered in violation of subsection (w).

(y) To possess, sell, transport, import, distribute, wholesale or manufacture cigarettes, smokeless tobacco or roll-your-own tobacco in violation of K.S.A. 50-6a01 et seq., and amendments thereto.

(z) To sell cigarettes, smokeless tobacco or roll-your-own tobacco in any manner that is not a direct, face-to-face exchange between the retailer and the consumer, except: (1) Mail-order sales, which shall not include mail-order redemption coupons and distribution of free samples through the mail; (2) vending machines as provided in subsection (t); and (3) self-service displays as provided in subsection (u).

Sec. 12. K.S.A. 2016 Supp. 79-3322 is hereby amended to read as follows: 79-3322. (a) ~~Any person who violates any of the provisions of the Kansas cigarette and tobacco products act,~~ (1) Except as otherwise provided in this act, ~~shall be guilty of a violation of K.S.A. 79-3321(a), (c), (d), (f), (h), (i), (j), (v), (w), (x) or (y), and amendments thereto, is a:~~

(A) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(B) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(C) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

(2) It shall be a defense to prosecution under K.S.A. 79-3321(a), and amendments thereto, that a licensee has: (A) Segregated the cigarettes from public view; (B) marked the cigarettes as not for retail sale to consumers; and (C) within 72 hours of receipt, notified the licensee's wholesale dealer, in writing, that the cigarettes do not bear indicia of Kansas tax and that the wholesale dealer shall remove the cigarettes from the licensee's premises.

(b) Except as provided in subsections (a), (c) or (d), a violation of K.S.A. 79-3321, and amendments thereto, is a class B misdemeanor and upon conviction, an offender shall be ~~punished by a fine of~~ fined not less than \$500 nor more than \$1,000 or ~~imprisonment~~ imprisoned for not more than one year, or ~~by both for each separate violation.~~ In addition thereto any person found liable for any license fee or tax imposed under the provisions of this act shall be personally liable for such license fee or tax plus a penalty in an amount equal to 100% thereof.

~~(b)(c)~~ (1) It is a class B person misdemeanor punishable by a minimum fine of \$200 for any person to: (A) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (B) buy any cigarettes or tobacco products for any person under 18 years of age.

(2) It shall be a defense to a prosecution under this subsection if: (A) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples; (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes or tobacco products; and (C) to purchase or receive the cigarettes or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes or tobacco products.

(3) It shall be a defense to a prosecution under this subsection if: (A) The defendant engages in the lawful sale, furnishing or distribution of cigarettes or tobacco products by mail; and (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, and amendments thereto, that the person was 18 or more years of age.

(4) For purposes of this subsection the person who violates this subsection shall be the individual directly selling, furnishing or distributing the cigarettes or tobacco products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

~~(e)(d)~~ Violation of ~~subsection (m) or (n) of K.S.A. 79-3321(m) or (n), and amendments thereto, is a cigarette or tobacco infraction for which the fine is \$25.~~ In addition, the judge may require the juvenile to appear in court with a parent or legal guardian.

~~(d)(e)~~ Any agent, employees or others who aid, abet or otherwise participate in any way in the violation of the Kansas cigarette and tobacco products act or in any of the offenses hereunder punishable shall be guilty and punished as principals to the same extent as any person violating this act.

(f) *The secretary of revenue or the secretary's authorized agent may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.*

Sec. 13. K.S.A. 79-3323 is hereby amended to read as follows: 79-3323. (a) Except as provided in subsection (c), the following are declared to be common nuisances and contraband:

(1) All packages of cigarettes, in quantities of 20 packages or more, not bearing indicia of tax payment as required in this act and all devices for vending cigarettes in which unstamped packages are found;

(2) all packages of cigarettes, in quantities of 20 packages or more, not bearing indicia of tax payment as required by any compact between:

(A) The governor and the Prairie Band Potawatomi Nation and approved by the legislature; (B) the governor and the Iowa Tribe of Kansas and Nebraska and approved by the legislature; (C) the governor and the Kickapoo Tribe in Kansas and approved by the legislature; or (D) the governor and the Sac and Fox Nation of Missouri in Kansas and Nebraska and approved by the legislature;

~~(4)(3)~~ all cigarettes or tobacco products in the possession of a minor; ~~and~~

(4) cigarettes, smokeless tobacco or roll-your-own tobacco in violation of K.S.A. 50-6a01 et seq., and amendments thereto; and

~~(3)(5)~~ all property, ~~other than~~ including vehicles, used in the ~~retail~~ sale, transportation, distribution, importation, wholesale or manufacture of unstamped packages of cigarettes.

Cigarettes in vending machines and exposed to view not showing indicia of tax payment required by this act to be visible from the outside of the vending machine shall be presumed to be unstamped.

(b) Any cigarettes or property constituting a common nuisance and contraband as provided by this section may be seized by the director or the director's authorized agent or any duly constituted peace officer with or without process or warrant and shall be subject to forfeiture as provided in this act. The party making the seizure shall deliver to the owner of the property and to the person or persons found in possession of the property a receipt stating from whom the property was seized, the place of seizure and a description and the brand of the property seized. A duplicate of the receipt shall be filed in the office of the director and shall be open for public inspection.

(c) *Cigarettes in quantities of 1,000 or less in the possession of a licensee are not declared a common nuisance and contraband if the licensee has: (1) Segregated the cigarettes from public view; (2) marked the cigarettes as not for retail sale to consumers; and (3) within 72 hours of receipt, notified the licensee's wholesale dealer, in writing, that the cigarettes do not bear indicia of Kansas tax and that the wholesale dealer shall remove the cigarettes from the licensee's premises.*

Sec. 14. K.S.A. 79-3324a is hereby amended to read as follows: 79-3324a. (a) *All of the cigarettes and property seized by the director or the director's authorized agent shall first be listed and appraised by the person making the seizure, and turned over to the director and a receipt taken. The person making the seizure shall immediately make and file a written report showing the name of the person making the seizure, the place where, and the person from whom the property was seized, and inventory and appraisal thereof, at the usual and ordinary wholesale price of the articles received by the director of taxation. The director shall institute forfeiture proceedings within the department of revenue in the name of the state of Kansas, as plaintiff, and in the name*

(continued)

of the owner or person in possession, as defendant, if known, and if unknown, in the name of the property seized. The director shall issue notice to the owner or person in whose possession such property was found, directing such person to answer within 10 days. The forfeiture hearing under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the property is declared forfeited and ordered sold, notice of the sale shall be posted in the official newspaper of Shawnee county, Kansas, not less than 10 days before the date of the sale, except that cigarettes shall be withheld from public sale and shall be sold by the director of taxation to the manufacturer of such cigarettes or to a licensed distributor and the purchase price shall be paid to the director of taxation and treated as cigarette tax collected. After deducting all costs incurred in the seizure, forfeiture and sale of all contraband, including cigarettes and property seized by the director or by the director's authorized agent, pursuant to this subsection, all such proceeds shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund created by K.S.A. 79-3391, and amendments thereto, and such proceeds shall be used exclusively for cigarette and tobacco products regulation and enforcement, and not for any other purpose.

(b) All of the cigarettes and property seized by officers of the state of Kansas, other than the director or the director's authorized agent, shall first be listed and appraised by the officer making the seizure, and turned over to the county sheriff of the county in which the seizure is made and a receipt therefor taken. The person making the seizure shall immediately make and file a written report thereon showing the name of the person making the seizure, the place where, and the person from whom the property was seized, and inventory and appraisal thereon, at the usual and ordinary wholesale price of the articles received to the director of taxation. The county or district attorney of the county in which the seizures are made may, at the request of the director, file in the district court forfeiture proceedings in the name of the state of Kansas, as plaintiff, and in the name of the owner or person in possession, as defendant, if known, and if unknown in the name of the property seized. The clerk of the court shall issue summons to the owner or person in whose possession such property was found, directing ~~him or her~~ such person to answer within ~~ten~~(10) days. If the property is declared forfeited and ordered sold, notice of the sale shall be posted in ~~five~~(5) public places in the county not less than ~~ten~~(10) days before the date of the sale, except that cigarettes shall be withheld from public sale and shall be sold by the director of taxation to the manufacturer of such cigarettes or to a licensed distributor and the purchase price shall be paid to the director of taxation and treated as cigarette tax collected. The proceeds of any public sale shall be deposited with the clerk of the court, who shall, after deducting costs, including the costs of the sale, pay the balance to the treasurer of the county wherein ~~said~~ the sale is constructed. ~~Said~~ The treasurer shall credit the entire amount ~~thereof~~ to the county general fund.

(b)(c) The seizure and sale of the cigarettes shall not relieve the person from whom the cigarettes were seized from any prosecution on the payment of any penalties provided for under the provisions of K.S.A. 79-3301 et seq., and amendments thereto; nor shall it relieve the purchaser ~~thereof~~ from any payment of the regular cigarette tax and the placing of proper stamps thereon before making any sale of the cigarettes or the personal consumption of the same.

(e)(d) The forfeiture provisions of this act shall only apply to persons having possession of or transporting cigarettes with intent to barter, sell or give away the same. The possession of cigarettes in any quantity of more than ~~two~~(2) ~~five~~ cartons, ~~twenty~~(20) 50 packages or ~~four hundred~~(400) 1,000 cigarettes, not bearing indicia of tax payment as required by the provisions of K.S.A. 79-3301 et seq., and amendments thereto, shall be prima facie evidence of intent to barter, sell or give away the cigarettes in violation of the provisions of K.S.A. 79-3301 et seq., and amendments thereto.

Sec. 15. K.S.A. 79-3326 is hereby amended to read as follows: 79-3326. The director of taxation shall administer and enforce the provisions of this act, and to require such reports, make such investigations and take such other action as the director deems necessary or suitable to that end. For the purpose of ascertaining the correctness of any return or making an estimate of the tax due for any taxpayer or person, the director or the director's designee has the power to examine any books, papers, records or memoranda bearing upon the matters required to be included in the return or report. The secretary of revenue shall adopt rules and regulations for the administration of this act. For the purpose of enforcing this act the director may call to the di-

rector's aid any law enforcement officer of this state to prosecute all violators of any of the provisions of this act. The police of any city shall have the right to inspect all premises, records and invoices pertaining to the wholesale distribution, retail sale or sampling of cigarettes or tobacco products within the city at all reasonable times. All agents and representatives designated by the director are hereby invested with all the powers of peace and police officers within the state of Kansas in the enforcement of the provisions of this act throughout the state.

Sec. 16. K.S.A. 2016 Supp. 79-3333 is hereby amended to read as follows: 79-3333. (a) Each person engaged in the business of selling cigarettes, smokeless tobacco or roll-your-own tobacco to persons who reside in Kansas shall obtain a license as provided by the Kansas cigarette and tobacco products act.

(b) All cigarettes sold to persons who reside in Kansas shall have a valid Kansas cigarette tax stamp affixed to each package.

(c) All retail ~~cigarette~~ dealers, whether located in or outside the state of Kansas, shall have a registration certificate as provided in K.S.A. 79-3608, and amendments thereto, and be subject to the provisions of the Kansas retailers' sales tax act. Each ~~licensed retail cigarette dealer licensee or other person~~ selling cigarettes, smokeless tobacco or roll-your-own tobacco over the internet, telephone or other mail order transaction shall file all sales tax returns and remit taxes owed pursuant to K.S.A. 79-3607, and amendments thereto.

(d) All sales transactions over the internet, telephone or other mail order transaction shall not be completed, unless, before each delivery of cigarettes, smokeless tobacco or roll-your-own tobacco is made, whether through the mail, through a transportation company or any other delivery system, the seller has obtained from the purchaser a certification that includes a reliable confirmation that the purchaser is at least the legal minimum age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco; that the cigarettes or tobacco products purchased are not intended for consumption by an individual who is younger than the legal minimum age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco; and a written statement signed by the purchaser that certifies the purchaser's address and that the purchaser is at least the minimum legal age to purchase cigarettes, smokeless tobacco or roll-your-own tobacco. Such statement shall also confirm: (1) That the purchaser understands that signing another person's name to such certification is illegal; (2) that the sale of cigarettes, smokeless tobacco or roll-your-own tobacco to individuals under the legal minimum purchase age is illegal; and (3) that the purchase of cigarettes, smokeless tobacco or roll-your-own tobacco by individuals under the legal minimum purchase age is illegal under the laws of Kansas.

(e) The retail cigarette dealer shall verify the information contained in the certification provided by the purchaser against a commercially available database of governmental records, or obtain a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the purchaser.

(f) All invoices, bills of lading, sales receipts and any other document related to the sale of cigarettes, smokeless tobacco or roll-your-own tobacco through the internet or other mail order transaction shall contain the current, valid retailer Kansas cigarette, smokeless tobacco or roll-your-own tobacco dealer license number, Kansas sales tax registration number, business name and address of the seller.

(g) All packages of cigarettes shipped from a cigarette dealer to purchasers who reside in Kansas shall clearly print the package with the word "CIGARETTES" on all sides of the package. In addition, such package shall contain an externally visible and easily legible notice located on the same side of the package as the address to which the package is delivered as follows:

"IF THESE CIGARETTES HAVE BEEN SHIPPED TO YOU FROM A SELLER LOCATED OUTSIDE OF THE STATE IN WHICH YOU RESIDE, THE SELLER HAS REPORTED PURSUANT TO FEDERAL LAW THE SALE OF THESE CIGARETTES TO YOUR STATE TAX COLLECTION AGENCY, INCLUDING YOUR NAME AND ADDRESS. YOU ARE LEGALLY RESPONSIBLE FOR ALL APPLICABLE UNPAID STATE TAXES ON THESE CIGARETTES."

(h) ~~The provisions of this section shall not apply to tobacco products, as defined in K.S.A. 79-3301, and amendments thereto.~~ (1) Each retail dealer that sells cigarettes to Kansas consumers without indicia of Kansas tax shall file an annual statement for each consumer to the department of revenue on such forms as are provided or approved by the department to the director for all Kansas consumers by March 1 of each year showing such information as the Kansas department of revenue shall require by rules and regulations, including the: (A) Name and address of such Kansas consumer;

(B) the date of purchase; and (C) the total number of packs of cigarettes purchased by such Kansas consumer made from the retail dealer in the previous calendar year.

(2) The director may require any retail dealer that sells cigarettes to Kansas consumers without indicia of Kansas tax of more than \$100,000 in a calendar year to file the annual statement described in paragraph (1) by electronic format, including magnetic media or another machine-readable form for that year.

(3) Failure to file the annual statement required in paragraph (1) shall subject the retailer dealer to a penalty of \$10 for each consumer that should have been included in such annual statement, unless the retailer shows reasonable cause for such failure.

(i) Except as otherwise provided by this act, a violation of subsection (a), (d), (e) or (h) is a:

(1) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(2) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(3) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

(j) ~~Violation of the provisions of subsection (a), (d) or (e) is a severity level 8, nonperson felony. Each separate violation of any provision of this section, other than the provisions of subsection (a), (d) or (e) is or (h) shall be a class B misdemeanor, and upon conviction shall be punishable by a fine of not less than \$500 nor more than \$1,000 or imprisonment for not more than one year, or both.~~

(k) ~~The secretary of revenue or the secretary's authorized agent may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may, in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed as a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.~~

~~(l)~~ The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 17. K.S.A. 2016 Supp. 79-3335 is hereby amended to read as follows: 79-3335. (a) Counterfeit cigarettes shall be seized by the director. For purposes of this section, counterfeit cigarettes includes cigarettes manufactured, sold, transported, imported, distributed or possessed in this state with intent to deceive consumers and to avoid the provisions of this act, and also includes cigarettes that have false manufacturing labels or packages of cigarettes bearing counterfeit tax stamps. It shall be unlawful for any person to sell, transport, import, distribute, possess, wholesale or manufacture counterfeit cigarettes.

(b) Except as otherwise provided by this act, a violation of the provisions of this section shall be a:

(1) Class A misdemeanor for a first violation, and the offender shall be fined not less than \$1,000 nor more than \$2,500 upon a first conviction;

(2) severity level 6, nonperson felony for a second violation, and the offender shall be fined not less than \$50,000 nor more than \$100,000 upon a second conviction; and

(3) severity level 6, nonperson felony for a third and all subsequent violations, and the offender shall be fined \$100,000 upon a third and all subsequent convictions.

(c) ~~The secretary of revenue, or the secretary's authorized agent, may refer such evidence as may be available concerning violations of this act or any rules and regulations or order hereunder to the attorney general or the proper county or district attorney, who may in the prosecutor's discretion, with or without such a reference, institute the appropriate criminal proceedings under this act. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the department of revenue prosecute or assist in the prosecution of such violation or violations~~

on behalf of the state. Upon approval of the secretary or the secretary's authorized agent, such employee shall be appointed as a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney. If an attorney employed by the secretary or secretary's authorized agent acts as a special prosecutor, the secretary may pay extradition and witness expenses associated with the case.

(d) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 18. K.S.A. 79-3378 is hereby amended to read as follows: 79-3378. (a) On or before the ~~twentieth~~ 20th day of each calendar month every distributor with a place of business in this state shall file a return with the director showing the quantity and wholesale sales price of each tobacco product: (1) Brought, or caused to be brought, into this state for sale; and (2) made, manufactured, or fabricated in this state for sale in this state during the preceding calendar month. Every licensed distributor outside this state shall in like manner file a return showing the quantity and wholesale sales price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers, during the preceding calendar month. Returns shall be made ~~upon forms furnished and electronically in the manner~~ prescribed by the director. Each return shall be accompanied by a remittance for the full tax liability shown therein, less ~~four percent (4%)~~ of such liability as compensation to reimburse the distributor for ~~his or her~~ such distributor's expenses incurred in the administration of this act.

(b) As soon as practicable after any return is filed, the director shall examine the return. If the director finds that, ~~in his or her~~ the director's judgment, the return is incorrect and any amount of tax is due from the distributor and unpaid, ~~he or she~~ the director shall notify the distributor of the deficiency. If a deficiency disclosed by the director's examination cannot be allocated by ~~him~~ the director to a particular month or months, ~~he or she~~ the director may nevertheless notify the distributor that a deficiency exists and state the amount of tax due. Such notice shall be given to the distributor by registered or certified mail.

Sec. 19. K.S.A. 2016 Supp. 79-3387 is hereby amended to read as follows: 79-3387. (a) All revenue collected or received by the director from taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(b) All moneys received from license fees, *forfeiture proceeds under K.S.A. 79-3324a, and amendments thereto, and fines* imposed by this act shall be collected by the director and shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund created by K.S.A. 79-3391, and amendments thereto, *and such proceeds shall be used exclusively for cigarette and tobacco products regulation and enforcement, and not for any other purpose.*

Sec. 20. K.S.A. 2016 Supp. 79-3391 is hereby amended to read as follows: 79-3391. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the secretary of revenue or the secretary's designee, upon a finding that a ~~licensee~~ person under this act has violated any provision of this act or any provision of any rule and regulation of the secretary of revenue adopted pursuant to this act shall impose on such ~~licensee~~ person a civil fine not exceeding \$1,000 for each violation.

(b) It shall be unlawful for any person, directly or indirectly, to: (1) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (2) buy any cigarettes or tobacco products for any person under 18 years of age. In determining the fine to be imposed under this subsection by a licensed retail dealer whose employee sold, furnished or distributed the cigarettes or tobacco products, the secretary of revenue or the secretary's designee shall consider it to be a mitigating circumstance if the employee had completed a training program, approved by the secretary of revenue or the secretary's designee, in avoiding sale, furnishing or distributing of cigarettes and tobacco products to persons under 18 years of age.

(continued)

(c) No fine shall be imposed pursuant to this section except upon the written order of the secretary of revenue or the secretary's designee to the licensee who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the licensee to appeal the order. Such order shall be subject to appeal and review in the manner provided by the Kansas administrative procedure act.

(d) Any fine collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cigarette and tobacco products regulation fund.

(e) There is hereby created, in the state treasury, the cigarette and tobacco products regulation fund. Moneys in the fund shall be expended only for the enforcement of this act and rules and regulations adopted pursuant to this act. Such expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of revenue or a person designated by the secretary.

(f) If a person violates subsection (b) for a second or subsequent occurrence within a three-year period, the secretary may impose a graduated fine upon such person for the second or subsequent occurrence. For the purposes of imposing a fine under this section, if three or more years have elapsed since a person has been found to have violated the provisions of subsection (b), such person shall be treated as never having violated subsection (b).

Sec. 21. K.S.A. 2016 Supp. 79-3392 is hereby amended to read as follows: 79-3392. The provisions of K.S.A. 75-5133, 79-3610, 79-3611, 79-3612, 79-3613, 79-3615 and 79-3617, and amendments thereto, relating to the assessment, collection, appeal and administration of the retailers' sales tax, insofar as practical, shall have full force and effect with respect to taxes, *penalties and fines* imposed by this act.

Sec. 22. K.S.A. 2016 Supp. 79-3393 is hereby amended to read as follows: 79-3393. (a) When a person is stopped by a law enforcement officer for a cigarette or tobacco infraction, the law enforcement officer shall prepare and deliver to the person a written cigarette or tobacco citation on a form approved by the secretary of revenue or the secretary's designee. The citation shall contain a notice to appear in court, the name and address of the person, the offense or offenses charged, the time and place when and where the person shall appear in court, the signature of the law enforcement officer and any other pertinent information. The time specified in the notice to appear shall be at least five days after the alleged infraction unless the person charged with the infraction demands an earlier hearing. The place specified in the notice to appear shall be before a judge of the district court within the county where the infraction is alleged to have been committed or before a judge of the municipal court where the infraction is alleged to have been committed in a city which has adopted an ordinance which prohibits the same acts.

(b) The notice to appear may provide that the person charged with the infraction shall appear in court with a parent or legal guardian and shall provide that the person charged has a right to trial.

(c) Acts classified as cigarette or tobacco infractions by ~~subsection (c)~~ of K.S.A. 79-3322(d), and amendments thereto, shall be classified as ordinance cigarette or tobacco infractions by those cities adopting ordinances prohibiting the same acts. The fine for an ordinance cigarette or tobacco infraction shall be \$25.

Sec. 23. K.S.A. 2016 Supp. 50-6a07 is hereby amended to read as follows: 50-6a07. As used in this act:

(a) "Act" means the provisions of K.S.A. 50-6a01 through 50-6a06, and amendments thereto, and the provisions of K.S.A. 2016 Supp. 50-6a07 through 50-6a21, and amendments thereto.

(b) "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings," and "100s," and includes any brand name (alone or in conjunction with any other word), trademark, logo, symbol, motto, selling message, recognizable pattern of colors or any other indicia of product identification identical, similar to or identifiable with a previously known brand of cigarettes.

(c) "Cigarette" has the same meaning given that term in K.S.A. 50-6a02(d), and amendments thereto.

(d) "Director" means the director of taxation.

(e) "Indian tribe" means any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians

because of their status as Indians under the laws of the United States.

(f) "Master settlement agreement" has the same meaning given that term in K.S.A. 50-6a02(e), and amendments thereto.

(g) "Non-participating manufacturer" means any tobacco product manufacturer that is not a participating manufacturer.

(h) "Participating manufacturer" has the meaning given that term in K.S.A. 50-6a02(i)(1), and amendments thereto.

(i) "Qualified escrow fund" has the same meaning given that term in K.S.A. 50-6a02(f), and amendments thereto.

(j) "Resident agent" means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

(k) "Retail dealer" has the same meaning given that term in K.S.A. 79-3301(q), and amendments thereto.

(l) "Stamping agent" means a person who is authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, or any person who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto.

(m) "Tax indicia" has the same meaning given that term in K.S.A. 79-3301(t), and amendments thereto.

(n) "Tobacco product manufacturer" has the same meaning given that term in K.S.A. 50-6a02(i), and amendments thereto.

(o) "Qualified tribal land" means:

(1) All land within the borders of this state that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;

(2) all dependent Indian communities within the borders of this state;

(3) all Indian allotments within the borders of this state, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and

(4) any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power.

(p) "Units sold" has the same meaning given that term in K.S.A. 50-6a02(j), and amendments thereto.

(q) "Vending machine operator" has the same meaning given that term in K.S.A. 79-3301(y), and amendments thereto.

New Sec. 24. (a) No provisions of this act shall: (1) Be deemed to amend or modify any compact described in K.S.A. 79-3323(a), and amendments thereto; or (2) be enforced in a manner which would cause the state to breach the terms of any compact described in K.S.A. 79-3323(a), and amendments thereto.

(b) The provisions of this section shall be part of and supplemental to the Kansas cigarette and tobacco products act.

Sec. 25. K.S.A. 2016 Supp. 79-3399 is hereby amended to read as follows: 79-3399. (a) On and after ~~January~~ July 1, 2017, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of ~~\$.20~~ \$.05 per milliliter of consumable material for electronic cigarettes and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (1) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (2) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (3) sells electronic cigarettes to consumers within this state.

(b) "Consumable material" means any liquid solution or other material that is depleted as an electronic cigarette is used.

(c) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Sec. 26. K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392, 79-3393 and 79-3399 are hereby repealed.

Sec. 27. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. 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 2016 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-74	Amended	V. 35, p. 1093
1-6-23	Amended	V. 35, p. 1093
1-9-23	Amended	V. 35, p. 1094
1-14-8	Amended	V. 35, p. 1096
1-14-10	Amended	V. 35, p. 1097
1-16-4	Amended	V. 35, p. 44
1-16-8	Amended	V. 35, p. 44
1-16-15	Amended	V. 35, p. 45
1-16-18	Amended	V. 35, p. 45
1-16-18a	Amended	V. 35, p. 46
1-39-1 through 1-39-4	Revoked	V. 36, p. 8

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-5-1	Revoked	V. 35, p. 238
4-5-2	Revoked	V. 35, p. 238
4-5-4	New	V. 35, p. 238

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 35, p. 308
5-3-6a	Amended	V. 36, p. 159
5-12-1	Amended	V. 35, p. 313
5-21-3	Amended	V. 36, p. 160
5-21-6	Amended	V. 35, p. 431
5-22-7	Amended	V. 35, p. 199
5-23-4	Amended	V. 35, p. 385
5-23-4b	Revoked	V. 35, p. 386
5-24-2	Amended	V. 35, p. 386
5-25-21	New	V. 35, p. 200

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-16	New (T)	V. 35, p. 662

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-7-4	Amended	V. 35, p. 428
9-7-4a	New	V. 35, p. 428
9-18-31	New	V. 35, p. 313
9-26-1	Revoked	V. 35, p. 314
9-27-1	Amended	V. 35, p. 695

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-9-1	Revoked	V. 35, p. 1033
16-14-10	New (T)	V. 35, p. 626
16-14-10	New	V. 35, p. 858

16-14-11	New (T)	V. 35, p. 626
16-14-11	New	V. 35, p. 858
16-15-1 through 16-15-4	New (T)	V. 35, p. 626-628
16-15-1 through 16-15-4	New	V. 35, p. 858-860
16-16-1	New	V. 35, p. 1033
16-16-2	New	V. 35, p. 1033
16-16-3	New	V. 35, p. 1033

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-114a	Amended	V. 36, p. 364
28-4-118	Amended	V. 36, p. 365
28-4-428	Amended	V. 36, p. 366
28-4-428a	Amended	V. 36, p. 366
28-4-587	Amended	V. 36, p. 571
28-4-592	Amended	V. 36, p. 573
28-17-10	Amended	V. 35, p. 566
28-17-11	Revoked	V. 35, p. 567
28-17-20	Amended	V. 35, p. 567
28-19-11	Amended	V. 35, p. 930
28-19-300	Amended	V. 35, p. 954
28-19-304	Amended	V. 35, p. 955
28-74-1	New	V. 35, p. 383
28-74-2	New	V. 35, p. 383
28-74-3	New	V. 35, p. 383
28-74-4	New	V. 35, p. 384

AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-44-2	Amended	V. 35, p. 63
30-44-6	New	V. 35, p. 63
30-46-10	Amended	V. 35, p. 581

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-18	Amended	V. 35, p. 405
40-4-34	Amended	V. 35, p. 384
40-4-41	Amended	V. 35, p. 633

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-12-301	Amended (T)	V. 35, p. 742
44-12-301	Amended	V. 35, p. 898

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 35, p. 1046

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-2-101	Amended	V. 35, p. 322
60-3-102	Amended	V. 35, p. 323
60-3-103	Amended	V. 35, p. 323
60-3-110	Amended	V. 35, p. 323
60-3-113	Amended	V. 35, p. 324
60-4-101	Amended	V. 36, p. 369
60-7-102	Amended	V. 35, p. 324
60-7-106	Amended	V. 35, p. 324
60-9-105	Amended	V. 35, p. 325
60-9-106	Amended	V. 35, p. 326
60-17-102	Amended	V. 35, p. 327

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-1-24	Amended	V. 35, p. 991
61-3-2	Amended	V. 35, p. 991

61-3-3	Amended	V. 35, p. 991
61-3-5	Amended	V. 35, p. 991
61-3-7	Amended	V. 35, p. 384
61-3-20	Amended	V. 35, p. 991
61-4-2	Amended	V. 35, p. 991
61-7-1	Revoked	V. 35, p. 385
61-7-2	New	V. 35, p. 385

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 35, p. 455

AGENCY 67: KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-2-4	Amended	V. 36, p. 80
67-5-5	Amended	V. 36, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 35, p. 695
68-1-1f	Amended	V. 35, p. 696
68-1-1g	Revoked	V. 35, p. 696
68-5-18	New	V. 35, p. 696
68-7-10	Amended	V. 35, p. 697
68-7-22	New	V. 35, p. 427
68-9-2	Amended	V. 35, p. 698
68-9-3	New	V. 35, p. 699
68-11-3	New	V. 35, p. 700

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 35, p. 1097
69-12-18	New	V. 35, p. 1098

AGENCY 70: DEPARTMENT OF AGRICULTURE, BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 36, p. 140

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-6-5	Amended	V. 35, p. 140

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 35, p. 84
74-1-4	Amended	V. 35, p. 84
74-2-7	Amended	V. 35, p. 85
74-4-8	Amended	V. 35, p. 85
74-4-9	Amended	V. 35, p. 86
74-5-2	Amended	V. 35, p. 87
74-5-2a	Amended	V. 35, p. 88
74-5-2b	New	V. 35, p. 88
74-5-101 through 74-5-104	Amended	V. 35, p. 88, 89
74-5-201 through 74-5-203	Amended	V. 35, p. 89
74-5-301	Amended	V. 35, p. 90
74-5-401	Amended	V. 35, p. 90
74-5-403	Amended	V. 35, p. 90
74-5-405a	Amended	V. 35, p. 90
74-5-406	Amended	V. 35, p. 90
74-5-407	Amended	V. 35, p. 91
74-11-6	Amended	V. 35, p. 91
74-11-7	Amended	V. 35, p. 91
74-15-1	Amended	V. 35, p. 92

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-1	Amended	V. 35, p. 357
82-4-2a	Amended	V. 35, p. 359
82-4-3h	Amended	V. 35, p. 359
82-4-3i	Amended	V. 35, p. 360
82-4-3j	Amended	V. 35, p. 362
82-4-3k	Amended	V. 35, p. 363
82-4-3n	Amended	V. 35, p. 364
82-4-3o	Amended	V. 35, p. 366
82-4-8a	Revoked	V. 35, p. 366
82-4-20	Amended	V. 35, p. 366
82-16-1	Amended	V. 36, p. 102
82-16-2	Amended	V. 36, p. 103
82-16-3	Revoked	V. 36, p. 103
82-16-4	Amended	V. 36, p. 103
82-16-5	Revoked	V. 36, p. 103
82-16-6	Amended	V. 36, p. 103

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-2	Revoked	V. 35, p. 928
86-1-4	Revoked	V. 35, p. 929
86-1-5	Amended	V. 36, p. 159
86-2-8	Revoked	V. 35, p. 929
86-3-19	Amended	V. 35, p. 929
86-3-26a	Amended	V. 35, p. 929
86-3-30	Revoked	V. 35, p. 929
86-3-31	New	V. 35, p. 929

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8a	Amended	V. 36, p. 444
88-24-2	Amended	V. 36, p. 445
88-28-1		
through		
88-28-8	Amended	V. 36, p. 445-452
88-29-2	Revoked	V. 35, p. 1113
88-29-5	Revoked	V. 35, p. 1113
88-29-6	Revoked	V. 35, p. 1113
88-29-7	Revoked	V. 35, p. 1113
88-29-7a	Revoked	V. 35, p. 1113
88-29-8	Revoked	V. 35, p. 1113
88-29-8c	Revoked	V. 35, p. 1113
88-29-9	Revoked	V. 35, p. 1113
88-29-10	Revoked	V. 35, p. 1113
88-29-11	Amended	V. 35, p. 1113

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-32	Amended	V. 35, p. 1014
91-42-1	Amended (T)	V. 35, p. 163
91-42-1	Amended	V. 35, p. 486
91-42-2	Amended (T)	V. 35, p. 163
91-42-2	Amended	V. 35, p. 486
91-42-3		
through		
91-42-7	New (T)	V. 35, p. 164-166
91-42-3		
through		
91-42-7	New	V. 35, p. 487-489

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-23-9		
through		
92-23-23	Revoked	V. 35, p. 63, 64
92-23-25	Revoked	V. 35, p. 64
92-23-30	Revoked	V. 35, p. 64
92-23-31	Revoked	V. 35, p. 64

92-23-37		
through		
92-23-40	Revoked	V. 35, p. 64
92-23-41		
through		
92-23-59	New	V. 35, p. 64-67
92-23-70		
through		
92-23-75	New	V. 35, p. 67, 68

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-3	Amended	V. 35, p. 357

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-28a-1a	New	V. 35, p. 353
100-28a-6	Amended	V. 35, p. 353
100-28a-9	Amended	V. 35, p. 354
100-28a-9a	New	V. 35, p. 354
100-28a-10	Amended	V. 35, p. 354
100-28a-11	Amended	V. 35, p. 355
100-28a-12	Amended	V. 35, p. 355
100-28a-13	Amended	V. 35, p. 355
100-28a-14	Amended	V. 35, p. 356
100-28a-15	Amended	V. 35, p. 356
100-28a-17	Amended	V. 35, p. 356
100-29-9	Amended	V. 35, p. 387
100-29-16	Amended	V. 35, p. 388
100-29-18		
through		
100-29-21	New	V. 36, p. 368, 369
100-54-7	Amended	V. 35, p. 389
100-54-12	New	V. 35, p. 390

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-3-7b	New (T)	V. 36, p. 546
102-5-7b	New (T)	V. 36, p. 546
102-8-1	New (T)	V. 35, p. 628
102-8-1	New	V. 35, p. 930
102-8-2	New (T)	V. 35, p. 628
102-8-2	New	V. 35, p. 931
102-8-4	New (T)	V. 35, p. 629
102-8-4	New	V. 35, p. 931
102-8-6	New (T)	V. 35, p. 629
102-8-6	New	V. 35, p. 932
102-8-7	New (T)	V. 35, p. 629
102-8-7	New	V. 35, p. 932
102-8-8	New (T)	V. 35, p. 646
102-8-8	New	V. 35, p. 932
102-8-9		
through		
102-8-12	New (T)	V. 35, p. 630-632
102-8-9		
through		
102-8-12	New	V. 35, p. 932-935

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-5-2	Amended	V. 35, p. 936
105-5-3	Amended	V. 35, p. 936
105-5-6	Amended	V. 35, p. 937
105-5-7	Amended	V. 35, p. 937
105-5-8	Amended	V. 35, p. 937
105-11-1	Amended	V. 35, p. 938

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 35, p. 314

109-2-1	Amended	V. 35, p. 317
109-2-2	Amended	V. 35, p. 317
109-2-6	Amended	V. 35, p. 318
109-2-7	Revoked	V. 35, p. 318
109-2-8	Amended	V. 36, p. 593
109-2-11	Amended	V. 35, p. 320
109-3-3	Amended	V. 36, p. 329
109-3-4	Amended	V. 36, p. 330
109-5-1a	Amended	V. 35, p. 935
109-5-1b	Amended	V. 35, p. 936
109-5-1c	Amended	V. 35, p. 936
109-5-5	Amended	V. 35, p. 582
109-7-1	Amended	V. 35, p. 321

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*.

Reg. No.	Action	Register
111-2-30	Amended	V. 36, p. 482
111-2-62	Amended	V. 36, p. 564
111-2-321	New	V. 35, p. 898
111-2-322	New	V. 35, p. 898
111-3-1	Amended	V. 35, p. 898
111-4-878	Amended	V. 35, p. 819
111-4-879	Amended	V. 35, p. 819
111-4-880	Amended	V. 35, p. 819
111-4-3417		
through		
111-4-3421	New	V. 35, p. 131-135
111-4-3422	New	V. 35, p. 157
111-4-3423	New	V. 35, p. 157
111-4-3424		
through		
111-4-3431	New	V. 35, p. 406-408
111-4-3432	New	V. 35, p. 491
111-4-3433		
through		
111-4-3439	New	V. 35, p. 457-461
111-4-3440	Amended	V. 35, p. 900
111-4-3441	New	V. 35, p. 463
111-4-3442		
through		
111-4-3445	New	V. 35, p. 492-495
111-4-3446		
through		
111-4-3449	New	V. 35, p. 582-584
111-4-3450	New	V. 35, p. 678
111-4-3451	New	V. 35, p. 765
111-4-3452	New	V. 35, p. 766
111-4-3453	New	V. 35, p. 768
111-4-3454	New	V. 35, p. 821

111-4-3455		
through		
111-4-3459	New	V. 35, p. 900-904
111-4-3460	New	V. 35, p. 1057
111-4-3461	New	V. 35, p. 1058
111-4-3462	New	V. 35, p. 1059
111-4-3463		
through		
111-4-3465	New	V. 36, p. 160-162
111-4-3466	New	V. 36, p. 192
111-4-3467	New	V. 36, p. 193
111-4-3468	New	V. 36, p. 217
111-4-3469	New	V. 36, p. 218
111-4-3470	New	V. 36, p. 219
111-4-3471		
through		
111-4-3475	New	V. 36, p. 398-403
111-4-3476		
through		
111-4-3485	New	V. 36, p. 483-492
111-4-3486	New	V. 36, p. 565
111-4-3487	New	V. 36, p. 566
111-4-3488	New	V. 36, p. 567
111-5-219	New	V. 36, p. 493
111-5-220		
through		
111-5-227	New	V. 35, p. 1060-1064
111-6-1	Amended	V. 35, p. 907
111-7-66	Amended	V. 35, p. 158
111-7-68	Amended	V. 35, p. 159
111-7-73	Amended	V. 35, p. 159
111-7-75	Amended	V. 35, p. 159
111-7-265	New	V. 36, p. 404
111-7-266	New	V. 36, p. 405
111-9-216	New	V. 35, p. 586
111-9-217	New	V. 35, p. 586
111-15-1	Amended	V. 35, p. 821
111-15-2	Amended	V. 35, p. 821
111-15-3	Amended	V. 35, p. 822
111-15-5	Amended	V. 35, p. 823
111-15-6	Amended	V. 35, p. 823
111-15-7	Amended	V. 35, p. 1064
111-15-21	Amended	V. 35, p. 1064
111-16-1	Amended	V. 35, p. 464
111-16-2	Amended	V. 35, p. 464
111-16-5	Amended	V. 35, p. 464
111-17-21	Amended	V. 35, p. 160
111-17-24	New	V. 35, p. 136
111-17-25	New	V. 35, p. 161
111-17-27	New	V. 35, p. 408
111-17-28	New	V. 35, p. 465
111-17-29	New	V. 35, p. 466
111-17-30	New	V. 35, p. 498
111-17-31	New	V. 35, p. 499
111-17-32	New	V. 35, p. 678
111-17-33	New	V. 35, p. 769
111-17-34	Amended	V. 35, p. 1065
111-17-35	New	V. 35, p. 909
111-17-36	New	V. 36, p. 194
111-18-1		
through		
111-18-7	New	V. 36, p. 220-224
111-19-1		
through		
111-19-5	New	V. 36, p. 224-226

111-19-6		
through		
111-19-8	New	V. 36, p. 405-407
111-19-9		
through		
111-19-18	New	V. 36, p. 493-496
111-19-19	New	V. 36, p. 568
111-301-28	Amended	V. 36, p. 163
111-301-45	Amended	V. 35, p. 770
111-301-47	New	V. 35, p. 1066
111-301-48	Amended	V. 36, p. 195
111-301-49	New	V. 35, p. 1066
111-301-50	Amended	V. 36, p. 195
111-301-51	New	V. 35, p. 1067
111-301-52	Amended	V. 36, p. 196
111-301-53		
through		
111-301-57	New	V. 35, p. 1067-1068
111-307-5	Amended	V. 35, p. 771
111-307-7	Amended	V. 35, p. 771
111-401-35	Amended	V. 36, p. 497
111-401-36	Amended	V. 35, p. 162
111-401-37	Amended	V. 35, p. 162
111-401-142	Amended	V. 36, p. 196
111-401-148	Amended	V. 35, p. 504
111-401-185		
through		
111-401-188	Amended	V. 35, p. 139
111-401-190		
through		
111-401-194	Amended	V. 35, p. 140
111-401-200a	New	V. 35, p. 409
111-401-201		
through		
111-401-205	New	V. 35, p. 409-411
111-401-206		
through		
111-401-210	New	V. 36, p. 569-570
111-501-38	Amended	V. 36, p. 227
111-501-122		
through		
111-501-127	New	V. 35, p. 412-414
111-501-128		
through		
111-501-138	New	V. 35, p. 910-912
111-601-1		
through		
111-601-8	New	V. 36, p. 164-167
111-601-14		
through		
111-601-27	New	V. 36, p. 167-171
111-601-28	Amended	V. 36, p. 497
111-601-29		
through		
111-601-45	New	V. 36, p. 172-178

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-102-2	Amended	V. 35, p. 612

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-2-2	Amended	V. 35, p. 973

115-2-3	Amended	V. 35, p. 973
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 35, p. 974
115-7-10	Amended	V. 35, p. 975
115-8-1	Amended	V. 36, p. 398
115-8-13	Amended	V. 35, p. 975
115-8-24	Revoked	V. 35, p. 633
115-17-2	Amended	V. 35, p. 976
115-18-20	Amended	V. 35, p. 977

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-2-4	Amended	V. 35, p. 536
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-3-4	Amended	V. 35, p. 537
117-4-1	Amended	V. 35, p. 537
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-4-4	Amended	V. 35, p. 539
117-5-2a	Amended	V. 36, p. 457
117-8-3	New	V. 35, p. 199

AGENCY 123: DEPARTMENT OF CORRECTIONS – DIVISION OF JUVENILE SERVICES

Reg. No.	Action	Register
123-17-101	New	V. 36, p. 369

AGENCY 125: KANSAS AGRICULTURAL REMEDIATION BOARD

Reg. No.	Action	Register
125-1-6	Amended	V. 35, p. 489
125-1-7	Amended	V. 35, p. 490

AGENCY 128: DEPARTMENT OF COMMERCE – KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-6-4	Amended (T)	V. 35, p. 1115
128-6-4	Amended	V. 36, 271

AGENCY 133: OFFICE OF ADMINISTRATIVE HEARINGS

Reg. No.	Action	Register
133-1-1		
through		
133-1-4	New	V. 36, p. 8

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