



# Kansas Register

Scott Schwab, Secretary of State

Vol. 38, No. 5

January 31, 2019

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## State of Kansas

**Pooled Money Investment Board****Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

**Effective 1-28-19 through 2-3-19**

<b>Term</b>	<b>Rate</b>
1-89 days	2.40%
3 months	2.35%
6 months	2.49%
12 months	2.58%
18 months	2.60%
2 years	2.59%

Scott Miller  
Director of Investments

Doc. No. 046889

## State of Kansas

**Kansas Guardianship Program****Notice of Meeting**

The Kansas Guardianship Program will conduct its governing board meeting from 1:30 p.m. to 3:30 p.m.

Friday, February 1, 2019, at the State Capitol Building, Room 159S, Topeka, KS 66612. For more information, call 785-587-8555.

Jean Krahn  
Executive Director

Doc. No. 046890

## State of Kansas

**Council for Interstate Adult Offender Supervision Committee****Notice of Meeting**

The Kansas Council for Interstate Adult Offender Supervision Committee will be meeting at 1:00 p.m. Friday March 1, 2019, at the Kansas Department of Corrections Main Conference Room, 714 SW Jackson, 3rd Floor, Topeka, KS 66612. This is a public meeting.

Matthew Billinger, Director  
Interstate Services

Doc. No. 046903

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State of Kansas

**Wichita State University**

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

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

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

Doc. No. 046691

State of Kansas

**Department of Administration  
Procurement and Contracts**

**Notice to Bidders**

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

02/12/2019	EVT0006330	Rehab of Water Tower – Hillsdale
02/15/2019	EVT0006312	Fish Food – Hatcheries
02/20/2019	EVT0006320	Strategic Planning
02/20/2019	EVT0006327	Bituminous Plant Mixture, District 2
02/21/2019	EVT0006319	Custom Forb and Grass Seed
02/21/2019	EVT0006323	Walleye Fingerlings Fish Exchange
02/28/2019	EVT0006299	Flu Shot Clinic
02/28/2019	EVT0006328	Sex Offender Treatment
03/05/2019	EVT0006329	Pharmacy Benefit Management (PBM)

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

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

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

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

02/12/2019	A-013663	KS Dept of Administration Lot 8 North Parking Lot Improvements Eisenhower State Office Building
02/21/2019	A-013359	Kansas Soldiers' Home Pershing Barracks Emergency Power System
02/21/2019	A-013379	Kansas Soldiers' Home Custer House HVAC Renovation
02/21/2019	A-013632	Fort Hays State University Cunningham Bridge Mechanical Piping Repairs
02/21/2019	A-013637	Fort Hays State University McMIndes Hall West Wing Floors 4-6 Room and Corridor Improvements

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

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 046901

(Published in the Kansas Register January 31, 2019.)

**North Central Regional  
Planning Commission**

**Notice to Bidders**

A request for bid for Mobile Light Towers will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST) Tuesday, February 19, 2019, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the Southeast Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046892

(Published in the Kansas Register January 31, 2019.)

**North Central Regional  
Planning Commission**

**Notice to Bidders**

A request for bid for EOD 10 Suits will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST)  
*(continued)*

Tuesday, February 19, 2019, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the South Central Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046893

(Published in the Kansas Register January 31, 2019.)

## North Central Regional Planning Commission

### Notice to Bidders

A request for bid for Water Filled Barricades will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CST) Tuesday, February 19, 2019, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [lpeters@nckcn.com](mailto:lpeters@nckcn.com). This action is being taken on behalf of the Northeast Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Clerk

Doc. No. 046894

## State of Kansas

### Department of Health and Environment

#### Notice of List of Permit Modifications at Hazardous Waste Facilities

The Hazardous Waste Permits Section of the Bureau of Waste Management (BWM) has available for review a list of all approved permit modifications for Resource Conservation and Recovery Act (RCRA) permitted facilities that treat, store, or dispose of hazardous waste in Kansas. The list has been updated to reflect permit modifications approved in 2018 and is available for review at [http://www.kdheks.gov/waste/p\\_pubnot\\_hw.html](http://www.kdheks.gov/waste/p_pubnot_hw.html).

The publication of this notice fulfills the requirement of a Memorandum of Agreement (MOA) between the Kansas Department of Health and Environment and the Environmental Protection Agency (EPA). The MOA establishes policies, responsibilities, and procedures for the State of Kansas's Hazardous Waste program authorized under Section 3006 of RCRA by EPA Region 7 Administrator on June 27, 2013.

For further information, please contact Julie Coleman, Chief, Hazardous Waste Permits Section, at 785-296-1609 or [Julie.Coleman@ks.gov](mailto:Julie.Coleman@ks.gov).

Lee A. Norman, M.D.  
Interim Secretary

Doc. No. 046900

## State of Kansas

### Department of Health and Environment

#### Notice Concerning Kansas Voluntary Cleanup and Property Redevelopment Program

In accordance with K.S.A. 65-34, 173, the Kansas Department of Health and Environment (KDHE) reports the following summary on behalf of the Voluntary Cleanup and Property Redevelopment Program for year 2018. During this annual reporting period, KDHE received 16 applications with a cumulative total of 745 applications. The categories of applicants include agriculture (63%), industry (19%), oil and gas (12%), and commercial (6%). A total of 17 cleanups were completed in 2018 with a cumulative total of 120 cleanups. A total of 22 sites were issued No Further Action (NFA) Determination Letters in 2018. A cumulative total of 349 sites have been issued NFA letters.

Lee A. Norman, MD  
Interim Secretary

Doc. No. 046898

## State of Kansas

### Department of Health and Environment

#### Notice Concerning Kansas Environmental Use Controls Program

In accordance with K.S.A. 65-1,233, the Kansas Department of Health and Environment (KDHE) reports the following summary on behalf of the Environmental Use Controls Program for calendar year 2018. During this annual reporting period, KDHE approved 21 environmental use control agreements pursuant to this act. The cumulative total for the program is 245 approved environmental use control agreements.

Lee A. Norman, MD  
Interim Secretary

Doc. No. 046899

## State of Kansas

### Insurance Department

#### Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas.

**Aetna Health, Inc. and Aetna Life Insurance Company** has notified the Department of the following additions and deletions to their pharmacy HMO and PPO networks:

#### Additions

Facility Name	Street Address	City	State
Harvey Drug	115 W. 5th St.	Newton	KS
Apothecare Pharmacy	2051 N. State St.	Iola	KS
Auburn LTC Osage	890 Lakin St.	Osage City	KS
Auburn LTC Lindsborg	216 N. Harrison St.	Lindsborg	KS
Auburn LTC MC	625 Main St.	Mound City	KS
Auburn LTC Lebo	6 W. Broadway St.	Lebo	KS
Auburn LTC Eudora	310 E. 15th St.	Eudora	KS

Facility Name	Street Address	City	State
Auburn LTC Concordia	1526 Lincoln St.	Concordia	KS
Auburn LTC Parsons	2020 Main St.	Parsons	KS
Palace Drug Store	460 N. Franklin Ave.	Colby	KS

**Deletions**

Facility Name	Street Address	City	State
Custom RX Pharmacy & Wellness Conc.	2350 N. Greenwich Rd. #1000	Wichita	KS
Montezuma Drug	300 N. Aztec St.	Montezuma	KS
Cedar Creek Pharmacy	34040 Commerce Dr.	De Soto	KS
Kramer Pharmacy	134 S. Main St.	Ottawa	KS
Briovax	11142 Renner Blvd.	Lenexa	KS
University of Kansas Home Infusion	11300 Corporate Ave. Suite 160	Lenexa	KS
Midwest Biologics, Inc.	16124 Foster St.	Overland Park	KS
IDC Pharmacy	1100 N. Saint Francis #150	Wichita	KS
HPC Specialty RX of Kansas, Inc.	7732 E. Central Ave., Suite 125	Wichita	KS
University of Kansas Hospital Southlake Ret.	13100 Corporate Ave., Suite 120	Lenexa	KS

**Cigna Health Care of St. Louis, Inc.** and affiliates, **CGLIC** and **CHLIC** has notified the Department of the following additions and deletions to their pharmacy network:

**Additions**

Facility Name	Street Address	City	State
Fort Scott Pharmacy	2322 S. Main St., Suite B	Fort Scott	KS
Palace Drug Store	460 N. Franklin Ave.	Colby	KS
Harvey Drug	115 W. 5th St.	Newton	KS
Pratt Medical Arts Pharmacy	420 Country Club Rd.	Pratt	KS

**Deletions**

Facility Name	Street Address	City	State
Degoler Pharmacy #6	202 Oak St.	Bonner Springs	KS
Palace Drug Store	460 N. Franklin Ave.	Colby	KS
Pierson Hanover Professional Pharmacy	103 W. North St.	Hanover	KS
Degoler's Pharmacy #2	5701 State Ave.	Kansas City	KS
Kmart Pharmacy #7169	400 S. Broadway Blvd.	Salina	KS
Preston Socora Pharmacy	8200 W. Central Ave.	Wichita	KS
Degoler Pharmacy #3	8101 Parallel Pkwy.	Kansas City	KS
Degoler Pharmacy	2040 Hutton Rd.	Kansas City	KS
Shopko Pharmacy #2701	1212 W. Main St.	Lyons	KS
Shopko Pharmacy #2702	908 E. 14th St.	Larned	KS
Dillons Pharmacy #672727	7107 W. 37th St. N	Wichita	KS
Dillons Pharmacy #672728	5340 N. Maize Rd.	Maize	KS
Degoler Pharmacy #7	461 E. Poyntz Ave.	Manhattan	KS
Degoler Pharmacy #8	209 Delaware St., Suite B	Leavenworth	KS

**Humana Health Plan** and **Humana Insurance Company Pharmacy Network** has notified the Department of the following additions or deletions to their pharmacy network:

**Additions**

Facility Name	Street Address	City	State
Washington Healthmart	227 C St.	Washington	KS
Auburn LTC Osage #170L	890 Lakin St.	Osage City	KS

Auburn LTC Lindsborg #190L	216 N. Harrison St.	Lindsborg	KS
Auburn LTC MC #125L	625 Main St.	Mound City	KS
Auburn LTC Lebo #171L	6 W. Broadway St.	Lebo	KS
West Wichita Family Pharmacy, LLC	8200 W. Central Ave.	Wichita	KS
Auburn LTC Eudora #140L	310 E. 15th St.	Eudora	KS
Auburn LTC Concordia #185L	1526 Lincoln St.	Concordia	KS
Royal Pharmacy, LLC	11425 Strang Line Rd.	Lenexa	KS
Auburn LTC Parsons #160L	2020 Main St.	Parsons	KS
Pareto Health & Wellness Center Leawood	11725 Roe Ave.	Leawood	KS

**Deletions**

Facility Name	Street Address	City	State
Sabetha Apothecary	621 Main St.	Sabetha	KS
Apex Pharmacy	1142 Merriam Ln.	Kansas City	KS
The Hand Center, P.A.	625 N. Carriage Pkwy., Suite 125	Wichita	KS
Haysville Specialty Pharmacy	133 N. Main	Haysville	KS

Any questions should be directed to the Insurance Department at 785-296-3071.

Vicki Schmidt  
Insurance Commissioner

Doc. No. 046897

**State of Kansas**

**Department of Transportation**

**Notice to Contractors**

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

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

(continued)

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

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

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

**Shawnee** – 75-89 KA-4879-01 – Bridge #111 southbound and Bridge #112 northbound over the Wakarusa River on U.S. 75 located 1.2 miles north of the Osage County line, bridge deck. (Federal Funds)

#### District Two – North Central

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

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

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

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

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

#### District Four – Southeast

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

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

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

#### District Five – South Central

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

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

#### District Six – Southwest

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

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

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

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

Julie Lorenz  
Interim Secretary

Doc. No. 046872

### State of Kansas

### Department of Transportation

#### Request for Letters of Interest

The Kansas Department of Transportation (KDOT) is seeking the services of a consulting firm for KDOT Project 50-29 KA-5175-01 which is to construct left turn lanes on U.S. 50 at the intersections of Clark Street and Main Street in Spearville. The project will include drainage work (ditches, entrance pipes and possibly cross road pipes) and is expected to require additional right of way. KDOT will provide field survey, which is expected to be completed in April 2019. A traffic study providing the recommendation for the left turn lanes at these intersections is available. At this time the key milestones for the project are:

Field Check	7/29/19
Plans to Right of Way	10/11/19
Plans Complete	5/28/20
Letting	8/19/20

#### Requirements

Interested consulting firms must: (a) be prequalified by KDOT in either Category 211 "Highway Design – Major Facility" or 212 "Highway Design – Minor Facility" and (b) submit a Letter of Interest on or before February 8, 2019, to Ronald Seitz, P.E., Director of Engineering and Design by email to ron.seitz@ks.gov with the subject line reading "Letter of Interest Project 50-29 KA-5175-01." Letters of Interest in the form of a pdf document (maximum size 1MB) should express interest in the project and describe particular qualifications for the professional ser-

vices sought by KDOT, including any special expertise, skill, experience, or knowledge of the firm, its employees and any subconsultant the firm intends to utilize. If a firm is not currently prequalified by KDOT but is interested in obtaining prequalification, then please view the requirements and categories at the website address of <http://www.ksdot.org/divengdes/prequal/default.asp>. For licensure and other requirements applicable to the practice of technical professions within the State of Kansas, please consult the website of the Kansas Board of Technical Professions at <http://www.ksbtp.ks.gov/>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas and comply with applicable state and federal laws, rules, and regulations.

**Qualifications-Based Selection Process**

Based on the qualifications submitted and other information available to KDOT, on or about February 22, 2019, KDOT will shortlist three (3) firms and notify all firms submitting Letters of Interest of the names of the shortlisted firms by return email. Thereafter, KDOT will issue a Request for Proposal (RFP) to the shortlisted firms soliciting a technical proposal. Shortlisted firms may be asked to attend meetings or participate in other discussions with KDOT regarding the project. Technical proposals will be evaluated on the basis of: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed approach for design; and 4) past performance history for similar projects/services for KDOT. The highest ranked firm will be asked to enter into negotiations with KDOT resulting in an agreement for design services. In the event KDOT cannot reach agreement with the highest ranked firm, it will terminate negotiations with such firm and commence negotiations with the second highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

If there are any questions, please email queries to [ron.seitz@ks.gov](mailto:ron.seitz@ks.gov).

Ronald J. Seitz, P.E. Director  
Division of Engineering and Design

Doc. No. 046895

**State of Kansas**

**Department of Transportation**

**Request for Letters of Interest**

The Kansas Department of Transportation (KDOT) is seeking the services of a consulting firm for KDOT Project 32-52 KA-5176-01 which is to construct left turn lanes on K-32 at 222nd Street, including removal of existing bypass lanes at the intersection. The project will include drainage work (ditches, entrance pipes and possibly cross road pipes) and is expected to require additional right of way. KDOT will provide field survey, which is expected to be completed in March 2019. At this time the key milestones for the project are:

Field Check 7/30/19

Plans to Right of Way 10/14/19  
Plans Complete 5/29/20  
Letting 8/19/20

**Requirements**

Interested consulting firms must: (a) be prequalified by KDOT in either Category 211 "Highway Design – Major Facility" or 212 "Highway Design – Minor Facility" and (b) submit a Letter of Interest on or before February 8, 2019, to Ronald Seitz, P.E., Director of Engineering and Design by email to [ron.seitz@ks.gov](mailto:ron.seitz@ks.gov) with the subject line reading "Letter of Interest Project 32-52 KA-5176-01." Letters of Interest in the form of a pdf document (maximum size 1MB) should express interest in the project and describe particular qualifications for the professional services sought by KDOT, including any special expertise, skill, experience, or knowledge of the firm, its employees and any subconsultant the firm intends to utilize. If a firm is not currently prequalified by KDOT but is interested in obtaining prequalification, then please view the requirements and categories at the website address of <http://www.ksdot.org/divengdes/prequal/default.asp>. For licensure and other requirements applicable to the practice of technical professions within the State of Kansas, please consult the website of the Kansas Board of Technical Professions at <http://www.ksbtp.ks.gov/>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas and comply with applicable state and federal laws, rules, and regulations.

**Qualifications-Based Selection Process**

Based on the qualifications submitted and other information available to KDOT, on or about February 22, 2019, KDOT will shortlist three (3) firms and notify all firms submitting Letters of Interest of the names of the shortlisted firms by return email. Thereafter, KDOT will issue a Request for Proposal (RFP) to the shortlisted firms soliciting a technical proposal. Shortlisted firms may be asked to attend meetings or participate in other discussions with KDOT regarding the project. Technical proposals will be evaluated on the basis of: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed approach for design; and 4) past performance history for similar projects/services for KDOT. The highest ranked firm will be asked to enter into negotiations with KDOT resulting in an agreement for design services. In the event KDOT cannot reach agreement with the highest ranked firm, it will terminate negotiations with such firm and commence negotiations with the second highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

If there are any questions, please email queries to [ron.seitz@ks.gov](mailto:ron.seitz@ks.gov).

Ronald J. Seitz, P.E. Director  
Division of Engineering and Design

Doc. No. 046896

## State of Kansas

## Office of the Governor

## Executive Order No. 19-03

## Establishing the Governor's Council on Education

**WHEREAS**, Kansas is committed to a shared vision of increased prosperity and improved well-being for all Kansans; and

**WHEREAS**, providing quality education is vital to the success and well-being of individual Kansans, and is essential to growing the economy and cultivating a highly trained and skilled workforce; and

**WHEREAS**, an integrated approach to career preparation, beginning with early learning, continuing through post-secondary education, would benefit individuals, companies, industries, and the State as a whole; and

**WHEREAS**, aligning education with state agencies and business needs will help create vibrant communities, cultivate opportunities for Kansans, and promote an innovative, entrepreneurial economy; and

**WHEREAS**, ensuring access to quality early learning, and encouraging seamless transitions from K-12 to technical schools, community colleges, and universities and on to business and industry is vital to realizing our shared vision of increased prosperity and improved well-being for all Kansans; and

**WHEREAS**, economic growth depends on cooperation and coordination between the education community and high-growth, innovative businesses and industries; and

**WHEREAS**, upholding values of transparency, inclusion, and accountability between educators, businesses, industry, and our broader Kansas community will help create effective working relationships that will aid in the achievement of our shared vision; and

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Governor's Council on Education ("Council"):

1. The Governor shall appoint the following to serve as members of the Council:
  - a. One representative from each of the following agencies or organizations:
    - i. Governor's Office
    - ii. Kansas Department of Education
    - iii. Kansas Board of Regents
    - iv. Kansas Children's Cabinet
    - v. Kansas Department for Children and Families
    - vi. Kansas Department of Labor
    - vii. Kansas Department of Commerce
    - viii. Kansas Association of School Boards
    - ix. United School Administrators of Kansas
    - x. Kansas Association of Community Colleges
    - xi. Kansas Independent Colleges Association

- xii. Kansas Association of Technical Colleges
    - xiii. Kansas Association of Workforce Boards
    - xiv. Kansas Parent Teacher Association
    - xv. Kansas National Education Association
  - b. Between five and ten members of the business community.
  - c. Public school superintendents representing the various regions of Kansas.
  - d. Members of non-profit organizations who have expertise in areas that could assist in advancing the goals, strategies, and operations of the Council.
  - e. Additional individuals the Governor determines have relevant experience or qualifications.
2. The Governor shall select a chair and vice-chair from the Council's membership.
3. Members shall receive no compensation or reimbursements for expenses and shall serve voluntarily. Officers or employees of state agencies who are appointed to the Council as part of their duties shall be authorized to participate on the Council and may claim subsistence, allowance, mileage or associated expenses from their respective agency budgets as permitted by law.
4. The Council shall be subject to the Kansas Open Records Act and the Kansas Open Meetings Act.
5. Plans, reports, or recommendations of any nature adopted by the Council shall be considered advice to the Governor, and shall not be construed as official policies, positions, or interpretations of laws, rules, or regulations by any department or agency of state government, nor shall any such department or agency be bound in any manner to consider such advice when conducting their advisory and regulatory affairs.
6. The Council shall:
  - a. Develop strategies and tactics to pursue an integrated approach to career exploration and workforce development that aligns with and complements the "Kansans Can" initiative of the Kansas State Department of Education and focuses on the human capital needs of business and industry across the state;
  - b. Expand public-private partnerships focused on universal access to quality early learning, and strengthen collaboration between agencies and organizations focused on preparing young Kansans to succeed in school and beyond;
  - c. Expand public-private partnerships focused on access and work-based learning experiences, career pathways tied to high-demand, high-wage, and critical-needs careers in Kansas;
  - d. Identify goals, initiatives, strategy metrics, and systems metrics, and report progress on each to the Governor annually; and
  - e. Inform and advise the Governor on educational initiatives and policies to improve the overall success of education and workforce development in Kansas.



7. The Council shall be staffed by the Education Commission of the States, along with the Kansas Department of Education and Kansas Board of Regents.
8. The Council shall meet quarterly or as often as the Chair of the Council determines is necessary.
9. The Council shall submit regular reports to the Governor with an annual report submitted in December of each year.
10. Executive Order 18-10 is hereby rescinded.

This document shall be filed with the Secretary of State as Executive Order No. 19-03. It shall become effective immediately and remain in force until rescinded.

Dated January 24, 2019.

Laura Kelly  
Governor

Doc. No. 046904

## State of Kansas

### Attorney General

#### Opinion 2018-11

**Re: Schools – School District Board of Education Powers and Duties; General Powers and Duties – School District Officers and Employees; Board Members to Receive No Compensation; Retired Employee Serving as Board Member; Incompatibility of Offices September 6, 2018**

**Synopsis:** Neither state statute nor the common law doctrine of incompatibility of offices precludes a retiree from serving as a member of the school board for the school district from which the retiree retired. Because benefits received by a retiree of a unified school district from the Kansas Public Employees Retirement System or the school district's early retirement program are earned during the retiree's employment with the school district and are not compensation for work or duties performed as a board member, K.S.A. 2018 Supp. 72-1137 does not preclude a retiree from receiving the benefits during the time the retiree is serving as a board member. Cited herein: K.S.A. 2018 Supp. 72-1134; 72-1135; 72-1136; 72-1137; Kan. Const., Art. 6, § 5. RDS

#### Opinion 2018-12

**Re: Townships and Township Officers – General Provisions – Townships; Corporate Status; Powers September 6, 2018**

**Synopsis:** Townships derive their powers from the Legislature. A township may not exercise a power not granted by the Legislature. Cited herein: K.S.A. 80-101. CP

#### Opinion 2018-13

**Re: Intoxicating Liquors and Beverages – Licensing and Related Provisions; City Option – Farm Winery License; Authority of Licensee, Percentage of Kansas Products September 20, 2018**

**Synopsis:** Unless the State identifies a legitimate local purpose not adequately served by reasonable, nondiscriminatory means, the domestic grape content require-

ment in the Kansas farm winery licensing scheme violates the dormant Commerce Clause of the United States Constitution.

A reviewing court will strike only the constitutionally offensive portion of a law if it finds the intention of the legislature can be carried out without the offensive provision. The State must identify the legislative intent in providing for farm winery licenses and whether that intent can be carried out without the minimum domestic product requirement in order to prevent K.S.A. 41-308a from being found unconstitutional in its entirety. Cited herein: K.S.A. 41-101; 41-102; 2018 Supp. 41-308; 41-308a; U.S. Const. Art. 1, § 8, Cl. 3; U.S. Const. Amend. XVIII; U.S. Const. Amend. XXI; Kan. Const., Art. 15, Sec. 10. CP

#### Opinion 2018-14

**Re: Procedure, Civil – Asset Seizure and Forfeiture – Disposition of Forfeited Property; Use of Proceeds of Sale; Salary October 5, 2018**

**Synopsis:** Asset forfeiture funds credited to a special prosecutor's trust fund pursuant to K.S.A. 2017 Supp. 60-4117(c)(3)(A) may be used to pay for salaries only if the county or district attorney or other governmental agency's attorney determines the expenditure is for an appropriate and additional law enforcement and prosecutorial purpose, and the expenditure is supplemental to, but does not supplant, normal operating expenses. However, if such salary subsequently becomes a "normal operating expenditure," then such salary shall not be paid from the special prosecutor's trust fund. Cited herein: K.S.A. 60-4102; K.S.A. 2017 Supp. 60-4107; 60-4117; K.S.A. 1993 Supp. 65-4173. AEA

#### Opinion 2018-15

**Re: Elections – Election Crimes – Disorderly Election Conduct; Intimidation of Voters; Electioneering October 22, 2018**

**Synopsis:** The mere presence of a person offering non-partisan voter assistance, or signage advertising the same, within 250 feet of the entrance to a polling place does not constitute electioneering so long as such activities do not include acts prohibited by K.S.A. 2018 Supp. 25-2430(a). The offering of non-partisan voter assistance or signage advertising such assistance, by themselves, do not constitute unlawful disorderly election conduct or intimidation of voters unless the person or persons conducting such activities also engaged in conduct prohibited by K.S.A. 25-2413 or K.S.A. 2018 Supp. 25-2415, respectively. Whether the offering of non-partisan voter assistance and education, or the posting of signage advertising a non-partisan voter assistance hotline or website, constitutes the crimes of electioneering, disorderly election conduct, or intimidation of voters depends on the facts of each individual case.

A polling place is a nonpublic forum subject to reasonable restrictions on speech. The election board of each polling place is authorized to guide, manage, direct, and oversee the polling place to ensure that voting is conducted in an orderly manner. Cited herein: K.S.A. 25-2413; K.S.A. 2018 Supp. 25-2415; 25-2430; 25-2810. SF

(continued)

**Opinion 2018-16**

**Re: Elections – Voting Places and Materials Therefor – Placement of Political Signs during Election Period; Constitutionality**

**Constitution of the State of Kansas – Bill of Rights – Liberty of Press and Speech; Libel; Placement of Political Signs**

**Constitution of the United States – Amendments – Freedom of Speech; Placement of Political Signs November 28, 2018**

**Synopsis:** K.S.A. 2018 Supp. 25-2711 does not abridge the freedom of speech and, therefore, is not subject to scrutiny under the First Amendment of the United States Constitution. Cited herein: K.S.A. 2018 Supp. 25-2711; U.S. Const., Amend. I, U.S. Const., Amend. XIV; Kan. Const., Bill of Rights, § 11. RDS

**Opinion 2018-17**

**Re: Personal and Real Property – Real Estate Brokers and Salespersons; Licensing – Prohibited Acts; Rebate; Referral Fee: Gift Certificate December 12, 2018**

**Synopsis:** A licensee does not violate K.S.A. 2018 Supp. 58-3062(a)(3) or (4) when a portion of the commission or fee paid to the licensee is used to purchase a gift card that is conveyed to the licensee's client, provided the proceeds of the gift card do not reduce the amount of commission, fee or purchase price paid by the licensee's client. Cited herein: K.S.A. 40-966; 40-2403; K.S.A. 2018 Supp. 40-2404; K.S.A. 40-3513; K.S.A. 2018 Supp. 58-3034; 58-3035; 58-3062; K.S.A. 65-1516; 65-2837; L. 2008, Ch. 155, § 5; L. 2004, Ch. 180, § 6; L. 1995, Ch. 252, § 20; L. 1991, Ch. 153, § 5; L. 1989, Ch. 167, § 7; L. 1980, Ch. 164, § 29. RDS

**Opinion 2018-18**

**Re: Counties and County Officers – County Commissioners – Duties of County Counselor**

**Counties and County Officers – County Attorney – Duties**

**Minors – Revised Kansas Code for Care of Children – Duties of County or District Attorney December 13, 2018**

**Synopsis:** When a board of county commissioners appoints a county counselor, all duties in civil matters, otherwise required by law of the county attorney, pass to the county counselor, including the filing of child in need of care petitions. Cited herein: K.S.A. 19-247, 19-248, 19-702; K.S.A. 2018 Supp. 38-2214. CP

**Opinion 2018-19**

**Re: Constitution of the State of Kansas – Judicial – Compensation of Justices and Judges; Certain Limitation December 21, 2018**

**Synopsis:** The 2.5% salary increase given to judges under L. 2017, Ch. 104, §177(f)(4) did not violate Article 3, § 13, of the Kansas Constitution, even though some other state employees received a 5% salary increase under L. 2017, Ch. 104, §177(f)(1). Rather, the enactment of L. 2017, Ch. 104, §177(f)(4) was based on the Kansas Legislature's del-

egated power in Article 2, § 24, of the Kansas Constitution to fix and, periodically, increase judicial compensation. It did not diminish the compensation of judges. Thus, the Compensation Clause in the Kansas Constitution was not violated. K.S.A. 75-3120g; K.S.A. 2018 Supp. 75-3120g; 75-3120h; 75-3120k, 75-3120l; L. 2017, Ch. 104, §177; Kan. Const., Art. 1, §§ 1, 15; Art. 2, § 24; Art. 3, § 13. JLA

Derek Schmidt  
Attorney General

Doc. No. 046902

**State of Kansas****Board of Cosmetology****Permanent Administrative Regulations****Article 1.—LICENSING AND QUALIFICATIONS OF COSMETOLOGISTS**

**69-1-10. Potentially disqualifying civil and criminal records; advisory opinion; fee.** (a) Conviction of any felony may disqualify an applicant from receiving a license.

(b) Civil records that may disqualify an applicant from receiving a license shall be any records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of any practice act under the jurisdiction of the board or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 74-120 and 74-2702a; implementing K.S.A. 65-1908, 74-120, and 74-5806; effective Feb. 15, 2019.)

Laura Glocker  
Acting Executive Director

Doc. No. 046891

**State of Kansas****Department of Health and Environment  
Mined-Land Conservation and Reclamation****Permanent Administrative Regulations****Article 2.—MEANING OF TERMS**

**47-2-75. Definitions; adoption by reference.** The following federal regulations, as in effect on July 1, 2012,

are adopted by reference, except as otherwise specified in this regulation: (a) The section titled definitions, 30 C.F.R. 700.5, shall be altered as follows:

(1) The following text shall be deleted from the definition of "anthracite": "Notices of changes made to this publication will be periodically published by the Office of Surface Mining in the Federal Register. This ASTM standard is on file and available for inspection at the OSM Office, U.S. Department of the Interior, South Interior Building, Washington, D.C. 20240, at each OSM Regional Office, District Office and Field Office, and at the central office of the applicable State Regulatory Authority, if any. Copies of this publication may also be obtained by writing to the above locations. A copy of this publication will also be on file for public inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Incorporation by reference provisions approved by the Director of the Federal Register February 7, 1979. The Director's approval of this incorporation by reference expires on July 1, 1981."

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

(3) "Director" means director, office of surface mining reclamation and enforcement, in the following instances:

(A) K.A.R. 47-3-42(a)(60), adopting by reference 30 C.F.R. 785.13;

(B) K.A.R. 47-14-7(a)(1), adopting by reference 30 C.F.R. 705.4(a);

(C) K.A.R. 47-14-7(a)(3), adopting by reference 30 C.F.R. 705.11(c) and (d);

(D) K.A.R. 47-14-7(a)(4), adopting by reference 30 C.F.R. 705.13;

(E) K.A.R. 47-14-7(a)(5), adopting by reference 30 C.F.R. 705.15;

(F) K.A.R. 47-14-7(a)(8), adopting by reference 30 C.F.R. 705.19(a); and

(G) K.A.R. 47-14-7(a)(9), adopting by reference 30 C.F.R. 705.21.

(H) K.A.R. 47-15-1a(a)(2), adopting by reference 30 C.F.R. 840.14(a). All other references to "the director" shall be replaced by "the secretary of the Kansas department of health and environment."

(4) "Person" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(5) "Regulatory authority" and "state regulatory authority" shall have the meaning specified in K.A.R. 47-2-53.

(6) "Regulatory program" shall have the meaning specified in K.A.R. 47-2-53a.

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

(8) "Surface coal mining and reclamation operations" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(9) "Surface coal mining operations" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(b) The section titled "definitions," 30 C.F.R. 701.5, shall be altered as specified in this subsection.

(1)(A) "Act" shall be replaced by "state act."

(B) In the definitions of "Applicant/Violator System or

AVS," "Federal Program," "State Program," and the portion of the definition for "Permittee" that states "section 523 of the Act," the word "Act" shall mean the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87. All other references to "Act" shall mean the "state act."

(C) In the definition of "cumulative impact area," the following text shall be deleted: "and (d) all operations required to meet diligent development requirements for leased Federal coal for which there is actual mine development information available." The word "and" shall be placed immediately before subsection (c).

(D) In the definitions of "federal program" and "state program" in this subsection, "Secretary" shall mean the director, office of surface mining reclamation and enforcement. In the definition of "prime farmland" in this subsection, the term "Secretary" shall mean the secretary of agriculture. All other references to "Secretary" shall mean the secretary of the Kansas department of health and environment. In the definition of "federal program," "Director" shall mean the director, office of surface mining reclamation and enforcement.

(E) "Imminent danger to the health and safety of the public" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(F) "Operator" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(G) The definition of "performance bond" shall be replaced with the following:

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the state act, these regulations, a state program, and the requirements of the permit and reclamation plan."

(H) "Permit" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(I) "Permit area" shall have the meaning specified in K.S.A. 49-403, and amendments thereto.

(J) In the definition of "permittee," the phrase "by the Director pursuant to a Federal program, by the Director pursuant to a Federal lands program" shall be deleted. In the definition of "permittee," "Director" shall mean the director, office of surface mining reclamation and enforcement.

(K) "Significant, imminent environmental harm to land, air or water resources" shall have the meaning specified in K.A.R. 47-2-58.

(L) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(M) "This chapter" shall be replaced by "these regulations."

(N) In the definition of "Violation, failure, or refusal," the text "(1) A failure to comply with a condition of a Federally-issued permit or of any other permit that OSM is directly enforcing under section 502 or 521 of the Act or the regulations implementing those sections" shall be replaced with the following text: "(1) A failure to comply with a condition of a permit issued by the Kansas department of health and environment under K.S.A. 49-405 and K.S.A. 49-406, and amendments thereto, or the regulations implementing those sections."

(2) The following federal definitions shall be deleted:

(continued)

- (A) "Agricultural activities";
- (B) "alluvial valley floors";
- (C) "arid and semiarid area";
- (D) "essential hydrologic functions";
- (E) "farming";
- (F) "flood irrigation";
- (G) "materially damage the quality and quantity of water";
- (H) "special bituminous coal mines";
- (I) "subirrigation";
- (J) "undeveloped rangeland"; and
- (K) "upland areas."
- (3)(A) "Part 845 or 846 of this chapter" and "parts 724 and 846 of this chapter" shall be replaced by "K.A.R. 47-5-5a."
- (B) "Parts 773, 774, and 778 of this chapter" shall be replaced by "articles 3 and 6 of these regulations and K.A.R. 47-3-42(a)(2) through (31)."
- (C) "Section 404 or under section 402(g)(4) of the Act" shall be replaced by "K.S.A. 49-428, and amendments thereto."
- (D) "Section 502" shall be replaced by "K.S.A. 49-406, and amendments thereto."
- (E) "Section 518(b) or section 703 of the Act" shall be replaced by "K.S.A. 49-405c or K.S.A. 75-2973, and amendments thereto."
- (F) "Section 521 of the Act" shall be replaced by "K.S.A. 49-405, and amendments thereto."
- (G) "Sections 507 and 510(c) of the Act" shall be replaced by "K.S.A. 49-406 and K.S.A. 49-407(b), and amendments thereto."
- (4)(A) "30 CFR chapter VII" shall be replaced by "article 1 of these regulations."
- (B) "30 CFR parts 816 and 817" shall be replaced by "K.A.R. 47-9-1(c) and (d)."
- (C) "30 CFR 785.17(c)(1)" shall be replaced by "K.A.R. 47-3-42(a)(61)."
- (D) "30 CFR 816.49 and 816.56, 816.133 or 817.49, 817.56, and 817.133" shall be replaced by "K.A.R. 47-9-1(c)(12), (13), and (45) or K.A.R. 47-9-1(d)(12), (13), and (43)."
- (5)(A) "§761.5 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(1)."
- (B) "§773.13 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(9)."
- (C) "§800.11(e) of this chapter" shall be replaced by "K.A.R. 47-8-9(a)(3)."
- (D) "§800.50 of this chapter" and "§800.50(d)(1) of this chapter" shall be replaced by "K.A.R. 47-8-9(a)(14)."
- (E) "§843.11 of this chapter" shall be replaced by "K.A.R. 47-15-1a(a)(8)."
- (F) "§843.12 of this chapter" shall be replaced by "K.A.R. 47-15-1a(a)(9)."
- (G) "§§784.20 and 817.121" shall be replaced by "K.A.R. 47-10-1(a)(2)(K) and K.A.R. 47-9-1(d)(39)."
- (H) "§§816.102(d) and 817.102(d) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(35) and (d)(33)."
- (c) The section titled "definitions," 30 C.F.R. 705.5, shall be altered as follows:
- (1) "Act" shall be replaced by "state act."
- (2) "Employee" shall have the meaning specified in K.A.R. 47-2-21.

(3) "State regulatory authority" shall have the meaning specified in K.A.R. 47-2-53. (Authorized by K.S.A. 49-404, K.S.A. 49-405, and K.S.A. 2018 Supp. 49-408; implementing K.S.A. 49-405 and K.S.A. 2018 Supp. 49-408; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

### Article 3.—APPLICATION FOR MINING PERMIT

**47-3-1. Application for mining permit.** Each person who conducts or expects to conduct surface or underground coal mining and reclamation operations shall file an original and three copies of a complete and accurate application for a permit for those operations with the secretary. (Authorized by K.S.A. 49-405 and K.S.A. 2018 Supp. 49-406; implementing K.S.A. 2018 Supp. 49-406; effective, E-71-4, Nov. 20, 1970; effective Jan. 1, 1972; amended May 1, 1975; amended May 1, 1980; amended Feb. 11, 1991; amended May 2, 1997; amended Feb. 15, 2019.)

**47-3-2. Application for mining permit; adoption by reference.** (a) Each permit application submitted with a request for variances from the applicable regulations shall contain an outline of the proposed variances. The outline shall be indexed to the regulations and be placed at the beginning of the application documents.

(b) The following federal regulations as in effect on July 1, 2012 are adopted by reference, except as otherwise specified in this regulation:

- (1) Format and contents, 30 C.F.R. 777.11;
- (2) reporting of technical data, 30 C.F.R. 777.13;
- (3) maps and plans: general requirements, 30 C.F.R. 777.14. The phrase "in accordance with §710.12 of this chapter" shall be deleted; and
- (4) completeness, 30 C.F.R. 777.15.

(c) The following phrases shall be replaced with the phrases specified in this subsection wherever the phrases appear in the text of the federal regulations adopted by reference in this regulation:

(1) "This chapter" and "this subchapter" shall be replaced by "these regulations."

(2)(A) "Part 785 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(60) through (66)."

(B) "Parts 778, 779, and 780 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(21) through (59)."

(C) "Parts 778, 783, and 784 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(21) through (31) and K.A.R. 47-10-1." (Authorized by K.S.A. 49-405; implementing K.S.A. 2018 Supp. 49-406; effective May 1, 1980; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-3-42. Application for mining permit; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except for the additions and deletions specified:

(1) Applicability, 30 C.F.R. 701.11 subsections (d) and (e) only. Subsections (a), (b), (c), and (f) shall be deleted, and the word "Act" shall be replaced by "state act";

(2) public participation in permit processing, 30 C.F.R. 773.6. The phrase "developed in accordance with sec-

tion 503(a)(6) or section 504(h) of the Act, or §773.5" in 30 C.F.R. 773.6(a)(3)(ii) and the sentence "The requirements of section 5 of the administrative procedure act, as amended (5 U.S.C. 554), shall not apply to the conduct of the informal conference." in 30 C.F.R. 773.6(c)(2)(iv) shall be deleted;

(3) review of permit applications, 30 C.F.R. 773.7, except that the 60-day period for decision shall be replaced by a 30-day period;

(4) general provisions for review of permit application information and entry of information into AVS, 30 C.F.R. 773.8;

(5) review of applicant and operator information, 30 C.F.R. 773.9;

(6) review of permit history, 30 C.F.R. 773.10;

(7) review of compliance history, 30 C.F.R. 773.11, except that the word "Act" shall be replaced by "state act";

(8) permit eligibility determination, 30 C.F.R. 773.12;

(9) unanticipated events or conditions at remining sites, 30 C.F.R. 773.13;

(10) eligibility for provisionally issued permits, 30 C.F.R. 773.14;

(11) written findings for permit application approval, 30 C.F.R. 773.15. In subsections (a) and (b), the word "Act" shall be replaced by "state act." The phrases "parts 764 and 769 of this chapter" and "parts 762 and 764 or 769 of this chapter" shall be replaced by "K.A.R. 47-12-4";

(12) performance bond submittal, 30 C.F.R. 773.16;

(13) permit issuance and right of renewal, 30 C.F.R. 773.19. The clause "unless the requirements of 778.17 of this chapter are met" shall be deleted;

(14) initial review and finding requirements for improvidently issued permits, 30 C.F.R. 773.21;

(15) notice requirements for improvidently issued permits, 30 C.F.R. 773.22;

(16) suspension or rescission requirements for improvidently issued permits, 30 C.F.R. 773.23;

(17) who may challenge ownership or control listings and findings, 30 C.F.R. 773.25;

(18) how to challenge an ownership or control listing or finding, 30 C.F.R. 773.26, except that in subsection (a), the phrase "as identified in the following table" and the table shall be deleted. The word "Act" shall be replaced by "state act";

(19) burden of proof for ownership or control challenges, 30 C.F.R. 773.27;

(20) written agency decision on challenges to ownership or control listings or findings, 30 C.F.R. 773.28;

(21) Certifying and updating existing permit application information, 30 C.F.R. 778.9;

(22) providing applicant and operator information, 30 C.F.R. 778.11;

(23) providing permit history information, 30 C.F.R. 778.12;

(24) providing property interest information, 30 C.F.R. 778.13;

(25) providing violation information, 30 C.F.R. 778.14;

(26) right-of-entry information, 30 C.F.R. 778.15;

(27) status of unsuitability claims, 30 C.F.R. 778.16, except that the phrase "parts 762, 764, and 769 of this chapter" shall be replaced by "K.A.R. 47-12-4";

(28) permit term, 30 C.F.R. 778.17;

(29) insurance, 30 C.F.R. 778.18;

(30) proof of publication, 30 C.F.R. 778.21;

(31) facilities or structures used in common, 30 C.F.R. 778.22;

(32) responsibilities, 30 C.F.R. 779.4. The phrase "this part" shall be replaced by "K.A.R. 47-3-42(a)(32) through (39)";

(33) general requirements, 30 C.F.R. 779.11;

(34) general environmental resources information, 30 C.F.R. 779.12;

(35) climatological information, 30 C.F.R. 779.18;

(36) vegetation information, 30 C.F.R. 779.19, except that the phrase "if required by the regulatory authority" shall be deleted;

(37) soil resources information, 30 C.F.R. 779.21;

(38) maps: general requirements, 30 C.F.R. 779.24;

(39) cross sections, maps, and plans, 30 C.F.R. 779.25;

(40) responsibilities, 30 C.F.R. 780.4. The phrase "this part" shall be replaced by "K.A.R. 47-3-42(a)(40) through (59)";

(41) operation plan: general requirements, 30 C.F.R. 780.11;

(42) operation plan: existing structures, 30 C.F.R. 780.12;

(43) operation plan: blasting, 30 C.F.R. 780.13;

(44) operation plan: maps and plans, 30 C.F.R. 780.14;

(45) air pollution control plan, 30 C.F.R. 780.15, except that the phrase "if required by the regulatory authority" shall be deleted;

(46) fish and wildlife information, 30 C.F.R. 780.16;

(47) reclamation plan: general requirements, 30 C.F.R. 780.18;

(48) hydrologic information, 30 C.F.R. 780.21;

(49) geologic information, 30 C.F.R. 780.22;

(50) reclamation plan: land use information, 30 C.F.R. 780.23;

(51) reclamation plan: siltation structures, impoundments, and refuse piles, 30 C.F.R. 780.25;

(52) reclamation plan: surface mining near underground mining, 30 C.F.R. 780.27;

(53) activities in or adjacent to perennial or intermittent streams, 30 C.F.R. 780.28;

(54) diversions, 30 C.F.R. 780.29;

(55) protection of publicly owned parks and historic places, 30 C.F.R. 780.31, except that the word "may" shall be changed to "shall";

(56) relocation or use of public roads, 30 C.F.R. 780.33;

(57) disposal of excess spoil, 30 C.F.R. 780.35;

(58) road systems, 30 C.F.R. 780.37;

(59) support facilities, 30 C.F.R. 780.38;

(60) experimental practices mining, 30 C.F.R. 785.13, except that the word "Act" shall be replaced by "state act";

(61) prime farmland, 30 C.F.R. 785.17. The last sentence in 30 C.F.R. 785.17(c)(1)(i) shall be deleted;

(62) variances for delay in contemporaneous reclamation requirement in combined surface and underground mining activities, 30 C.F.R. 785.18, except that in subsections (b)(3) and (7), the word "Act" shall be replaced by "state act";

(63) augering, 30 C.F.R. 785.20;

(64) coal preparation plants not located within the per-

(continued)

mit area of a mine, 30 C.F.R. 785.21, except that subsections (d) and (e) shall be deleted;

(65) in situ processing activities, 30 C.F.R. 785.22; and  
(66) lands eligible for remining, 30 C.F.R. 785.25.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation.

(1)(A) "Act" shall be replaced by "state act."

(B) "By a reviewing administrative or judicial tribunal" shall be replaced by "by an administrative or a judicial review of an agency action concerning the aforementioned Kansas department of health and environment determination."

(C) "Central office of the applicable state regulatory authority, if any" shall be replaced by "the Kansas department of health and environment, surface mining section."

(D) "Office of hearings and appeals or its state counterpart" shall be replaced by "office of administrative hearings."

(E) "Rule 4 of the federal rules of civil procedure, or its state regulatory program counterparts" shall be replaced by "K.A.R. 47-4-14a."

(F) "Subchapter B (Interim Program Standards) of this chapter" and "subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."

(G) "Subchapter B or K of this chapter" shall be replaced by "K.A.R. 47-9-4 or K.A.R. 47-9-1."

(H) "Subchapter J of this chapter," "subchapter J," and "part 800 of this chapter" shall be replaced by "article 8 of these regulations."

(I) "Subchapter K (Permanent Program Standards) of this chapter," "subchapter K," and "subchapter K of this chapter" shall be replaced by "K.A.R. 47-9-1."

(J) "Subchapter R of this chapter" shall be replaced by "the office."

(K) "The procedures at 43 CFR 4.1370 through 4.1377 (when OSM is the regulatory authority) or under the State regulatory program equivalent (when a State is the regulatory authority)" shall be replaced by "K.A.R. 47-4-14a."

(L) "This chapter," "this subchapter," "this part," and "subchapter G of this chapter" shall be replaced by "these regulations."

(2)(A) "Part 775 of this chapter" and "part 775 of this subchapter" shall be replaced by "K.S.A. 49-407(d), 49-416a, and 49-422a, and amendments thereto, and article 4 of these regulations."

(B) "Part 785 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(60) through (66)."

(C) "Part 816" and "part 816 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)."

(D) "Part 823 of this chapter" and "30 CFR part 823" shall be replaced by "K.A.R. 47-9-1(f)."

(E) "Part 827 of this chapter" shall be replaced by "K.A.R. 47-9-1(g)."

(F) "Section 508 of the Act" shall be replaced by "K.S.A. 49-406, and amendments thereto."

(G) "Section 510(c) of the Act" shall be replaced by "K.S.A. 49-407(b), and amendments thereto."

(H) "Section 515 of the Act," "section 515(b) of the Act," "section 515 (b)(22) of the Act," and "sections 515 and 516

of the Act" shall be replaced by "K.S.A. 49-405a, 49-408 through 49-413, and 49-429, and amendments thereto."

(I) "Section 515(b)(16) of the Act" shall be replaced by "K.S.A. 49-429, and amendments thereto."

(3)(A) "30 CFR 773.15" and "§773.15 of this part" shall be replaced by "K.A.R. 47-3-42(a)(11)."

(B) "30 CFR 779.24 through 779.25" shall be replaced by "K.A.R. 47-3-42(a)(38) through (39)."

(C) "30 CFR 780.12 or 784.12" shall be replaced by "K.A.R. 47-3-42(a)(42) or K.A.R. 47-10-1(a)(2)(C)."

(D) "30 CFR 780.16" shall be replaced by "K.A.R. 47-3-42(a)(46)."

(E) "30 CFR 780.18 through 780.37" shall be replaced by "K.A.R. 47-3-42(a)(47) through (58)."

(F) "30 CFR 816.13 through 816.15" shall be replaced by "K.A.R. 47-9-1(c)(2) through (4)."

(G) "30 CFR 816.22," "§816.22 of this chapter," and "§816.22(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(5)."

(H) "30 CFR 816.43 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(8)."

(I) "30 CFR 816.59" and "§816.59 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(15)."

(J) "30 CFR 816.71-816.74" and "§§816.71 through 816.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(22) through (23)."

(K) "30 CFR 816.79" and "§816.79 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(24)."

(L) "30 CFR 816.89 through 816.102" shall be replaced by "K.A.R. 47-9-1(c)(29) through (35)."

(M) "30 CFR 816.95" shall be replaced by "K.A.R. 47-9-1(c)(30)."

(N) "30 CFR 816.102 through 816.107" shall be replaced by "K.A.R. 47-9-1(c)(35) through (38)."

(O) "30 CFR 816.111 through 816.116" shall be replaced by "K.A.R. 47-9-1(c)(39) through (42)."

(P) "30 CFR 816.116" shall be replaced by "K.A.R. 47-9-1(c)(42)."

(Q) "30 CFR part 819" shall be replaced by "K.A.R. 47-9-1(e)."

(R) "30 CFR part 828" shall be replaced by "K.A.R. 47-9-1(h)."

(S) "30 CFR parts 817 and 828" shall be replaced by "K.A.R. 47-9-1(d) and (h)."

(T) "43 CFR 4.1360 through 4.1369" shall be replaced by "K.A.R. 47-4-14a."

(U) "43 CFR 4.1376 or the State regulatory program equivalent" shall be replaced by "K.A.R. 47-4-14a."

(V) "43 CFR 4.1380 through 4.1387 or, when a state is the regulatory authority, the state regulatory program counterparts" shall be replaced by "K.A.R. 47-4-14a and K.S.A. 49-416a, and amendments thereto."

(4)(A) "§701.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(b)."

(B) "§701.11(d)" shall be replaced by "K.A.R. 47-3-42(a)(1)."

(C) "§761.11 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(2)."

(D) "§761.12(d) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(3)."

(E) "§761.14(c) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(4)."

(F) "§761.14 or §761.15 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(4) or (5)."

(G) "§761.16 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(6)."

(H) "§761.17(d) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(7)."

(I) "§762.13(c) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(12)."

(J) "§773.6(d)(3)(ii) of this chapter," "§773.6(a)(1) of this chapter," and "§773.6 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(2)."

(K) "§773.12 of this part" and "§773.12" shall be replaced by "K.A.R. 47-3-42(a)(8)."

(L) "§773.13" and "§773.13(c)" shall be replaced by "K.A.R. 47-3-42(a)(9)."

(M) "§773.14(b) of this part" and "§§773.14(c)(1) through (4)" shall be replaced by "K.A.R. 47-3-42(a)(10)."

(N) "§773.19 of this part" shall be replaced by "K.A.R. 47-3-42(a)(13)."

(O) "§773.21(d) of this part" and "paragraphs (a) and (b) §773.21 of this part" shall be replaced by "K.A.R. 47-3-42(a)(14)."

(P) "§773.22(b) or (c) of this part" and "§773.22(e) of this part" shall be replaced by "K.A.R. 47-3-42(a)(15)."

(Q) "§773.23 of this part" shall be replaced by "K.A.R. 47-3-42(a)(16)."

(R) "§773.26(a) of this part" shall be replaced by "K.A.R. 47-3-42(a)(18)."

(S) "§773.27(b) of this part" shall be replaced by "K.A.R. 47-3-42(a)(19)."

(T) "§774.11(c) of this subchapter," "§774.11(f) of this subchapter," and "§774.11(g) of this subchapter" shall be replaced by "K.A.R. 47-6-11(a)(1)."

(U) "§774.13 of this chapter" and "§774.13" shall be replaced by "K.A.R. 47-6-2."

(V) "§774.15" shall be replaced by "K.A.R. 47-6-3."

(W) "§778.9(d) of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(21)."

(X) "§778.11 of this subchapter," "§§778.11(c)(5) and 778.11(d) of this subchapter," and "§778.11(c)(5) of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(22)."

(Y) "§778.12 of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(23)."

(Z) "§778.14 of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(25)."

(AA) "§778.15(b) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(26)."

(BB) "§779.25 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(39)."

(CC) "§780.16(b) and 816.97(a) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(46) and K.A.R. 47-9-1(c)(31)."

(DD) "§780.21(h) and 816.41(d)(1) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(48) and K.A.R. 47-9-1(c)(6)."

(EE) "§780.25 of this part" shall be replaced by "K.A.R. 47-3-42(a)(51)."

(FF) "§780.29 of this part and §816.43" shall be replaced by "K.A.R. 47-3-42(a)(54) and K.A.R. 47-9-1(c)(8)."

(GG) "§780.35 of this part" shall be replaced by "K.A.R. 47-3-42(a)(57)."

(HH) "§785.13" shall be replaced by "K.A.R. 47-3-42(a)(60)."

(II) "§785.21 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(64)."

(JJ) "§785.25 of this subchapter" and "§785.25 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(66)."

(KK) "§800.60 of this chapter" shall be replaced by "K.A.R. 47-8-9(a)(15)."

(LL) "§816.46 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(10)."

(MM) "§816.49 of this chapter" and "§816.49(a)(4)(ii) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(12)."

(NN) "§816.57(a)(1) of this chapter," "paragraphs (b) and (c) of §816.57 of this chapter," "paragraphs (b)(2) through (b)(4) of §816.57 of this chapter," and "§816.57(a)(2) of this chapter," shall be replaced by "K.A.R. 47-9-1(c)(14)."

(OO) "§816.67" shall be replaced by "K.A.R. 47-9-1(c)(20)."

(PP) "§816.71(d) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(22)."

(QQ) "§816.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(23)."

(RR) "§816.97 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(31)."

(SS) "§816.100 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(33)."

(TT) "§816.106 or §817.106 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(38) or (d)(34)."

(UU) "§816.111(d) or §817.111(d)" shall be replaced by "K.A.R. 47-9-1(c)(39) or (d)(35)."

(VV) "§816.133" and "30 CFR 816.133" shall be replaced by "K.A.R. 47-9-1(c)(45)."

(WW) "§816.150(d)(1) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(46)."

(XX) "§816.151(b) of this chapter," "§816.151(c)(2) of this chapter," "§816.151(d)(5) of this chapter," and "§816.151(d)(6) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(47)."

(YY) "§816.181 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(49)."

(ZZ) "§827.13 of this chapter" shall be replaced by "K.A.R. 47-9-1(g)(3)."

(AAA) "§842.16 of this chapter (when osm is the regulatory authority) or under §840.14 of this chapter (when a state is the regulatory authority)" shall be replaced by "K.A.R. 47-15-1a(a)(2)."

(BBB) "§843.12 of this chapter or the state regulatory equivalent" shall be replaced by "K.A.R. 47-15-1a(a)(9)."

(CCC) "§843.14 of this chapter, or the state regulatory program equivalent" shall be replaced by "K.A.R. 47-15-1a(a)(11)."

(DDD) "§§773.7 through 773.14 of this part" shall be replaced by "K.A.R. 47-3-42 (a)(3) through (10)."

(EEE) "§§773.9 through 773.11 of this part" shall be replaced by "K.A.R. 47-3-42(a)(5) through (7)."

(FFF) "§§773.13 and 773.14 of this part" shall be replaced by "K.A.R. 47-3-42(a)(9) and (10)."

(GGG) "§§773.21 or 774.11(f) of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(14) and K.A.R. 47-6-11(a)(1)."

(HHH) "§§773.22 and 773.23 of this part" shall be replaced by "K.A.R. 47-3-42(a)(15) and (16)."

(III) "§§773.25 through 773.27 of this part" shall be re-

(continued)

placed by "K.A.R. 47-3-42(a)(17) through (19)." 19 380  
 (JJJ) "§§773.26 and 773.27 of this part" shall be replaced 20 400  
 by "K.A.R. 47-3-42(a)(18) and (19)." 21 420  
 (KKK) "§§773.27 and 773.28 of this part" shall be re- 22 440  
 placed by "K.A.R. 47-3-42(a)(19) and (20)." 23 460  
 (LLL) "§§778.11 and 778.12(c) of this subchapter" shall 24 480  
 be replaced by "K.A.R. 47-3-42(a)(22) and (23)." 25 500  
 (MMM) "§§778.11 through 778.14 of this part" shall be 26 600  
 replaced by "K.A.R. 47-3-42(a)(22) through (25)." 27 700  
 (NNN) "§§780.25(a)(2), 780.25(a)(3), 780.35, 816.73(c), 28 800  
 816.74(c), and 816.81(c) of this chapter" shall be replaced 29 900  
 by "K.A.R. 47-3-42(a)(51) and (57) and K.A.R. 47-9-1(c) 30 1,000  
 (23) and (25)." 31 1,100  
 (OOO) "§§816.41 through 816.43" shall be replaced by 32 1,200  
 "K.A.R. 47-9-1(c)(6) through (8)." 33 1,300  
 (PPP) "§§816.61 through 816.68 of this chapter" shall 34 1,400  
 be replaced by "K.A.R. 47-9-1 (c)(16) through (21)." 35 1,500  
 (QQQ) "§§816.81 and 816.83 of this chapter" shall be 36 1,600  
 replaced by "K.A.R. 47-9-1(c)(25) and (26)." 37 1,700  
 (RRR) "§§816.81 and 816.84 of this chapter" shall be re- 38 1,800  
 placed by "K.A.R. 47-9-1(c)(25) and (27)." (Authorized by 39 1,900  
 K.S.A. 49-405 and 49-427; implementing K.S.A. 49-405, 40 2,000  
 K.S.A. 2018 Supp. 49-406, K.S.A. 49-407 and 49-427; effec- 41 2,100  
 tive, E-81-30, Oct. 8, 1980; effective May 1, 1981; amend- 42 2,200  
 ed May 1, 1985; amended May 1, 1986; amended May 43 2,300  
 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; 44 2,400  
 amended July 31, 1998; amended Dec. 1, 2006; amended 45 2,500  
 Feb. 15, 2019.) 46 2,600

**Article 5. — CIVIL PENALTIES**

**47-5-5a. Civil penalties; adoption by reference. (a)**

Subject to the provisions of subsection (c), the following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified:

- (1) How assessments are made, 30 C.F.R. 845.11; 51 3,100
- (2) when penalty will be assessed, 30 C.F.R. 845.12; 52 3,200
- (3) point system for penalties, 30 C.F.R. 845.13; 53 3,300
- (4) determination of amount of penalty, 30 C.F.R. 54 3,400  
 845.14, except that the table shall be replaced by the fol- 55 3,500  
 lowing table: 56 3,600

"Points	Dollars	
1	20	57 3,700
2	40	58 3,800
3	60	59 3,900
4	80	60 4,000
5	100	61 4,100
6	120	62 4,200
7	140	63 4,300
8	160	64 4,400
9	180	65 4,500
10	200	66 4,600
11	220	67 4,700
12	240	68 4,800
13	260	69 4,900
14	280	70 and above 5,000"
15	300	
16	320	
17	340	
18	360	

(5) assessment of separate violations for each day, 30 C.F.R. 845.15, except that the statement "a civil penalty of not less than \$1,025 shall be assessed for each day during which such failure to abate continues" shall be replaced by "a civil penalty of not less than \$750 shall



be assessed for each day during which such failure to abate continues”;

(6) waiver of use of formula to determine civil penalty, 30 C.F.R. 845.16;

(7) procedures for assessment of civil penalties, 30 C.F.R. 845.17;

(8) procedures for assessment conference, 30 C.F.R. 845.18. However, the following sentence shall be deleted: “The assessment conference shall not be governed by section 554 of title 5 of the United States Code, regarding requirements for formal adjudicatory hearings.” The following sentence shall be added: “The conference officer shall be selected by the department”;

(9) request for hearing, 30 C.F.R. 845.19. However, subsection (b) shall be replaced by the following text: “(b) The department shall hold all funds submitted under paragraph (a) of this section in escrow pending completion of the administrative and judicial review process, at which time it shall disburse them as provided in K.A.R. 47-5-16”;

(10) when an individual civil penalty may be assessed, 30 C.F.R. 846.12;

(11) amount of individual civil penalty, 30 C.F.R. 846.14;

(12) procedure for assessment of individual civil penalty, 30 C.F.R. 846.17;

(13) payment of penalty, 30 C.F.R. 846.18. However, subsection (d) shall be replaced by the following text:

“(d)(1) Delinquent payment. Following the expiration of 30 days after the issuance of a final order assessing an individual civil penalty, any delinquent civil penalty shall be subject to interest at the rate established quarterly by the U.S. department of the treasury for use in applying late charges on later payments to the federal government, pursuant to the treasury financial manual 6-8020.20. The treasury current value of funds rate is published by the fiscal service in the notices section of the federal register. Interest on unpaid civil penalties will run from the date payment first was due until the date of payment. Failure to pay overdue civil penalties may result in one or more of the following actions, which are not exclusive:

“(i) Initiation of litigation;

“(ii) reporting to the internal revenue service;

“(iii) reporting to state agencies responsible for taxation;

“(iv) reporting to credit bureaus; or

“(v) referral to collection agencies.

“(2) If a civil penalty debt is greater than 91 days overdue, a six percent per annum penalty shall begin to accrue on the amount owed for fees and shall run until the date of payment. This penalty is in addition to the interest described in this regulation.

“(3) For all delinquent penalties and interest, the debtor shall be required to pay a processing and handling charge that shall be based on the following components:

“(i) For debts referred to a collection agency, the amount charged to the department by the collection agency;

“(ii) for debts processed and handled by the surface mining section, a standard amount set annually by the department based upon similar charges by collection agencies for debt collection;

“(iii) for debts referred to the office of legal services, Kansas department of health and environment, but paid before litigation, the estimated average cost to prepare the case for litigation at the time of payment;

“(iv) for debts referred to the office of legal services, Kansas department of health and environment, and litigated, the estimated cost to prepare and litigate a debt case at the time of payment;

“(v) if not otherwise provided for, all other administrative expenses associated with collection, including billing, recording payments, and follow-up actions; and

“(vi) no prejudgment interest accrues on any processing and handling charges.”;

(14) general provisions, 30 C.F.R. 847.2;

(15) criminal penalties, 30 C.F.R. 847.11. However, the term “Attorney General” shall be replaced with “Kansas attorney general”; and

(16) civil actions for relief, 30 C.F.R. 847.16.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) “Act” shall be replaced by “state act.”

(B) “Director” and “director or his designee” shall be replaced by “secretary of health and environment or secretary’s designee.” However, in 30 C.F.R. 846.12, the word “director” shall remain unchanged.

(C) “Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203 (Phone: 703-235-3800)” shall be replaced by “Office of administrative hearings.”

(D) “Office,” “State or field office,” and “office of hearings and appeals” shall be replaced by “department.”

(E) “Rule 65 of the Federal Rules of Civil Procedure” shall be replaced by “K.S.A. 60-901 et seq., and amendments thereto.”

(F) “Secretary” shall be replaced by “secretary of the Kansas department of health and environment.”

(2)(A) “Section 518(a) of the act” shall be replaced by “K.S.A. 49-405c(a).”

(B) “Section 518(e), 518(f), 521(a)(4), or 521(c) of the act” shall be replaced by “K.S.A. 49-405c(e), 49-405c(f), 49-405(m)(3), or 49-405(m)(4), and amendments thereto.”

(C) “Section 518(e) and (g) of the act” and “section 518(e) of the Act” shall be replaced by “K.S.A. 49-405c(e) and (g), and amendments thereto.”

(D) “Section 521 or 526 of the act” shall be replaced by “K.S.A. 49-405c, 49-405(m), 49-416a, and 49-422a, and amendments thereto.”

(E) “Section 521(a) of the act” shall be replaced by “K.S.A. 49-405(m)(2), and amendments thereto.”

(F) “Section 521(c) of the act” shall be replaced by “K.S.A. 49-405(m), and amendments thereto.”

(G) “Section 525(c) of the act” shall be replaced by “K.S.A. 49-416a(c), and amendments thereto.”

(H) “Section 526 of the act” and “section 526(c) of the act” shall be replaced by “K.S.A. 49-422a, and amendments thereto.”

(I) “Sections 518, 521(a)(4), and 525 of the act” shall be replaced by “K.S.A. 49-405c, 49-405(m)(3), and 49-416a, and amendments thereto.”

(3)(A) “30 CFR 816.11” shall be replaced by “K.A.R. 47-9-1(c)(1).”

(B) “30 CFR 843.16” shall be replaced by “K.A.R. 47-4-14a.”

(continued)

(C) "30 CFR 845.12, 845.13, 845.14, 845.15 and 845.16" shall be replaced by "K.A.R. 47-5-5a(a)(2), (3), (4), (5), and (6)."

(D) "30 CFR 845.12(b)" shall be replaced by "K.A.R. 47-5-5a(a)(2)."

(E) "30 CFR 845.13," "30 CFR 845.13(b)," and "§845.13(b)" shall be replaced by "K.A.R. 47-5-5a(a)(3)."

(F) "30 CFR 845.17(b)" shall be replaced by "K.A.R. 47-5-5a(a)(7)."

(G) "43 CFR 4.1300 *et seq.*" and "rule 4 of the Federal Rules of Civil Procedure" shall be replaced by "K.A.R. 47-4-14a."

(4) "§846.12" shall be replaced by "K.A.R. 47-5-5a(a)(10)."

(c) Review of proposed assessments of civil penalties. If a request for hearing is made pursuant to paragraph (a)(9), the procedures in K.A.R. 47-4-14a and the following shall apply:

(1) Time for filing petition for a hearing.

(A)(i) If a timely request for an assessment conference has been made pursuant to paragraph (a)(8), a request for a hearing shall be made to the department within 30 days of service of notice, by the conference officer, that the conference is completed; or

(ii) a request for a hearing of a proposed assessment of a civil penalty shall be made to the department within 30 days of service of the proposed assessment.

(B) No extension of time shall be granted for filing a petition for review of a proposed assessment of a civil penalty as required by paragraph (c)(1)(A)(i) or (A)(ii). If a petition for review is not filed within the time period provided in paragraph (c)(1)(A)(i) or (A)(ii), all of the following shall apply:

(i) The appropriateness of the amount of the penalty and the fact of the violation if there is no proceeding pending under K.S.A. 49-416a, and amendments thereto, to review the notice of violation or cessation order involved shall be admitted.

(ii) The petition shall be dismissed.

(iii) The civil penalty assessed shall become a final order of the secretary.

(2) Contents of petition; payment required.

(A) The petition shall include the following:

(i) A short and plain statement indicating the reasons why either the amount of the penalty or the fact of the violation is being contested;

(ii) if the amount of penalty is being contested based upon a misapplication of the civil penalty formula, a statement indicating how the civil penalty formula in subsection (a), adopting by reference 30 C.F.R. Parts 845 and 846, was misapplied and a proposed civil penalty utilizing the civil penalty formula;

(iii) the identification by number of each violation being contested;

(iv) the identifying number of the cashier's check, certified check, bank draft, personal check, or bank money order accompanying the petition; and

(v) a request for a hearing.

(B) The petition for a hearing shall be accompanied by the following:

(i) Full payment of the proposed civil penalty in the form of a cashier's check, certified check, bank draft,

personal check, or bank money order made payable to the Kansas department of health and environment, to be placed in an escrow account by the department pending final determination of the civil penalty; and

(ii) on the face of the payment, an identification by number of the violations for which payment is being tendered.

(C) As required by K.S.A. 49-405c and amendments thereto, failure to make timely payment of the proposed civil penalty in full shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(D) No extension of time shall be granted for full payment of the proposed civil penalty. If payment is not made within the time period provided in paragraph (c)(1)(A)(i) or (A)(ii), all of the following shall apply:

(i) The appropriateness of the amount of the civil penalty, the fact of the violation, and, if there is no review proceeding, the notice of violation or cessation order involved shall be deemed admitted.

(ii) The petition shall be dismissed.

(iii) The civil penalty assessed shall become a final order of the secretary.

(3) Answer. An answer may be filed by the secretary within 30 days of service of the petition.

(4) Review of waiver determination.

(A) Within 10 days of the filing of a petition, the petitioner may move the presiding officer to review the granting or denial of a waiver of the civil penalty formula pursuant to paragraph (a)(6).

(B) The motion shall contain a statement indicating all alleged facts relevant to the granting or denial of a waiver.

(C) Review shall be limited to the written determination of the presiding officer granting or denying the waiver, the motion, and responses to the motion. The standard of review shall be abuse of discretion.

(D) If the presiding officer finds that the secretary abused the secretary's discretion in granting or denying the waiver, the presiding officer shall hold a hearing on the petition for review of the proposed assessment and make a determination pursuant to paragraph (c)(7).

(5) Burden of proof in civil penalty proceedings. In civil penalty proceedings, the following shall apply:

(A) The department shall have the burden of establishing a prima facie case regarding the fact of the violation, the amount of the civil penalty, and the ultimate burden of persuasion regarding the amount of the civil penalty.

(B) The person who petitioned for review shall have the ultimate burden of persuasion regarding the fact of the violation.

(6) Summary disposition.

(A) In a civil penalty proceeding in which the person against whom the proposed civil penalty is assessed fails to comply on time with any prehearing order of a presiding officer, the presiding officer shall issue an order to show cause for the following conditions:

(i) That person should not be deemed to have waived the person's right to a hearing.

(ii) The proceedings should not be dismissed and the assessment should become final.

(B) If the order to show cause is not satisfied as required, the presiding officer shall order the proceedings dismissed and issue a final order.

(C) If the person against whom the proposed civil penalty is assessed fails to appear at a hearing, that person shall be deemed to have waived the person's right to a hearing, and the presiding officer may assume, for purposes of the assessment, the following:

(i) The occurrence of each violation listed in the notice of violation or order; and

(ii) the truth of any facts alleged in the notice or order.

(D) In order to issue an initial order assessing the appropriate civil penalty when the person against whom the proposed civil penalty is assessed fails to appear at the hearing, a presiding officer shall either conduct an ex parte hearing or require the department to furnish proposed findings of fact and conclusions of law.

(E) Nothing in this article shall be construed to deprive the person against whom the penalty is assessed of the person's opportunity to have the department prove the violations charged in open hearing with confrontation and cross-examination of witnesses, unless that person fails to comply with a prehearing order or fails to appear at the scheduled hearing.

(7) Initial order of the presiding officer.

(A) The presiding officer shall incorporate, in the presiding officer's decision concerning the civil penalty, findings of fact on each of the four criteria in paragraph (a)(3) and conclusions of law.

(B)(i) If the presiding officer finds that a violation occurred or that the fact of violation is uncontested, the presiding officer shall establish the amount of the penalty according to the point system and conversion table specified in paragraphs (a)(3) and (4).

(ii) The presiding officer may waive the use of the point system if the presiding officer determines that a waiver would further abatement of violations of the state act, except that the point system shall not be waived for abatement of other violations of the state act.

(iii) If the presiding officer finds that no violation occurred, the presiding officer shall issue an order that the proposed assessment be returned to the petitioner.

(C) If the presiding officer finds that no violation occurred or reduces the amount of the civil penalty, the presiding officer shall order the department to remit the appropriate amount to the petitioner who made the payment within 30 days of the department's receipt of the order. If a timely petition for review of the presiding officer's decision is filed with the secretary, no amount shall be remitted to the petitioner until a final determination has been made.

(D) If the presiding officer increases the amount of the civil penalty above that of the proposed assessment, the presiding officer shall order payment of the appropriate amount within 15 days after the order increasing the civil penalty is mailed.

(8) Appeals.

(A) Any party may petition the secretary to review and reconsider the initial order of a presiding officer concerning an assessment pursuant to K.A.R. 47-4-14a.

(B) Any party may appeal the final order of the secretary pursuant to the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405c, and 49-416a; effective May 1, 1985; amended Feb. 11, 1991;

amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

## Article 6.—PERMIT REVIEW

**47-6-1. Permit review.** (a) Each permit issued and outstanding during the term of the permit shall be reviewed by the secretary or secretary's designee not later than the middle of that term. Reasonable revision or modification of the permit provisions may be ordered at any time to ensure compliance with the laws and regulations. A copy of the order and the written findings shall be sent to the operator. The order shall be subject to K.S.A. 49-407 and K.S.A. 49-422a, and amendments thereto.

(b) Each permit authorizing one or more variances that is issued in accordance with K.A.R. 47-3-42(a)(62) shall be reviewed not later than three years from the date of issuance.

(c) Each permit authorizing one or more experimental practices that is issued in accordance with K.A.R. 47-3-42(a)(60) shall be reviewed as specified in the permit or at least every two and a half years from the date of issuance as required by the department, in accordance with K.A.R. 47-3-42(a)(60).

(d) After the review required by this regulation or at any time, the reasonable revision of any permit may be required by the secretary, by order, in accordance with K.A.R. 47-6-2 to ensure compliance with the state act and the regulatory program.

(e) Each order of the secretary requiring revision of a permit shall be based upon written findings and shall be subject to the provisions of administrative and judicial review in K.S.A. 49-407(d), K.S.A. 49-416a, and K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations. A copy of each order shall be sent to the permittee.

(f) Any permit may be suspended or revoked in accordance with articles 5 and 15 of these regulations. (Authorized by K.S.A. 49-405 and 49-410; implementing K.S.A. 2018 Supp. 49-406 and K.S.A. 49-410; effective May 1, 1980; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-2. Permit revision.** (a) Each application to revise an existing permit shall be submitted by the operator at least 60 days before the date on which the operator wants to have the approval of the secretary.

(b) Each application for a permit revision shall include the following:

(1) A map that meets the general map requirements of these regulations;

(2) a description of the permit revision with the technical data necessary to establish the impact and consequences of the proposed revision on the surface coal mining and reclamation operation, the environment, and public health and safety; and

(3) any additional information requested by the department.

(c) If the application for permit revision contains significant alterations or departures from the method of mining or reclamation operations covered by the original permit, the operator shall meet all the application

(continued)

requirements, which shall include all requests from the department for relevant information.

Whether a significant alteration or departure is involved shall be determined by the chief of the surface mining section on a case-by-case basis upon review, unless a determination is requested in writing by the operator upon or before filing the application. On receiving this request, the operator shall be advised by the chief of the surface mining section if a significant alteration or departure is involved for the purpose of submitting an application.

If the application for permit revision contains significant alterations or departures, the operator shall meet all of the requirements of K.A.R. 47-3-1 through 47-3-42, including all requests from the department for relevant information.

(d) No application for a permit revision shall be approved unless the applicant demonstrates and the regulatory authority finds that all of the following conditions are met:

(1) The reclamation required by the state act and the regulatory program can be accomplished.

(2) The applicable requirements of K.A.R. 47-3-42(a)(11) pertinent to the revision are met.

(3) The application for revision meets all requirements of the state act and the regulatory program.

(e) Each extension to the area covered by the permit, except incidental boundary revisions, shall be made through an application for a new permit. (Authorized by K.S.A. 49-405 and 49-410; implementing K.S.A. 2018 Supp. 49-406 and K.S.A. 49-410; effective May 1, 1980; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-3. Permit renewals; adoption by reference.** (a) The section titled "permit renewals," 30 C.F.R. 774.15, as in effect on July 1, 2012, is hereby adopted by reference, except as otherwise specified in this regulation. Subsection (c)(3) of 30 C.F.R. 774.15 shall be deleted.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) "Act" shall be replaced by "state act."

(B) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(2) "Part 775 of this chapter" shall be replaced by "K.S.A. 49-407(d), K.S.A. 49-416a, K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations."

(3)(A) "§773.19" shall be replaced by "K.A.R. 47-3-42(a)(13)."

(B) "§774.13" shall be replaced by "K.A.R. 47-6-2."

(C) "§778.21 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(30)."

(D) "§800.60 of this chapter" shall be replaced by "K.A.R. 47-8-9(a)(15)."

(E) "§§773.6 and 773.19(b) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(2) and (13)." (Authorized by K.S.A. 49-405; implementing K.S.A. 2018 Supp. 49-406; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-4. Permit transfers, assignments, and sales; adoption by reference.** (a) Each application for a new permit required for a person succeeding by transfer, sale, or assignment of rights granted under a permit shall be filed with the secretary not later than 30 days after that succession is approved by the secretary.

(b) Transfer, assignment, or sale of permit rights, 30 C.F.R. 774.17, as in effect on July 1, 2012, is adopted by reference, except as otherwise indicated in this regulation.

(c) The following phrases shall be replaced with the phrases specified in this subsection wherever the phrases appear in the federal regulations adopted by reference in this regulation:

(1)(A) "Act" shall be replaced by "state act."

(B) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(C) "This subchapter" shall be replaced by "these regulations."

(2) "Part 778 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(21) through (31)."

(3) "§773.12 and 773.14 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(8) and (10)." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-410; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-6. Permit conditions; adoption by reference.** (a) The section titled "permit conditions," 30 C.F.R. 773.17, as in effect on July 1, 2012, is adopted by reference, except as otherwise specified in this regulation.

(b) The following phrases shall be replaced with the phrases specified in this subsection wherever the phrases appear in the federal regulation adopted by reference in this regulation:

(1)(A) "Act" shall be replaced by "state act."

(B) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(C) "Subchapter R of this chapter" and "that subchapter" shall be replaced by "the office of surface mining reclamation and enforcement."

(2) "Parts 840 and 842" shall be replaced by "K.A.R. 47-15-1a."

(3)(A) "§701.11(d) and subchapter B or K of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(1) and either K.A.R. 47-9-4 or K.A.R. 47-9-1."

(B) "§§842.13 and 840.12 of this chapter" shall be replaced by "K.A.R. 47-15-1a(a)(4)." (Authorized by K.S.A. 49-405; implementing K.S.A. 2018 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-8. Termination of jurisdiction; adoption by reference.** (a) The section titled "applicability," 30 C.F.R. 700.11, as in effect on July 1, 2012, is adopted by reference, except as otherwise specified in this regulation, and subsections (a)(1), (a)(5), and (b) of 30 C.F.R. 700.11 shall be deleted.

(b) The following phrases shall be replaced with the phrases specified in this subsection wherever the phrases

appear in the federal regulation adopted by reference in this regulation:

(1)(A) "Subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."

(B) "The State or Federal program counterpart to part 800 of this chapter" shall be replaced by "article 8 of these regulations."

(C) "This chapter" shall be replaced by "these regulations."

(2)(A) "Part 702 of this chapter" shall be replaced by "K.A.R. 47-6-10."

(B) "Part 707 of this chapter" shall be replaced by "K.A.R. 47-6-9." (Authorized by and implementing K.S.A. 49-405; effective Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-9. Exemption for coal extraction incidental to government-financed highway or other construction; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Responsibility, 30 C.F.R. 707.4;

(2) definitions, 30 C.F.R. 707.5;

(3) applicability, 30 C.F.R. 707.11, except that the phrase "Federal or Federal lands" shall be deleted; and

(4) information to be maintained on site, 30 C.F.R. 707.12.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) "Act" shall be replaced by "state act."

(B) "This chapter" shall be replaced by "these regulations."

(C) "Title IV" shall be replaced by "K.S.A. 49-428 and amendments thereto."

(2) "30 CFR 707.12" shall be replaced by "K.A.R. 47-6-9(a)(4)." (Authorized by and implementing K.S.A. 49-405; effective Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-10. Exemption for coal extraction incidental to the extraction of other minerals; adoption by reference.**

(a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Definitions, 30 C.F.R. 702.5;

(2) application requirements and procedures, 30 C.F.R. 702.11, except that subsection (b) shall be deleted. The text "after April 1, 1990, under a Federal program or on Indian lands, or after the effective date of counterpart provisions in a State program" shall be replaced by "under the state act";

(3) contents of application for exemption, 30 C.F.R. 702.12;

(4) public availability of information, 30 C.F.R. 702.13;

(5) requirements for exemption, 30 C.F.R. 702.14;

(6) conditions of exemption and right of inspection and entry, 30 C.F.R. 702.15. However, "§702.11(b) or" and "for Federal programs and on Indian lands or in accordance with counterpart provisions when included in State programs" shall be deleted;

(7) stockpiling of minerals, 30 C.F.R. 702.16;

(8) revocation and enforcement, 30 C.F.R. 702.17; and

(9) reporting requirements, 30 C.F.R. 702.18.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) "Act" shall be replaced by "state act."

(B) "Secretary" shall be replaced by "secretary of the Kansas department of health and environment."

(C) The following text shall be replaced by "K.A.R. 47-4-14a": "43 CFR 4.1280 when OSM is the regulatory authority or under corresponding State procedures when a State is the regulatory authority" and "43 CFR 4.1280 or under corresponding State procedures."

(D) "The standards of this part for Federal programs and on Indian lands or in accordance with counterpart provisions when included in State programs" shall be replaced by "these regulations."

(2)(A) "§702.5 of this part" shall be replaced by "K.A.R. 47-6-10(a)(2)."

(B) "§702.11(e)(3)" shall be replaced by "K.A.R. 47-6-10(a)(3)."

(C) "§702.12(g)" shall be replaced by "K.A.R. 47-6-10(a)(4)."

(D) "§702.16" shall be replaced by "K.A.R. 47-6-10(a)(8)."

(E) "§702.18 of this part" and "§702.18" shall be replaced by "K.A.R. 47-6-10(a)(10)." (Authorized by and implementing K.S.A. 49-405; effective Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-6-11. Post-permit issuance requirements; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Post-permit issuance requirements for regulatory authorities and other actions based on ownership, control, and violation information, 30 C.F.R. 774.11; and

(2) post-permit issuance information requirements for permittees, 30 C.F.R. 774.12.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted in this regulation:

(1) "Regulatory authority" shall be replaced by "Kansas department of health and environment."

(2)(A) "Part 843, 846, or 847 of this chapter" shall be replaced by "K.A.R. 47-15-1a, K.A.R. 47-5-5a(a)(10) through (13), and K.A.R. 47-5-17."

(B) "Section 510(c) of the Act" shall be replaced by "K.S.A. 49-407(b), and amendments thereto."

(3) "43 CFR 4.1350 through 4.1356" shall be replaced by "article 4 of these regulations."

(4)(A) "§778.11(c) of this subchapter," "§778.11(d) of this subchapter," and "§778.11 of this subchapter" shall be replaced by "K.A.R. 47-3-42(a)(22)."

(B) "§843.11" shall be replaced by "K.A.R. 47-15-1a(a)(8)."

(continued)

(C) “§§773.12(a) and (b) of this subchapter” shall be replaced by “K.A.R. 47-3-42 (a)(8).”

(D) “§§773.25, 773.26 and 773.27 of this subchapter” shall be replaced by “K.A.R. 47-3-42(a)(17), (18), and (19).” (Authorized by and implementing K.S.A. 49-405; effective Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 7.—COAL EXPLORATION

**47-7-2. Coal exploration; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Notice requirements for exploration removing 250 tons of coal or less, 30 C.F.R. 772.11;

(2) permit requirements for exploration that will remove more than 250 tons of coal or that will occur on lands designated as unsuitable for surface coal mining operations, 30 C.F.R. 772.12;

(3) coal exploration compliance duties, 30 C.F.R. 772.13;

(4) commercial use or sale, 30 C.F.R. 772.14; and

(5) public availability of information, 30 C.F.R. 772.15.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation.

(1)(A) “Subchapter F of this chapter” shall be replaced by “article 12 of these regulations.”

(B) The phrase “section 518 of the Act, subchapter L of this chapter, and the applicable inspection and enforcement provisions of the regulatory program” shall be replaced by “K.S.A. 49-405c, and amendments thereto, and articles 5 and 15 of these regulations.”

(C) “This part,” “this part, part 815 of this chapter, and the applicable provisions of the regulatory program,” and “this part, part 815 of this chapter, the regulatory program” shall be replaced by “K.A.R. 47-7-2” and “K.A.R. 47-9-1(b).”

(2)(A) “Part 775 of this chapter” shall be replaced by “K.S.A. 49-407(d), K.S.A. 49-416a, K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations.”

(B) “Part 815 of this chapter” shall be replaced by “K.A.R. 47-9-1(b).”

(C) “Parts 773 through 785 of this chapter” shall be replaced by “articles 3, 4, 6, and 10 of these regulations, K.S.A. 49-407(d), K.S.A. 49-416a, and K.S.A. 49-422a, and amendments thereto.”

(3)(A) “§761.11 of this chapter” shall be replaced by “K.A.R. 47-12-4(a)(2).”

(B) “§772.12” shall be replaced by “K.A.R. 47-7-2(a)(2).”

(C) “§772.13” shall be replaced by “K.A.R. 47-7-2(a)(3).”

(D) “§§772.13 and 772.14” shall be replaced by “K.A.R. 47-7-2(a)(3) and (4).”

(E) “§§772.14(b) and 700.11(a)(5)” shall be replaced by “K.A.R. 47-7-2(a)(4) and K.A.R. 47-6-8.” (Authorized by K.S.A. 49-405; implementing K.S.A. 49-427; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 8.—BONDING PROCEDURES

##### **47-8-9. Bonding procedures; adoption by reference.**

(a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Regulatory authority responsibilities, 30 C.F.R. 800.4, deleting subsection (d);

(2) definitions, 30 C.F.R. 800.5, deleting subsection (c);

(3) requirement to file a bond, 30 C.F.R. 800.11, deleting subsection (e);

(4) form of the performance bond, 30 C.F.R. 800.12, deleting subsection (c);

(5) period of liability, 30 C.F.R. 800.13;

(6) determination of bond amount, 30 C.F.R. 800.14;

(7) adjustment of amount, 30 C.F.R. 800.15;

(8) general terms and conditions of bond, 30 C.F.R. 800.16;

(9) bonding requirements for underground coal mines and long-term coal-related surface facilities and structures, 30 C.F.R. 800.17;

(10) surety bonds, 30 C.F.R. 800.20;

(11) collateral bonds, 30 C.F.R. 800.21;

(12) replacement of bonds, 30 C.F.R. 800.30;

(13) requirement to release performance bonds, 30 C.F.R. 800.40;

(14) forfeiture of bonds, 30 C.F.R. 800.50; and

(15) terms and conditions for liability insurance, 30 C.F.R. 800.60, deleting subsection (d).

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) “Act” shall be replaced by “state act.”

(B) “Application” shall be replaced by “complete and accurate application.”

(C) “Subchapter K of this chapter” shall be replaced by “article 9 of these regulations.”

(D) “This chapter” and “subchapter G of this chapter” shall be replaced by “these regulations.”

(E) “This subchapter” shall be replaced by “article 8 of these regulations.”

(F) “(Under parts 780 and 784 of this chapter)” shall be replaced by “[under K.A.R. 47-3-42(a)(40) through (59), and K.A.R. 47-10-1].”

(2)(A) “Part 823 of this chapter” shall be replaced by “K.A.R. 47-9-1(f).”

(B) “Section 507(b)(16) of the act” shall be replaced by “K.S.A. 49-407(c), and amendments thereto.”

(C) “Section 513(b) of the act” shall be replaced by “K.S.A. 49-407(d), and amendments thereto, and the regulations promulgated thereunder.”

(D) “Section 515 of the act” and “section 515(b)(10) of the act” shall be replaced by “K.S.A. 49-405a, K.S.A. 49-408 through K.S.A. 49-413, K.S.A. 49-429, and amendments thereto, and the regulations promulgated thereunder.”

(3)(A) “§800.11(b)” shall be replaced by “K.A.R. 47-8-9(a)(3).”

(B) “§800.13” shall be replaced by “K.A.R. 47-8-9(a)(5).”

(C) “§800.14” shall be replaced by “K.A.R. 47-8-9(a)(6).”

- (D) “§800.15” shall be replaced by “K.A.R. 47-8-9(a)(7).”
- (E) “§800.16(e)(2)” shall be replaced by “K.A.R. 47-8-9(a)(8).”
- (F) “§800.17(b)(3)” shall be replaced by “K.A.R. 47-8-9(a)(9).”
- (G) “§800.21(f)” shall be replaced by “K.A.R. 47-8-9(a)(11).”
- (H) “§800.40,” “§800.40(c)(2),” “§800.40(f) and (h),” and “§800.40(a)(2)” shall be replaced by “K.A.R. 47-8-9(a)(13).”
- (I) “§800.50” shall be replaced by “K.A.R. 47-8-9(a)(14).”
- (J) “§800.60” shall be replaced by “K.A.R. 47-8-9(a)(15).”
- (K) “§816.116 or §817.116 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(42) or K.A.R. 47-9-1(d)(38).”
- (L) “§816.132 or §817.132 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(44) or K.A.R. 47-9-1(d)(42).”
- (M) “§816.133 or §817.133 of this chapter” and “§§816.133(c) and 817.133(c)” shall be replaced by “K.A.R. 47-9-1(c)(45) or K.A.R. 47-9-1(d)(43).”
- (N) “§817.121(c) of this chapter” shall be replaced by “K.A.R. 47-9-1(d)(39).”
- (O) “§§800.14 and 800.15” shall be replaced by “K.A.R. 47-8-9(a)(6) and (7).” (Authorized by K.S.A. 49-405; implementing K.S.A. 2018 Supp. 49-406, K.S.A. 49-407, and K.S.A. 49-429; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

## Article 9.—PERFORMANCE STANDARDS

**47-9-1. Adoption by reference.** (a) The following portions of the “permanent program performance standards—general provisions,” 30 C.F.R. Part 810, as in effect on July 1, 2012, are hereby adopted by reference, except as specified in this subsection:

(1) Responsibility, 30 C.F.R. 810.4, except that subsection (a) shall be deleted; and

(2) applicability, 30 C.F.R. 810.11.

(b) The following portions of the “permanent program performance standards—coal exploration,” 30 C.F.R. Part 815, as in effect on July 1, 2012, are hereby adopted by reference:

(1) Required documents, 30 C.F.R. 815.13; and

(2) performance standards for coal exploration, 30 C.F.R. 815.15.

(c) The following portions of the “permanent program standards—surface mining activities,” 30 C.F.R. Part 816, as in effect on July 1, 2012, are hereby adopted by reference, except as specified in this subsection:

(1) Signs and markers, 30 C.F.R. 816.11. A subsection (g) shall be added to 30 C.F.R. 816.11 that reads as follows: “Increment boundary markers. As deemed necessary by the secretary or secretary’s designee to ensure the public health and safety, protect the environment, and ascertain increment boundaries, increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guar-

antee was or will be posted as provided by K.S.A. 49-406, and amendments thereto”;

(2) casing and sealing of drilled holes: general requirements, 30 C.F.R. 816.13;

(3) casing and sealing of drilled holes: temporary, 30 C.F.R. 816.14;

(4) casing and sealing of drilled holes: permanent, 30 C.F.R. 816.15;

(5) topsoil and subsoil, 30 C.F.R. 816.22. The first paragraph of subsection (d)(1) of 30 C.F.R. 816.22 shall be replaced by the following:

“Absent an approved schedule, topsoil and subsoil materials removed under paragraph (a) of this section shall be redistributed within 120 days following rough back-filling and grading in a manner that complies with the following:”;

(6) hydrologic-balance protection, 30 C.F.R. 816.41;

(7) hydrologic balance: water quality standards and effluent limitations, 30 C.F.R. 816.42;

(8) diversions, 30 C.F.R. 816.43;

(9) hydrologic balance: sediment control measures, 30 C.F.R. 816.45;

(10) hydrologic balance: siltation structures, 30 C.F.R. 816.46;

(11) hydrologic balance: discharge structures, 30 C.F.R. 816.47;

(12) impoundments, 30 C.F.R. 816.49;

(13) postmining rehabilitation of sedimentation ponds, diversions, impoundments, and treatment facilities, 30 C.F.R. 816.56;

(14) hydrologic balance: activities in or adjacent to perennial or intermittent streams, 30 C.F.R. 816.57, except that in the first sentence of subsection (c), the text “comply with paragraphs (b)(10)(B)(i) and (b)(24) of section 515 of the act and the regulations implementing those provisions of the act, including” shall be replaced by the following: “conduct surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, achieve enhancement of such resources where practicable, and comply with the following:”;

(15) coal recovery, 30 C.F.R. 816.59;

(16) use of explosives: general requirements, 30 C.F.R. 816.61, except that subsection (c)(1) shall be replaced by the following:

“All blasting operations within the state shall be conducted under the direction of a Kansas-certified blaster”;

(17) use of explosives: preblasting survey, 30 C.F.R. 816.62;

(18) use of explosives: blasting schedule, 30 C.F.R. 816.64;

(19) use of explosives: blasting signs, warnings, and access control, 30 C.F.R. 816.66;

(20) use of explosives: control of adverse effects, 30 C.F.R. 816.67;

(21) use of explosives: records of blasting operations, 30 C.F.R. 816.68;

(continued)

(22) disposal of excess spoil: general requirements, 30 C.F.R. 816.71, in (h)(3)(ii) deleting the phrase “in accordance with §816.73”;

(23) disposal of excess spoil: preexisting benches, 30 C.F.R. 816.74;

(24) protection of underground mining, 30 C.F.R. 816.79;

(25) coal mine waste: general requirements, 30 C.F.R. 816.81;

(26) coal mine waste: refuse piles, 30 C.F.R. 816.83;

(27) coal mine waste: impounding structures, 30 C.F.R. 816.84;

(28) coal mine waste: burning and burned waste utilization, 30 C.F.R. 816.87;

(29) disposal of noncoal mine wastes, 30 C.F.R. 816.89;

(30) stabilization of surface areas, 30 C.F.R. 816.95;

(31) protection of fish, wildlife, and related environmental values, 30 C.F.R. 816.97;

(32) slides and other damage, 30 C.F.R. 816.99;

(33) contemporaneous reclamation, 30 C.F.R. 816.100;

(34) backfilling and grading: time and distance requirements, 30 C.F.R. 816.101. This section shall be replaced by the following text:

“(a) Except as provided in paragraph (b) of this section, rough backfilling and grading for surface mining activities shall be completed according to one of the following schedules:

“(1) Contour mining. Within 60 days or 1,500 linear feet following coal removal;

“(2) area mining. Within 180 days following coal removal, and not more than four spoil ridges behind the active pit being worked, the spoil from the active pit constituting the first ridge; or

“(3) other surface mining methods. In accordance with the schedule established by the department.

“(b) The time allowed for rough backfilling and grading for the entire permit area or for a specific portion of the permit area may be extended by the department if the permittee demonstrates, in accordance with K.A.R. 47-3-42(a)(47), adopting by reference 30 CFR 780.18(b)(3), that additional time is necessary”;

(35) backfilling and grading: general requirements, 30 C.F.R. 816.102, deleting subsections (k)(3)(i) and (ii);

(36) backfilling and grading: thin overburden, 30 C.F.R. 816.104;

(37) backfilling and grading: thick overburden, 30 C.F.R. 816.105;

(38) backfilling and grading: previously mined areas, 30 C.F.R. 816.106;

(39) revegetation: general requirements, 30 C.F.R. 816.111;

(40) revegetation: timing, 30 C.F.R. 816.113;

(41) revegetation: mulching and other soil stabilizing practices, 30 C.F.R. 816.114;

(42) revegetation: standards for success, 30 C.F.R. 816.116. A subsection (i) shall be added to 816.116(c)(4), and a subsection (3) shall be added to 816.116(a):

(A) Subsection (c)(4)(i) shall read as follows: “(i) The regulatory authority may allow 90 days after the issuance of a notice of violation for the repair of any rills or gullies, or both, that may occur. If the rills or gullies, or both, are repaired using normal husbandry practices, approved by

the department in consultation with the state conservationist or the state conservationist’s designated representative and the repairs are approved by the department, the period of responsibility shall not be restarted. The normal husbandry practices used to repair gullies shall be approved in advance by the United States department of interior, office of surface mining reclamation and enforcement. If the rills or gullies, or both, are not repaired and approved within 90 days or if augmented seeding, fertilization, or irrigation was utilized to do the repairs, the regulatory authority will restart the period of liability, effective from the date the repair was completed and approved by the department.”

(B) Subsection (a)(3) shall read as follows: “(3) Data being used for bond release shall be submitted to the department annually. This shall include data for the last augmented seeding, which shall start the extended liability period. The following timetable for submissions shall be followed:

“(i) The planting reports, including soil tests, shall be submitted by March 31 of the year following the year in which the soil tests were performed;

“(ii) the production and ground cover data shall be submitted within 30 days of the date that the production and ground cover were sampled. Ground cover shall include species identification. Raw field data may be submitted at this time to fulfill this requirement. The tabulated results shall then be submitted by March 31 of the following year; and

“(iii) all data shall be clearly identified as to the bond release management area that it represents.”;

(43) cessation of operations: temporary, 30 C.F.R. 816.131;

(44) cessation of operations: permanent, 30 C.F.R. 816.132;

(45) postmining land use, 30 C.F.R. 816.133, deleting subsection (d)(1) and replacing the term “Act” with “state act”;

(46) roads: general, 30 C.F.R. 816.150;

(47) primary roads, 30 C.F.R. 816.151;

(48) utility installations, 30 C.F.R. 816.180;

(49) support facilities, 30 C.F.R. 816.181; and

(50) interpretative rules related to general performance standards, 30 C.F.R. 816.200.

(d) The following portions of the “permanent program performance standards—underground mining activities,” 30 C.F.R. Part 817, as in effect on July 1, 2012, are hereby adopted by reference, except as specified in this subsection:

(1) Signs and markers, 30 C.F.R. 817.11. A subsection (g) shall be added: “(g) Increment boundary markers. Increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted as provided by K.S.A. 49-406(h), and amendments thereto”;

(2) casing and sealing of exposed underground openings: general requirements, 30 C.F.R. 817.13;

(3) casing and sealing of underground openings: temporary, 30 C.F.R. 817.14;

(4) casing and sealing of underground openings: permanent, 30 C.F.R. 817.15;

(5) topsoil and subsoil, 30 C.F.R. 817.22;



- (6) hydrologic-balance protection, 30 C.F.R. 817.41;
- (7) hydrologic balance: water quality standards and effluent limitations, 30 C.F.R. 817.42;
- (8) diversions, 30 C.F.R. 817.43;
- (9) hydrologic balance: sediment control measures, 30 C.F.R. 817.45;
- (10) hydrologic balance: siltation structures, 30 C.F.R. 817.46;
- (11) hydrologic balance: discharge structures, 30 C.F.R. 817.47;
- (12) impoundments, 30 C.F.R. 817.49;
- (13) postmining rehabilitation of sedimentation ponds, diversions, impoundments, and treatment facilities, 30 C.F.R. 817.56;
- (14) hydrologic balance: surface activities in or adjacent to perennial or intermittent streams, 30 C.F.R. 817.57, except that in the first sentence of subsection (c), the text “comply with paragraphs (b)(9)(B) and (b)(11) of section 516 of the act and the regulations implementing those provisions of the act, including” shall be replaced by the following: “conduct surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, achieve enhancement of such resources where practicable, and comply with the following:”;
- (15) coal recovery, 30 C.F.R. 817.59;
- (16) use of explosives: general requirements, 30 C.F.R. 817.61, except that subsection (c)(1) of 30 C.F.R. 817.61 shall be replaced by the following:  
“All blasting operations within the state shall be conducted under the direction of a Kansas-certified blaster”;
- (17) use of explosives: preblasting survey, 30 C.F.R. 817.62;
- (18) use of explosives: general performance standards, 30 C.F.R. 817.64;
- (19) use of explosives: blasting signs, warnings, and access control, 30 C.F.R. 817.66;
- (20) use of explosives: control of adverse effects, 30 C.F.R. 817.67;
- (21) use of explosives: records of blasting operations, 30 C.F.R. 817.68;
- (22) disposal of excess spoil: general requirements, 30 C.F.R. 817.71, deleting the phrase “in accordance with §817.73”;
- (23) disposal of excess spoil: preexisting benches, 30 C.F.R. 817.74;
- (24) coal mine waste: general requirements, 30 C.F.R. 817.81;
- (25) coal mine waste: refuse piles, 30 C.F.R. 817.83;
- (26) coal mine waste: impounding structures, 30 C.F.R. 817.84;
- (27) coal mine waste: burning and burned waste utilization, 30 C.F.R. 817.87;
- (28) disposal of noncoal mine wastes, 30 C.F.R. 817.89;
- (29) stabilization of surface areas, 30 C.F.R. 817.95;
- (30) protection of fish, wildlife, and related environmental values, 30 C.F.R. 817.97;
- (31) slides and other damage, 30 C.F.R. 817.99;
- (32) contemporaneous reclamation, 30 C.F.R. 817.100;
- (33) backfilling and grading: general requirements, 30 C.F.R. 817.102, deleting subsection (k)(1);
- (34) backfilling and grading: previously mined areas, 30 C.F.R. 817.106;
- (35) revegetation: general requirements, 30 C.F.R. 817.111;
- (36) revegetation: timing, 30 C.F.R. 817.113;
- (37) revegetation: mulching and other soil stabilizing practices, 30 C.F.R. 817.114;
- (38) revegetation: standards for success, 30 C.F.R. 817.116. A subsection (3) shall be added to 817.116(a). Subsection (a)(3) shall read as follows: “(3) Data being used for bond release shall be submitted to the department annually. This shall include data for the last augmented seeding, which shall start the extended liability period. The following timetable for submissions shall be followed:  
“(i) The planting reports, including soil tests, shall be submitted by March 31 of the year following the year in which the soil tests were performed;  
“(ii) The production and ground cover data shall be submitted within 30 days of the date that the production and ground cover were sampled. Ground cover shall include species identification. Raw field data may be submitted at this time to fulfill this requirement. The tabulated results shall then be submitted by March 31 of the following year; and  
“(iii) All data shall be clearly identified as to the bond release management area that it represents.”;
- (39) subsidence control, 30 C.F.R. 817.121, except that 30 C.F.R. 817.121(c)(4)(i)-(iv) shall be deleted;
- (40) subsidence control: public notice, 30 C.F.R. 817.122;
- (41) cessation of operations: temporary, 30 C.F.R. 817.131;
- (42) cessation of operations: permanent, 30 C.F.R. 817.132;
- (43) postmining land use, 30 C.F.R. 817.133, deleting subsection (d)(1) and replacing the term “Act” with “state act”;
- (44) roads: general, 30 C.F.R. 817.150;
- (45) primary roads, 30 C.F.R. 817.151;
- (46) utility installations, 30 C.F.R. 817.180;
- (47) support facilities, 30 C.F.R. 817.181; and
- (48) interpretative rules related to general performance standards, 30 C.F.R. 817.200. The phrase “Office of Surface Mining Reclamation and Enforcement” shall be replaced by “Kansas department of health and environment.”
- (e) The following portions of the “special permanent program performance standards—auger mining,” 30 C.F.R. Part 819, as in effect on July 1, 2012, are hereby adopted by reference:
- (1) Auger mining: general, 30 C.F.R. 819.11;
- (2) auger mining: coal recovery, 30 C.F.R. 819.13;
- (3) auger mining: hydrologic balance, 30 C.F.R. 819.15;
- (4) auger mining: subsidence protection, 30 C.F.R. 819.17;
- (5) auger mining: backfilling and grading, 30 C.F.R. 819.19; and

(continued)

(6) auger mining: protection of underground mining, 30 C.F.R. 819.21.

(f) The following portions of the "special permanent program performance standards—operations on prime farmland," 30 C.F.R. Part 823, as in effect on July 1, 2012, are hereby adopted by reference, except as specified in this subsection:

- (1) Responsibilities, 30 C.F.R. 823.4;
- (2) applicability, 30 C.F.R. 823.11, deleting subsection (a);
- (3) soil removal and stockpiling, 30 C.F.R. 823.12;
- (4) soil replacement, 30 C.F.R. 823.14; and
- (5) revegetation and restoration of soil productivity, 30 C.F.R. 823.15.

(g) The following portions of the "permanent program performance standards—coal preparation plants not located within the permit area of a mine," 30 C.F.R. Part 827, as in effect on July 1, 2012, are hereby adopted by reference:

- (1) General requirements, 30 C.F.R. 827.11;
- (2) coal preparation plants: performance standards, 30 C.F.R. 827.12; and
- (3) coal preparation plants: interim performance standards, 30 C.F.R. 827.13.

(h) The following portions of the "special permanent program performance standards—in situ processing," 30 C.F.R. Part 828, as in effect on July 1, 2012, are hereby adopted by reference:

- (1) In situ processing: performance standards, 30 C.F.R. 828.11; and
- (2) in situ processing: monitoring, 30 C.F.R. 828.12.

(i) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

- (1)(A) "Director" shall be replaced by "secretary."
- (B) "Every state program," "every regulatory program," and "the applicable regulatory program" shall be replaced by "the regulatory program."
- (C) "Subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."
- (D) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."
- (E) "This chapter," "subchapter," and "this section" shall be replaced by "these regulations."
- (F) "This part" shall be replaced by "K.A.R. 47-9-1."
- (G) "This title" shall be replaced by "the 30 CFR."
- (2)(A) "Part 815" shall be replaced by "K.A.R. 47-9-1(b)."
- (B) "Part 816 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)."
- (C) "Part 816 or part 817" shall be replaced by "K.A.R. 47-9-1(c) or (d)."
- (D) "Part 817," "part 817 of this chapter," and "30 CFR 817" shall be replaced by "K.A.R. 47-9-1(d)."
- (E) "Part 823 of this chapter" shall be replaced by "K.A.R. 47-9-1(f)."
- (F) "Parts 816 and 817" shall be replaced by "K.A.R. 47-9-1(c) and (d)."
- (G) "Parts 818 through 828" shall be replaced by "K.A.R. 47-9-1(e) through (h)."

(H) "Section 816.150" shall be replaced by "K.A.R. 47-9-1(c)(46)."

(I) "Sections 817.61-817.68" shall be replaced by "K.A.R. 47-9-1(d)(16)-(21)."

(3)(A) "30 CFR part 773 and 775" shall be replaced by "K.A.R. 47-3-42(a)(2) through

(20), and K.S.A. 49-407(d), 49-416a, 49-422a, and amendments thereto, and article 4 of these regulations."

(B) "30 CFR 784.15(a)(2)" shall be replaced by "K.A.R. 47-10-1(a)(2)(F)."

(C) "30 CFR 785.22" shall be replaced by "K.A.R. 47-3-42(a)(65)."

(D) "30 CFR 817.133," "§817.133," and "30 CFR 817.133(a)" shall be replaced by "K.A.R. 47-9-1(d)(43)."

(4)(A) "§701.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(b)."

(B) "§732.17 of this chapter" shall be replaced by "30 C.F.R. 732.17."

(C) "§773.6(d) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(2)."

(D) "§773.15(m) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(11)."

(E) "§774.13 of this chapter" and "30 CFR 774.13" shall be replaced by "K.A.R. 47-6-2."

(F) "§780.13 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(43)."

(G) "§780.21(h) of this chapter," "§780.21(i) of this chapter," and "§780.21(j) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(48)."

(H) "§780.25 of this chapter," "§780.25(a) of this chapter," and "§780.25(c)(3)" shall be replaced by "K.A.R. 47-3-42(a)(51)."

(I) "§780.28(d) of this chapter or §816.43(b)(1) of this part" shall be replaced by "K.A.R. 47-3-42(a)(53) or K.A.R. 47-9-1(c)(8)."

(J) "§780.28(e) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(53)."

(K) "§780.35(c) of this chapter" shall be replaced by "K.A.R. 47-3-42(c)(57)."

(L) "§780.37(c) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(58)."

(M) "§784.14(g) of this chapter," "§784.14(h) of this chapter," and "§784.14(i) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(E)."

(N) "§784.16(a) of this chapter" and "§784.16(c)(3)" shall be replaced by "K.A.R. 47-10-1(a)(2)(G)."

(O) "§784.19 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(J)."

(P) "§784.20 of this chapter" and "§784.20(a) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(K)."

(Q) "§784.24(c)" shall be replaced by "K.A.R. 47-10-1(a)(2)(O)."

(R) "§784.25 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(P)."

(S) "§784.28(d) of this chapter and §817.43(b)(1) of this part" shall be replaced by "K.A.R. 47-10-1(a)(2)(R) and K.A.R. 47-9-1(d)(8)."

(T) "§784.28(e) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(R)."

(U) "§785.17 and subchapter J of this chapter" shall be replaced by "K.A.R. 47-3-42 (a)(61) and article 8 of these regulations."

(V) “§785.17(a) of this chapter” shall be replaced by “K.A.R. 47-3-42(a)(61).”

(W) “§785.18 of this chapter” shall be replaced by “K.A.R. 47-3-42(a)(62).”

(X) “§785.21 of this chapter” shall be replaced by “K.A.R. 47-3-42(a)(64).”

(Y) “§800.40(c)(2) of this chapter” shall be replaced by “K.A.R. 4789(a)(13).”

(Z) “§816.11” and “§816.11 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(1).”

(AA) “§816.13” shall be replaced by “K.A.R. 47-9-1(c)(2).”

(BB) “§816.22,” “§816.22 of this chapter,” “§816.22 of this part,” “§816.22(b) of this part,” “§816.22(e),” “30 CFR 816.22(e)(1)(i),” and “30 CFR 816.22(e)(1)(ii)” shall be replaced by “K.A.R. 47-9-1(c)(5).”

(CC) “§816.22 or §817.22 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(5) or K.A.R. 47-9-1(d)(5).”

(DD) “§816.41 of this part,” “§816.41,” “§§816.41(d) (1) of this part,” and “§816.41(i)” shall be replaced by “K.A.R. 47-9-1(c)(6).”

(EE) “§816.41(b), 816.41(f), and 816.102(e) of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(6) and (35).”

(FF) “§816.42” shall be replaced by “K.A.R. 47-9-1(c)(7).”

(GG) “§816.43 of this chapter,” “§816.43(b) of this part,” and “816.43” shall be replaced by “K.A.R. 47-9-1(c)(8).”

(HH) “§816.45 through 816.47 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(9) through (11).”

(II) “§816.45(a) of this part” and “§816.45(a)” shall be replaced by “K.A.R. 47-9-1(c)(9).”

(JJ) “§816.46” shall be replaced by “K.A.R. 47-9-1(c)(10).”

(KK) “§816.49 of this chapter,” “§816.49(b) of this part,” and “§816.49(a)(9)” shall be replaced by “K.A.R. 47-9-1(c)(12).”

(LL) “§816.56 of this part” shall be replaced by “K.A.R. 47-9-1(c)(13).”

(MM) “§816.59 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(15).”

(NN) “§816.64” shall be replaced by “K.A.R. 47-9-1(c)(18).”

(OO) “§816.66(c)” shall be replaced by “K.A.R. 47-9-1(c)(19).”

(PP) “§816.67” and “§816.67(e)” shall be replaced by “K.A.R. 47-9-1(c)(20).”

(QQ) “§816.68(p)” shall be replaced by “K.A.R. 47-9-1(c)(21).”

(RR) “§816.71,” “§816.71 of this part,” and “§816.71(f) (3)” shall be replaced by “K.A.R. 47-9-1(c)(22).”

(SS) “§816.79 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(24).”

(TT) “§816.81” shall be replaced by “K.A.R. 47-9-1(c)(25).”

(UU) “§816.83” shall be replaced by “K.A.R. 47-9-1(c)(26).”

(VV) “§816.84 of this chapter” and “§816.84” shall be replaced by “K.A.R. 47-9-1(c)(27).”

(WW) “§816.95 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(30).”

(XX) “§816.97 of this chapter,” “§816.97(a) of this part,” and “§816.97(f) of this part” shall be replaced by “K.A.R. 47-9-1(c)(31).”

(YY) “§816.102,” “§§816.102(c), (e) through (h), and (j),” “§§816.102(a)(2) through (j) of this part,” and “§816.102(a) (1) and (2)” shall be replaced by “K.A.R. 47-9-1(c)(35).”

(ZZ) “§816.104” shall be replaced by “K.A.R. 47-9-1(c)(36).”

(AAA) “§816.105” shall be replaced by “K.A.R. 47-9-1(c)(37).”

(BBB) “§816.106” shall be replaced by “K.A.R. 47-9-1(c)(38).”

(CCC) “§816.111” and “§816.111(b)” shall be replaced by “K.A.R. 47-9-1(c)(39).”

(DDD) “§816.181 of this chapter” shall be replaced by “K.A.R. 47-9-1(c)(49).”

(EEE) “§817.11” shall be replaced by “K.A.R. 47-9-1(d)(1).”

(FFF) “§817.13” shall be replaced by “K.A.R. 47-9-1(d)(2).”

(GGG) “§817.22,” “§817.22 of this chapter,” “§817.22 of this part,” and “§817.22(b) of this part” shall be replaced by “K.A.R. 47-9-1(d)(5).”

(HHH) “§817.41 of this part,” “§817.41,” “§817.41(d) (1) of this part,” “§817.41(h),” and “§817.41(j)” shall be replaced by “K.A.R. 47-9-1(d)(6).”

(III) “§817.42” shall be replaced by “K.A.R. 47-9-1(d)(7).”

(JJJ) “§817.43” and “§817.43(b) of this part” shall be replaced by “K.A.R. 47-9-1(d)(8).”

(KKK) “§817.45(a) of this part” shall be replaced by “K.A.R. 47-9-1(d)(9).”

(LLL) “§817.46” shall be replaced by “K.A.R. 47-9-1(d)(10).”

(MMM) “§817.49 of this chapter,” “§817.49(a)(9),” “§817.49(b) of this part,” and “§817.49(a) and (c)” shall be replaced by “K.A.R. 47-9-1(d)(12).”

(NNN) “§817.56 of this part” shall be replaced by “K.A.R. 47-9-1(d)(13).”

(OOO) “§817.64(a)” shall be replaced by “K.A.R. 47-9-1(d)(18).”

(PPP) “§817.66(c)” shall be replaced by “K.A.R. 47-9-1(d)(19).”

(QQQ) “§817.67” and “§817.67(e)” shall be replaced by “K.A.R. 47-9-1(d)(20).”

(RRR) “§817.68(p)” shall be replaced by “K.A.R. 47-9-1(d)(21).”

(SSS) “§817.71,” “paragraphs (a) and (f) of §817.71 of this part,” and “§817.71(f)(3)” shall be replaced by “K.A.R. 47-9-1(d)(22).”

(TTT) “§817.81” shall be replaced by “K.A.R. 47-9-1(d)(24).”

(UUU) “§817.83” shall be replaced by “K.A.R. 47-9-1(d)(25).”

(VVV) “§817.84 of this chapter” shall be replaced by “K.A.R. 47-9-1(d)(26).”

(WWW) “§817.97(a) of this part” and “§817.97(f) of this part” shall be replaced by “K.A.R. 47-9-1(d)(30).”

(XXX) “§817.102,” “§817.102(c), (e) through (h), and (j),” and “§817.102(a)(1) and (2)” shall be replaced by “K.A.R. 47-9-1(d)(33).”

(YYY) “§817.106” shall be replaced by “K.A.R. 47-9-1(d)(34).”

(ZZZ) “§817.111” and “§817.111(b)” shall be replaced by “K.A.R. 47-9-1(d)(35).”

(continued)

(AAAA) "§817.116" shall be replaced by "K.A.R. 47-9-1(d)(38)."

(BBBB) "§817.121(a) and (c) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(39)."

(CCCC) "§817.150" shall be replaced by "K.A.R. 47-9-1(d)(44)."

(DDDD) "§823.12(c)(2)" and "§823.12(c)(1)" shall be replaced by "K.A.R. 47-9-1(f)(3)."

(EEEE) "§823.14(b)" shall be replaced by "K.A.R. 47-9-1(f)(4)."

(FFFF) "§827.12" shall be replaced by "K.A.R. 47-9-1(g)(2)."

(GGGG) "§827.13 of this part" shall be replaced by "K.A.R. 47-9-1(g)(3)."

(HHHH) "§§773.17(e) and 784.14(g) of this chapter" shall be replaced by "K.A.R. 47-6-6(a) and K.A.R. 47-10-1(a)(2)(E)."

(IIII) "§§773.17(e) and 780.21(h) of this chapter" shall be replaced by "K.A.R. 47-6-6(a) and K.A.R. 47-3-42(a)(48)."

(JJJJ) "§§780.21 and 780.22 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(48) and (49)."

(KKKK) "§§780.21 and 784.14 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(48) and K.A.R. 47-10-1(a)(2)(E)."

(LLLL) "§§780.21 and 784.22 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(48) and K.A.R. 47-10-1(a)(2)(M)."

(MMMM) "§§780.28 and 816.57 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(53) and K.A.R. 47-9-1(c)(14)."

(NNNN) "§§784.28 and 817.57 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(R) and K.A.R. 47-9-1(d)(14)."

(OOOO) "§§816.13 through 816.15 of this chapter" and "§§816.13 to 816.15" shall be replaced by "K.A.R. 47-9-1(c)(2) through (4)."

(PPPP) "§§816.22, 816.100, 816.102, 816.104, 816.106, 816.111, 816.113, 816.114, 816.116, and 816.133 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(5), (33), (35), (36), (38), (39), (40), (41), (42), and (45)."

(QQQQ) "§§816.22 and 816.111 through 816.116 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(5) and (39) through (42)."

(RRRR) "§§816.41 and 816.42 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(6) and (7)."

(SSSS) "§§816.41 through 816.43 and 816.57 of this chapter" and "§816.41 through 816.43 and 816.57 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(6) through (8) and (14)."

(TTTT) "§§816.41 through 816.49 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(6) through (12)."

(UUUU) "§§816.49 and 816.56" and "§§816.49 and 816.56 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(12) and (13)."

(VVVV) "§§816.71 through 816.74," "§§816.71 through 816.74 of this part," and "§§816.71-816.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(22) through (23)."

(WWWW) "§§816.81 and 816.83" shall be replaced by "K.A.R. 47-9-1(c)(25) and (26)."

(XXXX) "§§816.81, 816.83, 816.84, 816.87, 816.89, and 816.71 through 816.74 of this chapter" shall be replaced

by "K.A.R. 47-9-1(c)(22), (23), (25), (26), (27), (28), and (29)."

(YYYY) "§§816.81(a), 816.83(a), and 816.84 of this part" shall be replaced by "K.A.R. 47-9-1(c)(25), (26), and (27)."

(ZZZZ) "§§816.102 and 816.104 through 816.106 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(35) and (36) through (38)."

(AAAAA) "§§816.102 through 816.107 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(35) through (38)."

(BBBBB) "§§816.111, 816.113, 816.114, and 816.116 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(39), (40), (41), and (42)."

(CCCCC) "§§816.111 through 816.116 of this chapter" and "§§816.111 through 816.116" shall be replaced by "K.A.R. 47-9-1(c)(39) through (42)."

(DDDDD) "§§816.131 and 816.132 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(43) and (44)."

(EEEEE) "§§816.150 and 816.151 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(46) and (47)."

(FFFFF) "§§816.150, 816.151, and 816.181 of this part" shall be replaced by "K.A.R. 47-9-1(c)(46), (47), and (49)."

(GGGGG) "§§816.150(b) through (f), 816.180, and 816.181 of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(46), (48), and (49)."

(HHHHH) "§§817.13 and 817.15" shall be replaced by "K.A.R. 47-9-1(d)(2) and (4)."

(IIIII) "§§817.13 to 817.15" shall be replaced by "K.A.R. 47-9-1(d)(2) to (4)."

(JJJJJ) "§§817.22 and 817.111 through 817.116 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(5) and (35) through (38)."

(KKKKK) "§§817.41 through 817.43 and 817.57 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(6) through (8) and (14)."

(LLLLL) "§§817.49 and 817.56" shall be replaced by "K.A.R. 47-9-1(d)(12) and (13)."

(MMMMM) "§§817.71 through 817.74" and "§§817.71 through 817.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(22) and (23)."

(NNNNN) "§§817.81 and 817.83" shall be replaced by "K.A.R. 47-9-1(d)(24) and (25)."

(OOOOO) "§§817.81(a), 817.83(a), and 817.84 of this part" shall be replaced by "K.A.R. 47-9-1(d)(24), (25), and (26)."

(PPPPP) "§§817.102 through 817.107 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(33) and (34)."

(QQQQQ) "§§817.111, 817.113, 817.114, and 817.116 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(35), (36), (37), and (38)."

(RRRRR) "§§817.111 through 817.116 of this chapter" and "§§817.111 through 817.116" shall be replaced by "K.A.R. 47-9-1(d)(35) through (38)."

(SSSSS) "§§817.150, 817.151, and 817.181 of this part" shall be replaced by "K.A.R. 47-9-1(d)(44), (45), and (47)."

(Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, K.S.A. 2018 Supp. 49-408, and K.S.A. 49-409, 49-411, 49-413, 49-415, and 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-9-4. Interim performance standards; adoption by reference.** (a) The following regulations as in effect on July 1, 2012 are adopted by reference, except as specified in this regulation:

- (1) Definitions, 30 C.F.R. 710.5;
- (2) applicability, 30 C.F.R. 710.11(a), deleting subsection (a)(1) and the phrase "except as provided in §710.12 of this part";
- (3) signs and markers, 30 C.F.R. 715.12;
- (4) postmining use of land, 30 C.F.R. 715.13, deleting the second sentence in (d);
- (5) backfilling and grading, 30 C.F.R. 715.14, deleting subsections (b)(3) and (c);
- (6) disposal of excess spoil, 30 C.F.R. 715.15, deleting subsection (c);
- (7) topsoil handling, 30 C.F.R. 715.16;
- (8) protection of the hydrologic system, 30 C.F.R. 715.17, deleting subsection (j);
- (9) dams constructed of or impounding waste material, 30 C.F.R. 715.18;
- (10) revegetation, 30 C.F.R. 715.20;
- (11) interpretative rules related to general performance standards, 30 C.F.R. 715.200; and
- (12) prime farmland, 30 C.F.R. 716.7.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the federal regulations adopted by reference in this regulation:

- (1)(A) "Act" shall be replaced by "state act."
- (B) "Subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."
- (C) "Subchapter K of this chapter" shall be replaced by "K.A.R. 47-9-1."
- (D) "This part," "§716.2 of this chapter," "part 715 of this chapter," "this section," and "this chapter" shall be replaced by "these regulations."
- (2)(A) "§715.12" shall be replaced by "K.A.R. 47-9-4(a)(3)."
- (B) "§715.13" shall be replaced by "K.A.R. 47-9-4(a)(4)."
- (C) "§715.14," "§715.14(b)(2)," and "§715.14(j)" shall be replaced by "K.A.R. 47-9-4(a)(5)."
- (D) "§715.15 of this part" shall be replaced by "K.A.R. 47-9-4(a)(6)."
- (E) "§715.16," "§715.16(c)," "§715.16(a)(4)," and "30 CFR 715.16(a)(4)(i)" shall be replaced by "K.A.R. 47-9-4(a)(7)."
- (F) "§715.17," "§715.17 of this part," "§715.17(a)," and "§715.17(c)" shall be replaced by "K.A.R. 47-9-4(a)(8)."
- (G) "§715.18" shall be replaced by "K.A.R. 47-9-4(a)(9)."
- (H) "§715.20" and "§715.20(g)" shall be replaced by "K.A.R. 47-9-4(a)(10)."
- (I) "§716.7" shall be replaced by "K.A.R. 47-9-4(a)(12)."
- (J) "§§715.13 and 715.14" shall be replaced by "K.A.R. 47-9-4(a)(4) and (5)."
- (K) "§§715.14 and 715.20" shall be replaced by "K.A.R. 47-9-4(a)(5) and (10)."
- (L) "§§715.14, 715.16, and 715.20" shall be replaced by "K.A.R. 47-9-4(a)(5), (7), and (10)."

(c) Each operator shall comply with the interim performance standards in an interim permit area, unless

the secretary has approved, in writing, that operator's request to adhere to an applicable permanent program performance standard or other applicable substantive regulation. (Authorized by and implementing K.S.A. 49-405; effective May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 10.—UNDERGROUND MINING

**47-10-1. Adoption by reference; underground mining.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

- (1) Underground mining permit applications—minimum requirements for information on environmental resources, 30 C.F.R. Part 783:
  - (A) Responsibilities, 30 C.F.R. 783.4;
  - (B) general requirements, 30 C.F.R. 783.11;
  - (C) general environmental resources information, 30 C.F.R. 783.12;
  - (D) climatological information, 30 C.F.R. 783.18;
  - (E) vegetation information, 30 C.F.R. 783.19;
  - (F) soil resources information, 30 C.F.R. 783.21;
  - (G) maps: general requirements, 30 C.F.R. 783.24; and
  - (H) cross sections, maps, and plans, 30 C.F.R. 783.25;
- (2) underground mining permit applications—minimum requirements for reclamation and operation plan, 30 C.F.R. Part 784:
  - (A) Responsibilities, 30 C.F.R. 784.4;
  - (B) operation plan: general requirements, 30 C.F.R. 784.11;
  - (C) operation plan: existing structures, 30 C.F.R. 784.12;
  - (D) reclamation plan: general requirements, 30 C.F.R. 784.13;
  - (E) hydrologic information, 30 C.F.R. 784.14;
  - (F) reclamation plan: land use information, 30 C.F.R. 784.15;
  - (G) reclamation plan: siltation structures, impoundments, and refuse piles, 30 C.F.R. 784.16;
  - (H) protection of publicly owned parks and historic places, 30 C.F.R. 784.17;
  - (I) relocation or use of public roads, 30 C.F.R. 784.18;
  - (J) disposal of excess spoil, 30 C.F.R. 784.19;
  - (K) subsidence control plan, 30 C.F.R. 784.20, deleting the phrase "as described in §817.121(c)(4) of this chapter";
  - (L) fish and wildlife information, 30 C.F.R. 784.21;
  - (M) geologic information, 30 C.F.R. 784.22;
  - (N) operation plan: maps and plans, 30 C.F.R. 784.23;
  - (O) road systems, 30 C.F.R. 784.24;
  - (P) return of coal processing waste to abandoned underground workings, 30 C.F.R. 784.25;
  - (Q) air pollution control plan, 30 C.F.R. 784.26;
  - (R) surface activities in or adjacent to perennial or intermittent streams, 30 C.F.R. 784.28;
  - (S) diversions, 30 C.F.R. 784.29;
  - (T) support facilities, 30 C.F.R. 784.30; and
  - (U) interpretive rules related to general performance standards, 30 C.F.R. 784.200, except that "office of surface mining reclamation and enforcement" shall be replaced by "Kansas department of health and environment."

(continued)

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) "Paragraphs (b)(2) through (b)(4) of §817.57 of this chapter," "paragraphs (b) and (c) of §817.57 of this chapter," "§817.57(a)(1) of this chapter," "§817.57(a)(2) of this chapter," and "§817.57(a)(2) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(14)."

(B) "Subchapter B (Interim Program Standards) of this chapter" shall be replaced by "K.A.R. 47-9-4."

(C) "Subchapter J of this chapter" shall be replaced by "article 8 of these regulations."

(D) "Subchapter K of this chapter" and "subchapter K (Permanent Program Standards) of this chapter" shall be replaced by "K.A.R. 47-9-1."

(E) "This chapter," "this section," "subchapter," "subchapter G of this chapter," and "this part" shall be replaced by "these regulations."

(F) "This title" shall be replaced by "the 30 CFR."

(2)(A) "Part 784 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)."

(B) "Part 817 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)."

(C) "Sections 515 and 516 of the Act" shall be replaced by "K.S.A. 49-405a, 49-408 through 49-413, and 49-429."

(3)(A) "30 CFR Parts 773 and 775" shall be replaced by "K.A.R. 47-342(a)(2) through (20), K.A.R. 47-6-6, K.S.A. 49-407(d), K.S.A. 49-416a, and K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations."

(B) "30 CFR 783.24 and 783.25" shall be replaced by "K.A.R. 47-10-1(a)(1)(G) and (H)."

(C) "30 CFR 784.13 through 784.26" shall be replaced by "K.A.R. 47-10-1(a)(2)(D) through (Q)."

(D) "30 CFR 784.16 of this part" shall be replaced by "K.A.R. 47-10-1(a)(2)(G)."

(E) "30 CFR 784.19 of this part" shall be replaced by "K.A.R. 47-10-1(a)(2)(J)."

(F) "30 CFR 784.21" shall be replaced by "K.A.R. 47-10-1(a)(2)(L)."

(G) "30 CFR 817.13-817.15" shall be replaced by "K.A.R. 47-9-1(d)(2) and (4)."

(H) "30 CFR 817.22," "§817.22 of the chapter," and "§817.22(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(5)."

(I) "30 CFR 817.59" and "§817.59 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(15)."

(J) "30 CFR 817.81(f)" shall be replaced by "K.A.R. 47-9-1(d)(24)."

(K) "30 CFR 817.89 and 817.102" shall be replaced by "K.A.R. 47-9-1(d)(28) and (33)."

(L) "30 CFR 817.95" shall be replaced by "K.A.R. 47-9-1(d)(29)."

(M) "30 CFR 817.102 through 817.107" shall be replaced by "K.A.R. 47-9-1(d)(33) and (34)."

(N) "30 CFR 817.111 through 817.116" shall be replaced by "K.A.R. 47-9-1(d)(35) through (38)."

(O) "30 CFR 817.116" shall be replaced by "K.A.R. 47-9-1(d)(38)."

(4)(A) "§701.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(b)."

(B) "§761.14 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(4)."

(C) "§761.16 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(6)."

(D) "§761.17(d) of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(7)."

(E) "§774.13" shall be replaced by "K.A.R. 47-6-2."

(F) "§783.25 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(1)(H)."

(G) "§784.15" and "§784.15(a)(2)" shall be replaced by "K.A.R. 47-10-1(a)(2)(F)."

(H) "§784.20" shall be replaced by "K.A.R. 47-10-1(a)(2)(K)."

(I) "§784.29 of this part and §817.43 of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(S) and K.A.R. 47-9-1(d)(8)."

(J) "§785.21 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(64)."

(K) "§817.43 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(8)."

(L) "§817.46 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(10)."

(M) "§817.49 of this chapter," "paragraphs (a) and (c) of §817.49 of this chapter," and "§817.49(a)(4)(ii) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(12)."

(N) "§817.71(d) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(22)."

(O) "§817.74 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(23)."

(P) "§817.97 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(30)."

(Q) "§817.121(c) of this chapter" and "§817.121 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(39)."

(R) "§817.133," "30 CFR 817.133," and "§817.133(a)" shall be replaced by "K.A.R. 47-9-1(d)(43)."

(S) "§817.150(d)(1) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(44)."

(T) "§817.151(c)(2) of this chapter," "§817.151(d)(5) of this chapter," "§817.151(d)(6) of this chapter," and "§817.151(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(45)."

(U) "§817.181 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(47)."

(V) "§§784.14(g) and 817.41(d)(1) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(E) and K.A.R. 47-9-1(d)(6)."

(W) "§§784.16(a)(2), 784.16(a)(3), 784.19, 817.73(c), 817.74(c), and 817.81(c) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(G) and (J), and K.A.R. 47-9-1(d)(22), (23), and (24)."

(X) "§§784.21(b) and 817.97(a) of this chapter" shall be replaced by "K.A.R. 47-10-1(a)(2)(L) and K.A.R. 47-9-1(d)(30)."

(Y) "§§817.41 to 817.43" shall be replaced by "K.A.R. 47-9-1(d)(6) through (8)."

(Z) "§§817.41(j) and 817.121(c) of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(6) and (39)."

(AA) "§§817.71 through 817.74" shall be replaced by "K.A.R. 47-9-1(d)(22) and (23)."

(BB) "§§817.81 and 817.83 of this chapter" shall be replaced by "K.A.R. 47-9-1(d)(24) and (25)."

(CC) "§§817.81 and 817.84 of this chapter" shall be re-

placed by "K.A.R. 47-9-1(d)(24) and (26)."

(DD) "§§817.81 through 817.84 of this chapter" and "30 CFR 817.81 through 817.84" shall be replaced by "K.A.R. 47-9-1(d)(24) through (26)." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 11.—SMALL OPERATOR ASSISTANCE PROGRAM

**47-11-8. Small operator assistance program; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

- (1) Definitions, 30 C.F.R. 795.3;
- (2) eligibility for assistance, 30 C.F.R. 795.6, deleting subsection (b);
- (3) filing for assistance, 30 C.F.R. 795.7;
- (4) application approval and notice, 30 C.F.R. 795.8;
- (5) program services and data requirements, 30 C.F.R. 795.9;
- (6) qualified laboratories, 30 C.F.R. 795.10;
- (7) assistance funding, 30 C.F.R. 795.11; and
- (8) applicant liability, 30 C.F.R. 795.12.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

- (1)(A) "Act" shall be replaced by "state act."
- (B) "This chapter" and "this section" shall be replaced by "these regulations."
- (C) "This part" shall be replaced by "K.A.R. 47-11-8."
- (2)(A) "§773.6(d) of this chapter" shall be replaced by "K.A.R. 47-3-42 (a)(2)."
- (B) "§780.13" shall be replaced by "K.A.R. 47-3-42(a)(43)."
- (C) "§795.6" shall be replaced by "K.A.R. 47-11-8(a)(2)."
- (D) "§795.9" and "§795.9(b)" shall be replaced by "K.A.R. 47-11-8(a)(5)."
- (E) "§795.10" shall be replaced by "K.A.R. 47-11-8(a)(6)."
- (F) "§§779.12(b) and 783.12(b) and §§780.31 and 784.17" shall be replaced by "K.A.R. 47-3-42(a)(34) and K.A.R. 47-10-1(a)(1)(C) and K.A.R. 47-3-42(a)(55) and K.A.R. 47-10-1(a)(2)(H)."
- (G) "§§779.25 and 783.25" shall be replaced by "K.A.R. 47-3-42(a)(39) and K.A.R. 47-10-1(a)(1)(H)."
- (H) "§§780.16 and 784.21" shall be replaced by "K.A.R. 47-3-42(a)(46) and K.A.R. 47-10-1(a)(2)(L)."
- (I) "§§780.21, 780.22, 784.14, and 784.22" shall be replaced by "K.A.R. 47-3-42(a)(48) and (49), and K.A.R. 47-10-1(a)(2)(E) and (M)."
- (J) "§§780.21(f), 784.14(e)" shall be replaced by "K.A.R. 47-3-42(a)(48) and K.A.R. 47-10-1(a)(2)(E)."
- (K) "§§780.22(b) and 784.22(b)" shall be replaced by "K.A.R. 47-3-42(a)(49) and K.A.R. 47-10-1(a)(2)(M)." (Authorized by K.S.A. 49-405; implementing K.S.A.

2018 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 12.—LANDS UNSUITABLE FOR SURFACE MINING

**47-12-4. Lands unsuitable for surface mining; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

(1) Definitions, 30 C.F.R. 761.5, except that the statement "we, us, and our refer to the office of surface mining reclamation and enforcement" shall be replaced by "'we,' 'us,' and 'our' refer to the Kansas department of health and environment" and the phrase "or its State program counterpart" shall be deleted;

(2) areas where surface coal mining operations are prohibited or limited, 30 C.F.R. 761.11, deleting subsection (b);

(3) exception for existing operations, 30 C.F.R. 761.12, deleting subsection (b);

(4) procedures for relocating or closing a public road or waiving the prohibition on surface coal mining operations within the buffer zone of a public road, 30 C.F.R. 761.14;

(5) procedures for waiving the prohibition on surface coal mining operations within the buffer zone of an occupied dwelling, 30 C.F.R. 761.15;

(6) submission and processing of requests for valid existing rights determinations, 30 C.F.R. 761.16;

(7) regulatory authority obligations at time of permit application review, 30 C.F.R. 761.17;

(8) interpretive rule related to subsidence due to underground coal mining in areas designated by act of congress, 30 C.F.R. 761.200;

(9) definitions, 30 C.F.R. 762.5;

(10) criteria for designating lands as unsuitable, 30 C.F.R. 762.11;

(11) additional criteria, 30 C.F.R. 762.12. "Secretary" shall mean the "secretary of the United States department of interior" and "subchapter C of this chapter" shall mean "30 C.F.R. Parts 730, 731, 732, 733, 735, and 736";

(12) land exempt from designation as unsuitable for surface coal mining operations, 30 C.F.R. 762.13;

(13) applicability to lands designated as unsuitable by congress, 30 C.F.R. 762.14;

(14) exploration on land designated as unsuitable for surface coal mining operations, 30 C.F.R. 762.15;

(15) petitions, 30 C.F.R. 764.13;

(16) initial processing, recordkeeping, and notification requirements, 30 C.F.R. 764.15;

(17) hearing requirements, 30 C.F.R. 764.17;

(18) decision, 30 C.F.R. 764.19;

(19) data base and inventory system requirements, 30 C.F.R. 764.21;

(20) public information, 30 C.F.R. 764.23; and

(21) regulatory authority responsibility for implementation, 30 C.F.R. 764.25.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in

(continued)

the text of the federal regulations adopted by reference in this regulation:

- (1)(A) "Act" shall be replaced by "state act."  
 (B) "Federal Register" shall be replaced by "Kansas Register."  
 (C) "Subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."  
 (D) "Subchapter G of this chapter" shall be replaced by "K.A.R. 47-3-42, K.A.R. 47-6-2, K.A.R. 47-6-3, K.A.R. 47-6-4, and K.A.R. 47-7-2."  
 (E) "This chapter" shall be replaced by "these regulations."  
 (F) "This part" and "this subchapter" shall be replaced by "K.A.R. 47-12-4."  
 (2)(A) "Part 761, 762, or 764 of this chapter" shall be replaced by "K.A.R. 47-12-4."  
 (B) "Part 772 of this chapter" shall be replaced by "K.A.R. 47-7-2."  
 (C) "Section 522 of the Act" and "section 522(e) of the Act" shall be replaced by "K.S.A. 49-405b, and amendments thereto."  
 (D) "Section 526(e) of the Act and §775.13 of this chapter" shall be replaced by "K.S.A. 49-422a and K.S.A. 49-426, and amendments thereto."  
 (E) "Section 701(28) of the act" shall be replaced by "K.S.A. 49-403(r), and amendments thereto."  
 (F) "Section 701(28) of the Act and §700.5 of this chapter" shall be replaced by  
 "K.S.A. 49-403(r), and amendments thereto, and K.A.R. 47-2-75(a)."  
 (G) "Parts 764 and 769 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(15) through (21)."  
 (H) "Sections 522(a)(2) and (3) of the Act" shall be replaced by "K.S.A. 49-405b(a)(1) and (2), and amendments thereto."  
 (3)(A) "30 U.S.C. 1272(e) and §761.11" shall be replaced by "K.S.A. 49-405b and 49-406(f), and amendments thereto, and K.A.R. 47-12-4(a)(2)."  
 (B) "30 U.S.C. 1272(e) or §761.11" shall be replaced by "K.S.A. 49-405b and 49-406(f), and amendments thereto, or K.A.R. 47-12-4(a)(2)."  
 (4)(A) "§700.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(a)."  
 (B) "§761.5," "paragraph (a) of the definition of valid existing rights in §761.5," "paragraph (b) of the definition of valid existing rights in §761.5," "paragraph (b)(1) of the definition of valid existing rights in §761.5," "paragraph (c)(2) of the definition of valid existing rights in §761.5," "paragraphs (a), (c)(1) and (c)(2) of the definition of valid existing rights in §761.5," "paragraphs (b), (c)(1) and (c)(2) of the definition of valid existing rights in §761.5," and "paragraphs (c)(1) through (c)(3) of the definition of valid existing rights in §761.5" shall be replaced by "the definition of valid existing rights in K.A.R. 47-12-4(a)(1)."  
 (C) "§761.11," "§761.11 of this chapter," "§761.11(d)(1)," "§761.11(e)(2)," "§761.11(a) or (b)," "§761.11(c)," "§761.11(a)," and "§761.11(f) or (g)" shall be replaced by "K.A.R. 47-12-4(a)(2)."  
 (D) "§761.11 and 30 U.S.C. 1272(e)" shall be replaced by "K.A.R. 47-12-4(a)(2) and K.S.A. 49-405b and 49-406(f), and amendments thereto."  
 (E) "§761.12" shall be replaced by "K.A.R. 47-12-4(a)(3)."

- (F) "§761.14" shall be replaced by "K.A.R. 47-12-4(a)(4)."  
 (G) "§761.15" shall be replaced by "K.A.R. 47-12-4(a)(5)."  
 (H) "§761.16" shall be replaced by "K.A.R. 47-12-4(a)(6)."  
 (I) "§761.17(d)" shall be replaced by "K.A.R. 47-12-4(a)(7)."  
 (J) "§762.11(b) of this chapter," "§762.11(a) of this chapter," and "§762.11 of this chapter" shall be replaced by "K.A.R. 47-12-4(a)(10)."  
 (K) "§764.13(b) or (c)" and "§764.13(a)" shall be replaced by "K.A.R. 47-12-4(a)(15)."  
 (L) "§764.17" and "§764.17(e)" shall be replaced by "K.A.R. 47-12-4(a)(17)."  
 (M) "§764.21" shall be replaced by "K.A.R. 47-12-4(a)(19)."  
 (N) "§773.13(d) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(9)."  
 (O) "§779.24(c) or §783.24(c) of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(38) or K.A.R. 47-10-1(a)(1)(G)."  
 (P) "§840.14 or §842.16 of this chapter" shall be replaced by "K.A.R. 47-15-1a(a)(2)."  
 (Q) "§§761.13 through 761.15" shall be replaced by "K.A.R. 47-12-4(a)(4) and (5)."  
 (R) "§§775.11 and 775.13 of this chapter" shall be replaced by "K.S.A. 49-407(d), K.S.A. 49-416a, K.S.A. 49-422a, and amendments thereto, and article 4 of these regulations." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405b, K.S.A. 2018 Supp. 49-422a, and K.S.A. 49-426; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986; amended May 1, 1988; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 13. — TRAINING, CERTIFICATION, AND RESPONSIBILITIES OF BLASTERS AND OPERATORS

**47-13-4. Training and certification of blasters; adoption by reference.** (a) The following portions of the "permanent regulatory program requirements—standards for certification of blasters," 30 C.F.R. part 850, as in effect on July 1, 2012, are hereby adopted by reference, except as specified in this regulation:

- (1) Definition, 30 C.F.R. 850.5;
  - (2) training, 30 C.F.R. 850.13;
  - (3) examination, 30 C.F.R. 850.14, except that for the purposes of this section only, the term "regulatory authority" shall be replaced by "secretary-approved blaster training program director"; and
  - (4) certification, 30 C.F.R. 850.15, except that for the purposes of 30 C.F.R. 850.15(a) only, "regulatory authority" shall be replaced by "state fire marshal."
- (b) The following phrase and citation shall be replaced with the phrase and citation specified in this subsection wherever the phrase and citation appear in the text of the federal regulations adopted by reference in this regulation:
- (1) "This part" shall be replaced by "these regulations."
  - (2) "§850.13(b)" shall be replaced by "K.A.R. 47-13-4(a)(2)."



(c) The term “secretary-approved blaster training program director” shall mean the person who is in charge of a given blaster training program that has been specifically approved by the secretary as being in accordance with the state act, these regulations, and the state program. (Authorized by and implementing K.S.A. 49-405 and 49-405a; effective May 1, 1985; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 14.—EMPLOYEE FINANCIAL INTERESTS

**47-14-7. Employee financial interest; adoption by reference.** (a) The following federal regulations, as in effect on July 1, 2012, are adopted by reference, except as otherwise specified in this regulation:

- (1) Responsibility, 30 C.F.R. 705.4(a) and (c), deleting subsection (b);
- (2) penalties, 30 C.F.R. 705.6(b), deleting subsection (a);
- (3) who shall file, 30 C.F.R. 705.11(a), (b), (c), and (d), deleting subsection (e);
- (4) when to file, 30 C.F.R. 705.13;
- (5) where to file, 30 C.F.R. 705.15;
- (6) what to report, 30 C.F.R. 705.17;
- (7) gifts and gratuities, 30 C.F.R. 705.18;
- (8) resolving prohibited interests, 30 C.F.R. 705.19(a), deleting subsection (b); and
- (9) appeals procedures, 30 C.F.R. 705.21.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) “Act” shall be replaced by the term “state act,” except in 30 C.F.R. 705.6(b), where the term “Act” shall mean “the surface mining control and reclamation act of 1977, Pub. L. 95-87.”

(B) “Head of each State Regulatory Authority” and “Head of the State Regulatory Authority” shall be replaced by the term “secretary of the Kansas department of health and environment.”

(C) “This section” and “this part” shall be replaced by “these regulations.”

(2) “Section 517(g) of the Act” and “section 517(g)” shall be replaced by “K.S.A. 49-404, and amendments thereto.”

(3)(A) “§705.6(a)” shall be replaced by “K.S.A. 49-404.”

(B) “§705.11” and “§705.11(b), (c), and (d)” shall be replaced by “K.A.R. 47-14-7(a)(3).”

(C) “§705.13(a)” shall be replaced by “K.A.R. 47-14-7(a)(4).”

(D) “§705.19” shall be replaced by “K.A.R. 47-14-7(a)(8).” (Authorized by K.S.A. 49-404; implementing K.S.A. 49-405; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 15.—INSPECTIONS AND ENFORCEMENT

**47-15-1a. Inspection and enforcement; adoption by reference.** (a) The following regulations as in effect on July 1, 2012 are adopted by reference, except as otherwise specified in this regulation:

(1) Inspections by state regulatory authority, 30 C.F.R. 840.11;

(2) availability of records, 30 C.F.R. 840.14;

(3) definitions, 30 C.F.R. 843.5;

(4) right of entry, 30 C.F.R. 840.12;

(5) compliance conference, 30 C.F.R. 840.16;

(6) review of adequacy and completeness of inspections, 30 C.F.R. 842.14, except that “director or his or her designee” shall be replaced by “secretary or secretary’s designee”;

(7) review of decision not to inspect or enforce, 30 C.F.R. 842.15, except that “OSM” shall be replaced with “Kansas department of health and environment”;

(8) cessation orders, 30 C.F.R. 843.11;

(9) notices of violations, 30 C.F.R. 843.12, except for the following:

(A) In subsection (a) of 30 C.F.R. 843.12, the following phrase shall be deleted: “carried out during the enforcement of a federal program or federal lands program or during federal enforcement of a state program under sections 504(b) or 521(b) of the act and part 733 of this chapter”; and

(B) paragraph (a)(2) of 30 C.F.R. 843.12 shall be deleted;

(10) suspension or revocation of permits: pattern of violations, 30 C.F.R. 843.13, except that the phrase “or a federal lands program” in paragraph (a)(4)(i)(A) of 30 C.F.R. 843.13 shall be deleted, and paragraphs (a)(4)(i)(B) and (C) of 30 C.F.R. 843.13 shall be deleted;

(11) service of notices of violation, cessation orders, and show cause orders, 30 C.F.R. 843.14, except that the first sentence in subsection (c) shall be deleted and, in the second sentence, the word “office” shall be replaced with “Kansas department of health and environment”;

(12) informal public hearing, 30 C.F.R. 843.15. However, the following sentence in subsection (e) shall be deleted: “Section 554 of title 5 of the United States code, regarding requirements for formal adjudicatory hearings, shall not govern public hearings”;

(13) formal review of citations, 30 C.F.R. 843.16;

(14) inability to comply, 30 C.F.R. 843.18; and

(15) compliance conference, 30 C.F.R. 843.20.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the text of the federal regulations adopted by reference in this regulation:

(1)(A) “Act” shall be replaced by “state act.”

(B) “Director” shall be replaced by “director of OSM.”

(C) “Federal” shall be replaced by “state.”

(D) “Freedom of Information Act or other Federal law” shall be replaced by “Kansas Open Records Act or other State law.”

(E) “Office” shall be replaced by “secretary or secretary’s designee.”

(F) “Office of hearings and appeals” shall be replaced by “department.”

(G) “Office of Surface Mining” shall be replaced by “Kansas department of health and environment.”

(H) “Rule 4 of the Federal Rules of Civil Procedure” shall be replaced by “K.A.R. 47-4-14a.”

(I) “Secretary” shall be replaced by “secretary of KDHE.”

(continued)

(J) "This chapter," "this part," and "this section" shall be replaced by "these regulations."

(2)(A) "Section 517 of the Act and §840.11" shall be replaced by "K.S.A. 49-404, K.S.A. 49-405, and K.S.A. 49-405d, and amendments thereto, and K.A.R. 47-15-1a(a)(1)."

(B) "Section 517 of the Act and §842.11" shall be replaced by "K.S.A. 49-404, K.S.A. 49-405, and K.S.A. 49-405d, and amendments thereto."

(C) "Section 518(b), 521(a)(4), or 525 of the Act" shall be replaced by "K.S.A. 49-405c(b), K.S.A. 49-405(m)(3), or K.S.A. 49-416a and amendments thereto."

(D) "Section 518(e), 518(f), 521(a)(4), or 521(c) of the Act or their regulatory program counterparts" shall be replaced by "K.S.A. 49-405c(e) and (f) and K.S.A. 49-405(m), and amendments thereto."

(E) "Section 520 of the Act" shall be replaced by "K.S.A. 49-426, and amendments thereto."

(F) "Section 521(a)(2) of the Act" shall be replaced by "K.S.A. 49-405(m)(1), and amendments thereto."

(G) "Section 521(a)(5) of the Act and §843.15" shall be replaced by "K.S.A. 49-405 (m)(4), and amendments thereto, and K.A.R. 47-15-1a(a)(12)."

(H) "Section 525 of the Act" shall be replaced by "K.S.A. 49-416a, and amendments thereto."

(3)(A) "30 CFR Part 845" and "part 845 of this chapter" shall be replaced by "article 5 of these regulations."

(B) "43 CFR part 4" shall be replaced by "K.A.R. 47-4-14a."

(C) "43 CFR 4.1281" shall be replaced by "K.A.R. 47-4-14a(a)(1)-(8)."

(4)(A) "§701.5 of this chapter" shall be replaced by "K.A.R. 47-2-75(b)."

(B) "§772.15 and 773.6(d) of this chapter" shall be replaced by "K.A.R. 47-7-2(a)(5) and K.A.R. 47-3-42(a)(2)."

(C) "§800.40 of this chapter" shall be replaced by "K.A.R. 47-8-9(a)(13)."

(D) "§816.131(b) or §817.131(b) of this chapter" shall be replaced by "K.A.R. 47-9-1(c)(43) or (d)(41)."

(E) "§842.12" shall be replaced by "K.A.R. 47-15-7 and K.A.R. 47-15-8."

(F) "§843.11" and "§843.11(b)" shall be replaced by "K.A.R. 47-15-1a(a)(8)."

(G) "§843.11 or §843.12" shall be replaced by "K.A.R. 47-15-1a(a)(8) and (9)."

(H) "§843.12(a)" and "§843.12(c) and (f)" shall be replaced by "K.A.R. 47-15-1a (a)(9)."

(I) "§843.13(c)" shall be replaced by "K.A.R. 47-15-1a(a)(10)."

(J) "§845.15(b)(2) of this chapter" shall be replaced by "K.A.R. 47-5-5a(a)(5)." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-404, 49-405, 49-405c, and 49-405d, K.S.A. 2018 Supp. 49-406, K.S.A. 49-416, 49-416a, and 49-427; effective May 1, 1985; amended May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

#### Article 16.—RECLAMATION

**47-16-6. Liens.** (a) A lien may be placed by the secretary on land reclaimed if the reclamation results in a significant increase in the fair market value based on the pre- and post-reclamation appraisals, except that the lien

may be waived by the secretary or the secretary's designee if at least one of the following conditions is met:

(1) The lien amount would be less than the cost of filing the lien.

(2) The reclamation work primarily improves the health, safety, or condition of the environment of the community or area affected.

(3) The reclamation is necessitated by an unforeseen occurrence, and the work performed to restore the land will not significantly increase the market value of the land as it existed immediately before the occurrence.

(b) A lien shall not be placed against land reclaimed if the current owner of the property acquired title before May 2, 1977 and did not consent to, participate in, or exercise control over the mining operation that caused or contributed to the unreclaimed conditions.

(c) If a lien is to be filed, within six months after completion of the reclamation work, a statement shall be filed by the secretary in the office having responsibility under applicable law for recording judgments and placing liens against land. The statement shall include the following:

(1) An account of monies expended for the reclamation work; and

(2) a notarized summary of the appraisal report.

(d) The increase in the appraised value of the property shall constitute the amount of the lien recorded and shall have priority second only to a real estate tax lien. The landowner shall be afforded the following:

(1) Notified before the time of filing the lien of the amount of the proposed lien; and

(2) allowed a reasonable time to pay that amount in lieu of filing the lien. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; effective May 1, 1983; amended Feb. 11, 1991; amended May 2, 1997; amended July 31, 1998; amended Feb. 15, 2019.)

**47-16-9. Contractor responsibility.** (a) Each successful bidder for an abandoned mined-land reclamation project contract shall be eligible under 30 C.F.R. 773.12(a), as adopted by reference in K.A.R. 47-3-42(a)(8), at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations.

(b) Before any contract may be awarded to a bidder, that bidder's eligibility shall be confirmed by the office of surface mining's automated applicant violator system. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; effective May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-16-10. Exclusion of certain noncoal reclamation sites.** (a) Money from the abandoned mined-land fund shall not be used for either of the following:

(1) The reclamation of sites and areas designated for remedial action pursuant to the uranium mill tailings radiation control act of 1978, 42 U.S.C. 7901 et seq. as amended; or

(2) sites listed for remedial action pursuant to the comprehensive environmental response compensation and liability act of 1980, 42 U.S.C. 9601 et seq. as amended.

(b)(1) Each successful bidder for an abandoned mined-land contract for noncoal reclamation shall be eligible under 30 C.F.R. 773.12(a), as adopted by reference in

K.A.R. 47-3-42(a)(8), at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations.

(2) Bidder eligibility shall be confirmed by the office of surface mining's automated applicant violator system for each contract to be awarded. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; effective May 2, 1997; amended July 31, 1998; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-16-12. Surface mining section's procedures for reclamation projects receiving less than 50 percent government funding.** 30 C.F.R. 874.17, as in effect on July 1, 2012, is adopted by reference, except that the following terms shall be replaced with the terms specified:

(a) "Title V" and "Title V of SMCRA" shall be replaced by "K.S.A. 49-401 et seq."

(b) "Part 707 of this chapter" and "the part 707 exemption or counterpart State/Indian Tribe laws and regulations" shall be replaced by "K.A.R. 47-6-9."

(c) "30 CFR subchapter R" shall be replaced by "Article 12 of these regulations." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; amended Dec. 1, 2006; amended Feb. 15, 2019.)

**47-16-13. Reclamation of non-coal-mined lands and associated waters.** (a) Non-coal-mined lands and associated waters shall be eligible for reclamation if all of the following conditions are met:

(1) The lands and waters were mined or affected by mining processes.

(2) The lands and waters were left or abandoned in an unreclaimed or inadequately reclaimed condition before August 3, 1977.

(3) There is no ongoing responsibility for reclamation by the operator, permittee, or agent of the permittee under state or federal statutes or by the state as a result of bond forfeiture. Bond forfeiture shall render the lands and waters ineligible if the amount forfeited is sufficient to pay the total cost of necessary reclamation. If the forfeited bond is insufficient to pay the total cost of reclamation, moneys sufficient to complete the reclamation may be used from the abandoned mined-land fund.

(4) The reclamation has been requested by the governor.

(5) The reclamation is necessary to protect public health, safety, general welfare, and property from extreme danger of adverse effects of non-coal-mining practices.

(b) Each successful bidder for a contract for a non-coal-reclamation project under this regulation shall be eligible under 30 C.F.R. 773.12, as adopted by reference in K.A.R. 47-3-42, at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-428; effective Feb. 15, 2019.)

Lee A. Norman, M.D.  
Interim Secretary

Doc. No. 046906

## State of Kansas

### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 14-23 during the 2019 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

#### House Bills

**HB 2001**, AN ACT concerning agriculture; relating to environmental remediation; extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund; amending annual assessment rates; amending K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 and repealing the existing sections, by Representative Hoffman.

**HB 2002**, AN ACT concerning property taxation; relating to fire districts; limitation on tax exemption, by Representative Resman.

**HB 2003**, AN ACT concerning the division of vehicles; relating to driver's licenses and identification cards; creating the limited driver's license and identification card; eligibility; amending K.S.A. 2018 Supp. 8-237, 8-240 and 8-1324 and repealing the existing sections, by Representative Victors.

**HB 2004**, AN ACT concerning consumer protection; relating to the Kansas no-call act; prohibiting conveyances of telephone numbers to out-of-state entities; prohibiting the transmission of inaccurate caller-ID information for financial gain; restricting use of automatic dialing-announcing devices; amending K.S.A. 2018 Supp. 50-670 and repealing the existing section, by Representative Rhiley.

**HB 2005**, AN ACT concerning income taxation; relating to Kansas itemized deductions of an individual, election; amending K.S.A. 2018 Supp. 79-32,120 and repealing the existing section, by Representative Bishop.

**HB 2006**, AN ACT concerning the department of commerce; relating to the disclosure of economic development incentive program data, tax credit programs and certain property tax exemptions; required database; amending K.S.A. 2018 Supp. 75-5133 and 79-3234 and repealing the existing sections, by Representative K. Williams.

**HB 2007**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing license plates for retired members of the United States army, navy, marine corps, air force and coast guard; amending K.S.A. 2018 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Representative K. Williams.

**HB 2008**, AN ACT exempting the state of Kansas from daylight saving time, by Representative K. Williams.

**HB 2009**, AN ACT concerning legal public holidays; designating indigenous peoples day; amending K.S.A. 2018 Supp. 35-107 and 35-205 and repealing the existing sections, by Representatives Highberger and Victors.

**HB 2010**, AN ACT concerning state governmental ethics; relating to lobbying restrictions; amending K.S.A. 46-232 and repealing the existing section, by Representative Ward.

**HB 2011**, AN ACT concerning sales taxation; relating to exemptions; required textbooks; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Representative Hoheisel.

**HB 2012**, AN ACT concerning workers compensation; relating to the prevailing factor standard of causation; amending K.S.A. 2018 Supp. 44-508 and 44-510k and repealing the existing sections, by Representative Carmichael.

**HB 2013**, AN ACT concerning workers compensation; relating to medical guides for the determination of impairment; amending K.S.A. 2018 Supp. 44-510d and 44-510e and repealing the existing sections, by Representative Carmichael.

**HB 2014**, AN ACT concerning workers compensation; relating to disallowance of compensation for injuries; amending K.S.A. 2018 Supp. 44-501 and repealing the existing section, by Representative Carmichael.

**HB 2015**, AN ACT repealing K.S.A. 2018 Supp. 75-3740e, 75-3740f and 75-3740g; concerning state contract requirements regarding anti-Israel boycotts, by Representative Carmichael.

(continued)

**HB 2016**, AN ACT concerning workers compensation; relating to benefit reductions due to retirement benefits; amending K.S.A. 2018 Supp. 44-501 and repealing the existing section, by Representative Carmichael.

**HB 2017**, AN ACT concerning employment; relating to local government control over wages, compensation or benefits for construction projects; amending K.S.A. 2018 Supp. 12-16,132 and 19-26,114 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 12-16,131, by Representative Curtis.

**HB 2018**, AN ACT concerning elections; relating to election crimes; prosecution; amending K.S.A. 2018 Supp. 25-2435 and repealing the existing section, by Representative Carmichael.

**HB 2019**, AN ACT concerning elections; relating to voting; penalties for voting crimes; amending K.S.A. 2018 Supp. 25-1128, 25-2409, 25-2416, 25-2423, 25-243 and 25-2507 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 25-2434, by Representative Carmichael.

**HB 2020**, AN ACT concerning attorneys; relating to the supreme court nominating commission and judicial district nominating commissions; selection of chairperson and members; attorney licensure and information; amending K.S.A. 2018 Supp. 7-127, 20-122, 20-123, 20-130, 20-2904 and 20-2907 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 20-170, 20-171 and 20-2917, by Representative Carmichael.

**HB 2021**, AN ACT concerning state offices; relating to term limits; amending K.S.A. 25-101b and 40-106 and repealing the existing sections, by Representative Corbet.

**HB 2022**, AN ACT concerning the minimum wage; enacting the Kansas working families pay raise act; amending K.S.A. 2018 Supp. 44-1203 and repealing the existing section, by Representative Ward.

**HB 2023**, AN ACT concerning crimes, punishment and criminal procedure; relating to the criminal use of weapons; amending K.S.A. 2018 Supp. 21-6301 and repealing the existing section, by Representative Ward.

**HB 2024**, AN ACT concerning consumer protection; relating to the Kansas no-call act; restricting the use of automatic dialing-announcing devices and the use of false information in a telephone caller identification system; amending K.S.A. 2018 Supp. 50-670 and repealing the existing section, by Representative Highberger.

**HB 2025**, AN ACT concerning the revised Kansas code for care of children; relating to definitions; interested parties; amending K.S.A. 2018 Supp. 38-2202 and 38-2241 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 38-2202, as amended by section 9 of chapter 107 of the 2018 Session Laws of Kansas, by Representative Capps.

**HB 2026**, AN ACT enacting the fire sprinkler industry act; creating the fire sprinkler industry act fee fund, by Representative Frownfelter.

**HB 2027**, AN ACT concerning evidence based juvenile programs; making and concerning appropriations for the fiscal year ending June 30, 2019, for various agencies, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2028**, AN ACT concerning the department of corrections; evidence-based programs account; authorized uses; amending K.S.A. 2018 Supp. 75-52,164 and repealing the existing section, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2029**, AN ACT repealing K.S.A. 65-6230; concerning the health care compact, by Representative Ward.

**HB 2030**, AN ACT concerning the Kansas program of medical assistance; expanding eligibility therefor; amending K.S.A. 2018 Supp. 39-709 and repealing the existing section, by Representative Ward.

**HB 2031**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of service-connected; amending K.S.A. 74-4952 and repealing the existing section, by Joint Committee on Pensions, Investments, and Benefits.

**HB 2032**, AN ACT concerning gaming; relating to the Kansas expanded lottery act; operation and management of sports gaming, by Representative Frownfelter.

**HB 2033**, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax, ballot authority, Dickinson, Jackson and Russell counties, rates, Thomas county; amending K.S.A. 2018 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Taxation.

**HB 2034**, AN ACT enacting the supported decision-making agreements act; relating to decision-making assistance for adults, by Committee on Federal and State Affairs.

**HB 2035**, AN ACT concerning alcoholic beverages; relating to cereal malt beverages and enforcement of laws regulating the sale thereof;

amending K.S.A. 2018 Supp. 41-106 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2036**, AN ACT repealing K.S.A. 2018 Supp. 75-6705; relating to the use of state appropriated moneys to lobby on gun control issues, by Representative Woodard.

**HB 2037**, AN ACT concerning veterans; relating to the veterans benefit lottery game; disposition of net profits; directing certain disbursements; establishing the veterans benefit lottery game fund; amending K.S.A. 74-8711 and 74-8724 and repealing the existing sections, by Representatives Pittman and Gartner.

**HB 2038**, AN ACT concerning inheritance rights; relating to revocation upon divorce, by Committee on Judiciary.

**HB 2039**, AN ACT concerning recognition of tribal court judgments, by Committee on Judiciary.

**HB 2040**, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; rates, election, Finney county; amending K.S.A. 2018 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Taxation.

**HB 2041**, AN ACT concerning insurance; relating to unfair or deceptive acts or practices; life insurance; living organ donors; amending K.S.A. 2018 Supp. 40-2404 and repealing the existing section, by Committee on Insurance.

**HB 2042**, AN ACT concerning elections; relating to prosecution of election crimes; secretary of state; amending K.S.A. 2018 Supp. 25-2435 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2043**, AN ACT concerning taxation; relating to income tax credits; property and sales tax exemptions; periodic review, reports to certain legislative committees, by Representative Gartner.

**HB 2044**, AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations, by Committee on Commerce, Labor and Economic Development.

**HB 2045**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; certified drug abuse treatment programs; amending K.S.A. 2018 Supp. 21-6824 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2046**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; multiple sentences; persons convicted of a new crime; amending K.S.A. 2018 Supp. 21-6606 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2047**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; drug severity level 5 crimes; amending K.S.A. 2018 Supp. 21-6805 and repealing the existing section, by None.

**HB 2048**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; determination of offender's criminal history classification, comparable offense; amending K.S.A. 2018 Supp. 21-6811 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-6811c, by Committee on Corrections and Juvenile Justice.

**HB 2049**, AN ACT concerning crimes, punishment and criminal procedure; relating to loss values; amending K.S.A. 2018 Supp. 21-5802, 21-5813, 21-5821, 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2050**, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of probation; sanctions for violation; amending K.S.A. 2018 Supp. 21-6604, 22-3716 and 22-3717 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2051**, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas offender registration act; drug offenders; definitions; amending K.S.A. 2018 Supp. 22-4902, 22-4903, 22-4905, 22-4906 and 22-4909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2052**, AN ACT concerning crimes, punishment and criminal procedure; relating to probation; hearing; credit toward early discharge; amending K.S.A. 2018 Supp. 21-6608 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2053**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2018 Supp. 40-2,193 and repealing the existing section, by Committee on Health and Human Services.

**HB 2054**, AN ACT concerning insurance; relating to health insurance; amending certain requirements of fully-insured association health plans; amending K.S.A. 2018 Supp. 40-2209 and repealing the existing section, by Committee on Insurance.

**HB 2055**, AN ACT concerning insurance; relating to health insurance; making certain association health plans subject to the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections, by Committee on Insurance.

**HB 2056**, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from regulation under statutes governing small employer health plans; amending K.S.A. 40-2209e and repealing the existing section, by Committee on Insurance.

**HB 2057**, AN ACT concerning insurance; relating to health insurance; pertaining to small employer carriers; establishment of certain classes of business; amending K.S.A. 40-2209g and repealing the existing section, by Committee on Insurance.

**HB 2058**, AN ACT concerning insurance; relating to health insurance; updating certain definitions pertaining to small employer health plans; amending K.S.A. 40-2209b and K.S.A. 2018 Supp. 40-2209d and repealing the existing sections, by Committee on Insurance.

**HB 2059**, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from requirements pertaining to small employer health plans; amending K.S.A. 40-2209p and repealing the existing section, by Committee on Insurance.

**HB 2060**, AN ACT concerning employment; relating to municipal regulation of wage, benefit and leave policies with respect to private employers; amending K.S.A. 2018 Supp. 12-16,130 and repealing the existing section, by Representative Parker.

**HB 2061**, AN ACT concerning employment; relating to municipal regulation of wage, benefit and leave policies with respect to private employers; amending K.S.A. 2018 Supp. 12-16,130 and repealing the existing section, by Representative Parker.

**HB 2062**, AN ACT concerning real property; relating to recreational trails; applicability of conditions for operating such trails; amending K.S.A. 58-3212 and 58-3213 and repealing the existing sections, by Committee on Agriculture.

**HB 2063**, AN ACT concerning property tax; relating to cities and counties; approval of budgets, assuming an abolished entity; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section, by Committee on Taxation.

**HB 2064**, AN ACT concerning the uniform act regulating traffic; relating to violations; appearance before a judge; amending K.S.A. 8-2104 and repealing the existing section, by Committee on Judiciary.

**HB 2065**, AN ACT concerning motor vehicles; relating to authorized emergency vehicles; duties and liability; amending K.S.A. 8-1506, 8-1530 and 8-1541 and repealing the existing sections, by Committee on Judiciary.

**HB 2066**, AN ACT concerning advanced practice registered nurses; board of nursing; relating to definition of practice; prescribing authority; licensure requirements; rules and regulations; amending K.S.A. 65-1130 and 65-4101 and K.S.A. 2017 Supp. 65-1113, as amended by section 2 of chapter 42 of the 2018 Session Laws of Kansas and repealing the existing sections, by Committee on Health and Human Services.

### House Concurrent Resolutions

**HCR 5001**, A PROPOSITION to amend section 1 of article 1 of the constitution of the state of Kansas, relating to term limits for the offices of secretary of state and attorney general, by Representative Corbet.

**HCR 5002**, A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, by Representatives Ryckman, Hawkins and Sawyer.

**HCR 5003**, A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas; relating to senators and representatives, by Representative Corbet.

### House Resolutions

**HR 6001**, A RESOLUTION organization of the House of Representatives, 2019 Session, by Representatives. Ryckman, Hawkins and Sawyer.

**HR 6002**, A RESOLUTION relating to assignment of seats in the House of Representatives, 2019 session, by Representatives Ryckman, Hawkins and Sawyer.

**HR 6003**, A RESOLUTION relating to the temporary rules of the House of Representatives for the 2019-2020 biennium, by Representatives Ryckman, Hawkins and Sawyer.

**HR 6004**, A RESOLUTION adopting permanent rules of the House of Representatives for the 2019-2020 biennium, by Representatives Ryckman, Hawkins and Sawyer.

### Senate Bills

**SB 1**, AN ACT concerning school district transportation funding; eliminating state highway fund transfers; requiring state general fund moneys to fund school district transportation weightings; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education and the department of transportation, by Senator Denning.

**SB 2**, AN ACT establishing the federal medical assistance percentage stabilization fund; limiting transfers from such fund, specified uses, by Senator Denning.

**SB 3**, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senator Hensley.

**SB 4**, AN ACT concerning elections; relating to determinations of certain objections with respect to nominations or candidacies; establishing the Kansas objections board; amending K.S.A. 2018 Supp. 25-308 and repealing the existing section, by Senator Hensley.

**SB 5**, AN ACT enacting the Kansas reinvestment act, by Senators Faust-Goudeau and Ware.

**SB 6**, AN ACT concerning the Kansas department for children and families; relating to performance-based contracting, by Senator Faust-Goudeau.

**SB 7**, AN ACT concerning school boards; relating to timing of elections of officers and certain other matters; amending K.S.A. 72-1073, 72-1133 and 72-1138 and repealing the existing sections, by Senator Hawk.

**SB 8**, AN ACT concerning the purchase of firearms; establishing a three-day waiting period, by Senator Faust-Goudeau.

**SB 9**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2019, for the Kansas public employees retirement system; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund, by Senators Baumgardner, Alley, Billinger, Braun, Denning, Estes, Goddard, Hilderbrand, Kersch, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Rucker, Suelentrop, Tyson and Wilborn.

**SB 10**, AN ACT concerning health and healthcare; relating to home and community-based services; eliminating the client obligation for persons receiving services, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

**SB 11**, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; practice of dental hygiene; licensure of dental therapists; amending K.S.A. 65-1421, 65-1424, 65-1431, 65-1434, 65-1436, 65-1441, 65-1447, 65-1449, 65-1456, 65-1460, 65-1462, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405 and 74-1406 and K.S.A. 2018 Supp. 75-2935 and 75-6102 and repealing the existing sections, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

**SB 12**, AN ACT concerning public assistance; relating to administration by the Kansas department for children and families; eligibility requirements and limitations; amending K.S.A. 2018 Supp. 39-702, 39-709 and 39-719b and repealing the existing sections, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

**SB 13**, AN ACT concerning taxation; relating to income tax, Kansas itemized deduction, expensing deduction, credit for certain purchases of goods and services for qualified vendors; rural opportunity zones, Cowley and Crawford counties; sales and compensating use tax, authority for countywide retailers, exemptions for sales of certain coins or bullion and purchases by midland care connection, inc.; property tax, cities and counties, approval of budgets; motor-fuel law, definitions, special fuels; amending K.S.A. 74-50,222 and K.S.A. 2018 Supp. 12-187, 12-189, 79-2925c, 79-32,120, 79-32,143a, 79-3401 and 79-3606 and repealing the existing sections, by Senators Tyson, Alley, Baumgardner, Estes, Goddard, Hilderbrand, Lynn, Masterson, Olson, Petersen, Suelentrop and Wilborn.

**SB 14**, AN ACT concerning evidence based juvenile programs; making and concerning appropriations for the fiscal year ending June 30, 2019, for various agencies, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 15**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of ser-

(continued)

vice-connected; amending K.S.A. 74-4952 and repealing the existing section, by Committee on Joint Committee on Pensions, Investments, and Benefits.

**SB 16**, AN ACT concerning education; relating to the Kansas school equity and enhancement act; authorizing expenditures from the at-risk education fund; amending K.S.A. 72-5153 and 72-5193 and repealing the existing sections, by Committee on Education.

**SB 17**, AN ACT concerning motor vehicles; relating to driver's licenses, motorcycles, requiring class M license for temporary permits; amending K.S.A. 2018 Supp. 8-235 and repealing the existing section, by Committee on Transportation.

**SB 18**, AN ACT concerning criminal procedure; relating to diversion agreements; attorney general; amending K.S.A. 22-2906 and K.S.A. 2018 Supp. 22-2909 and repealing the existing sections, by Committee on Judiciary.

**SB 19**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; presentence investigation report; amending K.S.A. 2018 Supp. 21-6813 and repealing the existing section, by Committee on Judiciary.

**SB 20**, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

**SB 21**, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; amending K.S.A. 65-5117 and 72-2165 and K.S.A. 2018 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906, 23-3222, 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970, 39-2009 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-5401, 21-6617 and 21-6619, by Committee on Ways and Means.

**SB 22**, AN ACT concerning taxation; relating to income tax; addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums; Kansas itemized deduction, election; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 23**, AN ACT concerning gaming, creating the Kansas sports wagering act; amending K.S.A. 74-8702, 74-8710, 74-8711, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760, 74-8763, 74-8765 and 74-8769 and K.S.A. 2018 Supp. 19-101a, 21-6403 and 21-6507 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 24**, AN ACT concerning utilities; relating to electric utilities; recovery of transmission-related costs; amending K.S.A. 66-1237 and repealing the existing section, by Committee on Utilities.

**SB 25**, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Joint Committee on Special Claims Against the State.

**SB 26**, AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations, by Committee on Commerce.

**SB 27**, AN ACT concerning employment security law; relating to lessor employment units and lessee clients; restrictions on leasing certain employees; amending K.S.A. 44-758 and repealing the existing section, by Committee on Commerce.

**SB 28**, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 29**, AN ACT concerning insurance; relating to health insurance; amending certain requirements of fully-insured association health plans; amending K.S.A. 2018 Supp. 40-2209 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 30**, AN ACT concerning insurance; relating to health insurance; updating certain definitions pertaining to small employer health plans; amending K.S.A. 40-2209b and K.S.A. 2018 Supp. 40-2209d and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 31**, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from requirements pertaining to small employer health plans; amending K.S.A. 40-2209p and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 32**, AN ACT exempting certain non-insurance healthcare benefits coverage from the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 33**, AN ACT concerning insurance; relating to health insurance; pertaining to small employer carriers; establishment of certain classes of business; amending K.S.A. 40-2209g and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 34**, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from regulation under statutes governing small employer health plans; amending K.S.A. 40-2209e and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 35**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2018 Supp. 40-2,193 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 36**, AN ACT concerning insurance; relating to health insurance; making certain association health plans subject to the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 37**, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; duly ordained minister of religion; employee of or volunteer for a religious organization; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, by Senator Holland.

**SB 38**, AN ACT concerning the employment security law; relating to benefits for privately contracted school bus drivers; amending K.S.A. 2018 Supp. 44-706 and repealing the existing section, by Committee on Federal and State Affairs.

### Senate Concurrent Resolutions

**SCR 1601**, A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the state highway fund in the state treasury, by Senator Hilderbrand.

**SCR 1602**, A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications, by Senators Wagle, Denning and Hensley.

**SCR 1603**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2019-2020 biennium, by Senators Longbine, Wagle, Denning and Hensley.

### Senate Resolutions

**SR 1701**, A RESOLUTION relating to the organization of the Senate, by Senators Wagle, Denning and Hensley.

**SR 1702**, A RESOLUTION relating to assignment of seats of the Senate, by Senators Wagle, Denning and Hensley.

Doc. No. 046905

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2018 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-3	Amended	V. 37, p. 592
4-28-5	Amended	V. 37, p. 592
4-28-6	Amended	V. 37, p. 593
4-34-1	New	V. 38, p. 57
4-34-2	New	V. 38, p. 58
4-34-3	New	V. 38, p. 58
4-34-4	New	V. 38, p. 59
4-34-5	New	V. 38, p. 59
4-34-6	New	V. 38, p. 61
4-34-7	New	V. 38, p. 62
4-34-8	New	V. 38, p. 62
4-34-9	New	V. 38, p. 63
4-34-10	New	V. 38, p. 64
4-34-11	New	V. 38, p. 64
4-34-12	New	V. 38, p. 64
4-34-13	New	V. 38, p. 65
4-34-14	New	V. 38, p. 65
4-34-15	New	V. 38, p. 66
4-34-16	New	V. 38, p. 66
4-34-17	New	V. 38, p. 67
4-34-18	New	V. 38, p. 67
4-34-19	New	V. 38, p. 68
4-34-20	New	V. 38, p. 68
4-34-21	New	V. 38, p. 70

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

Reg. No.	Action	Register
9-18-6	Amended	V. 38, p. 55
9-18-9	Amended	V. 38, p. 56
9-18-28	Amended	V. 38, p. 56

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

Reg. No.	Action	Register
11-13-1	New	V. 37, p. 466
11-13-2	New	V. 37, p. 467
11-13-3	New	V. 37, p. 467
11-13-4	New	V. 37, p. 467
11-13-5	New	V. 37, p. 467
11-13-6	New	V. 37, p. 467

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

Reg. No.	Action	Register
14-13-1	Amended	V. 37, p. 484
14-13-2	Amended	V. 37, p. 485
14-13-10	Amended	V. 37, p. 485
14-13-13	Amended	V. 37, p. 486
14-25-1	New	V. 37, p. 487

14-25-2	New	V. 37, p. 487
14-25-3	New	V. 37, p. 487
14-25-4	New	V. 37, p. 488
14-25-5	New	V. 37, p. 488
14-25-6	New	V. 37, p. 488
14-26-1	New	V. 37, p. 490
14-26-2	New	V. 37, p. 490
14-26-3	New	V. 37, p. 490
14-26-4	New	V. 37, p. 490
14-26-5	New	V. 37, p. 490
14-26-6	New	V. 37, p. 490
14-26-7	New	V. 37, p. 491
14-26-8	New	V. 37, p. 491

**AGENCY 16: ATTORNEY GENERAL**

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

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-30-18	Revoked	V. 37, p. 1059
21-40-5	Revoked	V. 37, p. 1059
21-45-1	Revoked	V. 37, p. 1059
21-45-2	Revoked	V. 37, p. 1059
21-45-3	Revoked	V. 37, p. 1059
21-45-4	Revoked	V. 37, p. 1059
21-45-5	Revoked	V. 37, p. 1059
21-45-6	Revoked	V. 37, p. 1059
21-45-7	Revoked	V. 37, p. 1059
21-45-8	Revoked	V. 37, p. 1059
21-45-9	Revoked	V. 37, p. 1059
21-45-10	Revoked	V. 37, p. 1059
21-45-11	Revoked	V. 37, p. 1059
21-45-12	Revoked	V. 37, p. 1059
21-45-13	Revoked	V. 37, p. 1059
21-45-14	Revoked	V. 37, p. 1059
21-45-15	Revoked	V. 37, p. 1059
21-45-16	Revoked	V. 37, p. 1059
21-45-17	Revoked	V. 37, p. 1059
21-45-18	Revoked	V. 37, p. 1059
21-45-21	Revoked	V. 37, p. 1059
21-45-22	Revoked	V. 37, p. 1059
21-45-23	Revoked	V. 37, p. 1059
21-45-24	Revoked	V. 37, p. 1059
21-45-25	Revoked	V. 37, p. 1059
21-46-2	Revoked	V. 37, p. 1059
21-46-3	Revoked	V. 37, p. 1059

**AGENCY 22: STATE FIRE MARSHAL**

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22-6-12	Revoked	V. 37, p. 244
22-6-16	Revoked	V. 37, p. 244
22-6-20	Amended	V. 37, p. 244
22-6-24	Amended	V. 37, p. 245
22-6-25	Amended	V. 37, p. 245
22-8-10	Amended	V. 37, p. 246
22-19-5	Amended	V. 37, p. 246
22-24-1	Amended	V. 37, p. 247
22-24-2	Revoked	V. 37, p. 247
22-24-3	Revoked	V. 37, p. 247
22-24-4	Revoked	V. 37, p. 247
22-24-5	Revoked	V. 37, p. 247
22-24-6	Revoked	V. 37, p. 247
22-24-7	Amended	V. 37, p. 247
22-24-8	Revoked	V. 37, p. 247
22-24-9	Revoked	V. 37, p. 247
22-24-10	Revoked	V. 37, p. 247
22-24-11	Revoked	V. 37, p. 247
22-24-12	Revoked	V. 37, p. 247
22-24-13	Revoked	V. 37, p. 247
22-24-15	Amended	V. 37, p. 247
22-24-16	Revoked	V. 37, p. 247
22-24-17	Revoked	V. 37, p. 247
22-24-18	Revoked	V. 37, p. 247

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

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28-1-1	Amended	V. 37, p. 374
28-1-2	Amended	V. 37, p. 374
28-1-4	Amended	V. 37, p. 376
28-1-6	Amended	V. 37, p. 376
28-1-7	Revoked	V. 37, p. 377
28-1-12	Amended	V. 37, p. 377
28-1-13	Amended	V. 37, p. 377
28-1-18	Amended	V. 37, p. 377
28-4-95	New	V. 37, p. 1080
28-4-125	Amended	V. 37, p. 491
28-4-503	Amended	V. 37, p. 1135
28-4-584	Amended	V. 37, p. 492
28-4-705	Amended	V. 37, p. 492
28-15-18	Amended	V. 37, p. 493
28-15-19	Amended	V. 37, p. 493
28-15a-2	Amended	V. 37, p. 494
28-15a-3	Amended	V. 37, p. 494
28-15a-4	Revoked	V. 37, p. 494
28-15a-6	Amended	V. 37, p. 494
28-15a-11	Amended	V. 37, p. 494
28-15a-21	Amended	V. 37, p. 495
28-15a-23	Amended	V. 37, p. 495
28-15a-24	Amended	V. 37, p. 495
28-15a-25	Amended	V. 37, p. 495
28-15a-26	Amended	V. 37, p. 495
28-15a-27	Amended	V. 37, p. 495
28-15a-28	Amended	V. 37, p. 496
28-15a-29	Amended	V. 37, p. 496
28-15a-31	Amended	V. 37, p. 496
28-15a-32	New	V. 37, p. 496
28-15a-33	Amended	V. 37, p. 496
28-15a-41	Amended	V. 37, p. 496
28-15a-42	Amended	V. 37, p. 496
28-15a-43	Amended	V. 37, p. 496
28-15a-60	Amended	V. 37, p. 496
28-15a-61	Amended	V. 37, p. 496
28-15a-62	Amended	V. 37, p. 496
28-15a-63	Amended	V. 37, p. 496
28-15a-64	Amended	V. 37, p. 496
28-15a-65	Amended	V. 37, p. 496
28-15a-66	Amended	V. 37, p. 496
28-15a-70	Amended	V. 37, p. 496
28-15a-72	Revoked	V. 37, p. 497
28-15a-73	Revoked	V. 37, p. 497
28-15a-74	Revoked	V. 37, p. 497
28-15a-75	Revoked	V. 37, p. 497
28-15a-76	Revoked	V. 37, p. 497
28-15a-80	Amended	V. 37, p. 497
28-15a-81	Revoked	V. 37, p. 497
28-15a-82	Revoked	V. 37, p. 497
28-15a-83	Revoked	V. 37, p. 497
28-15a-84	Revoked	V. 37, p. 497
28-15a-85	Revoked	V. 37, p. 497
28-15a-86	Revoked	V. 37, p. 497
28-15a-87	Revoked	V. 37, p. 497
28-15a-88	Revoked	V. 37, p. 497
28-15a-89	Revoked	V. 37, p. 497
28-15a-90	Revoked	V. 37, p. 497
28-15a-91	Revoked	V. 37, p. 497
28-15a-100	Amended	V. 37, p. 497
28-15a-101	Amended	V. 37, p. 497
28-15a-110	Amended	V. 37, p. 497
28-15a-111	Amended	V. 37, p. 497
28-15a-130	Amended	V. 37, p. 497
28-15a-131	Revoked	V. 37, p. 497
28-15a-132	Revoked	V. 37, p. 497
28-15a-133	Revoked	V. 37, p. 497
28-15a-134	Revoked	V. 37, p. 497
28-15a-135	Revoked	V. 37, p. 497
28-15a-151	Amended	V. 37, p. 497
28-15a-152	Revoked	V. 37, p. 498
28-15a-153	Revoked	V. 37, p. 498

28-15a-154	Revoked	V. 37, p. 498
28-15a-155	Revoked	V. 37, p. 498
28-15a-170	Amended	V. 37, p. 498
28-15a-172	Revoked	V. 37, p. 498
28-15a-173	Revoked	V. 37, p. 498
28-15a-174	Revoked	V. 37, p. 498
28-15a-175	Revoked	V. 37, p. 498
28-15a-201	Amended	V. 37, p. 498
28-15a-202	Revoked	V. 37, p. 498
28-15a-203	Revoked	V. 37, p. 498
28-15a-204	Revoked	V. 37, p. 498
28-15a-205	Revoked	V. 37, p. 498
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28-15a-207	Revoked	V. 37, p. 498
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28-15a-209	Revoked	V. 37, p. 498
28-15a-210	Revoked	V. 37, p. 498
28-15a-400	New	V. 37, p. 498
28-15a-500	Amended	V. 37, p. 498
28-15a-501	Revoked	V. 37, p. 498
28-15a-502	Revoked	V. 37, p. 498
28-15a-503	Revoked	V. 37, p. 498
28-15a-530	Revoked	V. 37, p. 498
28-15a-531	Revoked	V. 37, p. 498
28-15a-532	Revoked	V. 37, p. 498
28-15a-533	Revoked	V. 37, p. 499
28-15a-534	Revoked	V. 37, p. 499
28-15a-535	Revoked	V. 37, p. 499
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28-15a-541	Revoked	V. 37, p. 499
28-15a-542	Revoked	V. 37, p. 499
28-15a-543	Revoked	V. 37, p. 499
28-15a-544	Revoked	V. 37, p. 499
28-15a-550	Revoked	V. 37, p. 499
28-15a-551	Revoked	V. 37, p. 499
28-15a-552	Revoked	V. 37, p. 499
28-15a-553	Revoked	V. 37, p. 499
28-15a-560	Revoked	V. 37, p. 499
28-15a-561	Revoked	V. 37, p. 499
28-15a-562	Revoked	V. 37, p. 499
28-15a-563	Revoked	V. 37, p. 499
28-15a-564	Revoked	V. 37, p. 499
28-15a-570	Revoked	V. 37, p. 499
28-15a-571	Revoked	V. 37, p. 499
28-15a-600	New	V. 37, p. 499
28-15a-620	New	V. 37, p. 499
28-15a-700	New	V. 37, p. 499
28-15a-851	New	V. 37, p. 499
28-16-28b	Amended	V. 37, p. 98
28-16-28d	Amended	V. 37, p. 101
28-16-28e	Amended	V. 37, p. 103
28-16-28f	Amended	V. 37, p. 105
28-16-28h	New	V. 37, p. 106
28-32-11	Amended	V. 37, p. 244
28-35-135a	Amended	V. 37, p. 325
28-35-135c	Amended	V. 37, p. 327
28-35-135i	Amended	V. 37, p. 328
28-35-135s	Amended	V. 37, p. 329
28-35-135u	Amended	V. 37, p. 330
28-35-140	Amended	V. 37, p. 331
28-35-177a	Amended	V. 37, p. 331
28-35-178i	Amended	V. 37, p. 332
28-35-179a	Amended	V. 37, p. 333
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28-35-180b	Amended	V. 37, p. 334
28-35-181h	Amended	V. 37, p. 336
28-35-181i	Amended	V. 37, p. 337
28-35-181k	Amended	V. 37, p. 337
28-35-181m	Amended	V. 37, p. 338
28-35-181o	Amended	V. 37, p. 339
28-35-181t	New	V. 37, p. 340
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28-35-192a	Amended	V. 37, p. 341
28-35-192c	Amended	V. 37, p. 342
28-35-192g	Amended	V. 37, p. 342

28-35-192h	New	V. 37, p. 343
28-35-197a	Revoked	V. 37, p. 343
28-35-197b	New	V. 37, p. 343
28-35-205b	Amended	V. 37, p. 343
28-35-217b	Amended	V. 37, p. 343
28-35-221a	Amended	V. 37, p. 344
28-35-221b	Amended	V. 37, p. 345
28-35-230d	Revoked	V. 37, p. 345
28-35-264	Amended	V. 37, p. 345
28-35-288	Amended	V. 37, p. 346
28-35-343	Amended	V. 37, p. 346
28-35-344	Amended	V. 37, p. 346
38-35-347	Amended	V. 37, p. 346
28-35-362	Amended	V. 37, p. 347
28-35-504	Amended	V. 37, p. 347
28-35-700	New	V. 37, p. 348
28-70-2	Amended	V. 37, p. 1135

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

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

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-48	Amended	V. 37, p. 291
40-3-60	New	V. 37, p. 127

**AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION**

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

**AGENCY 68: BOARD OF PHARMACY**

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

**AGENCY 74: BOARD OF ACCOUNTANCY**

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

**AGENCY 82: STATE CORPORATION COMMISSION**

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

**AGENCY 86: REAL ESTATE COMMISSION**

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

**AGENCY 88: BOARD OF REGENTS**

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

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-77-1	New (T)	V. 38, p. 8
100-77-2	New (T)	V. 38, p. 8
100-77-3	New (T)	V. 38, p. 8

**AGENCY 111: KANSAS LOTTERY**

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

Reg. No.	Action	Register
111-2-325	New	V. 37, p. 1192
111-2-326	New	V. 37, p. 1192
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217
111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-4-3516	New	V. 37, p. 439
111-4-3517	New	V. 37, p. 440



111-4-3518	New	V. 37, p. 442	111-15-21	Amended	V. 37, p. 1174	111-501-24	Amended	V. 37, p. 256
111-4-3519	New	V. 37, p. 443	111-19-11	Amended	V. 37, p. 251	111-501-25	Amended	V. 37, p. 257
111-4-3520	New	V. 37, p. 444	111-19-26	New	V. 37, p. 134	111-501-44	Amended	V. 37, p. 1174
111-4-3521	New	V. 37, p. 614	111-19-27	New	V. 37, p. 222	111-501-45	Amended	V. 37, p. 783
111-4-3522	New	V. 37, p. 615	111-19-28	New	V. 37, p. 222	111-501-101	Amended	V. 37, p. 1085
111-4-3523	New	V. 37, p. 616	111-19-29	New	V. 37, p. 620	111-501-141	Amended	V. 37, p. 1037
111-4-3524	New	V. 37, p. 617	111-19-30	New	V. 37, p. 620	111-501-142	Amended	V. 37, p. 258
111-4-3525	New	V. 37, p. 618	111-19-31	New	V. 37, p. 620	111-501-143	Amended	V. 37, p. 993
111-4-3526	New	V. 37, p. 660	111-19-32	New	V. 37, p. 621	111-501-144	New	V. 37, p. 993
111-4-3527	New	V. 37, p. 661	111-19-33	New	V. 37, p. 621	111-501-145	New	V. 37, p. 994
111-4-3528	New	V. 37, p. 662	111-19-34	New	V. 37, p. 621	111-501-146	New	V. 37, p. 994
111-4-3529	New	V. 37, p. 693	111-19-35	New	V. 37, p. 622	111-501-147	New	V. 37, p. 994
111-4-3530	New	V. 37, p. 694	111-19-36	New	V. 37, p. 622	111-501-148	New	V. 37, p. 996
111-4-3531	New	V. 37, p. 695	111-19-37	New	V. 37, p. 622	111-601-22	Amended	V. 37, p. 630
111-4-3532	New	V. 37, p. 697	111-19-38	New	V. 37, p. 623	111-601-23	Amended	V. 37, p. 630
111-4-3533	New	V. 37, p. 698	111-19-39	New	V. 37, p. 623	111-601-24	Amended	V. 37, p. 631
111-4-3534	New	V. 37, p. 776	111-19-40	New	V. 37, p. 624	111-601-25	Amended	V. 37, p. 632
111-4-3535	New	V. 37, p. 776	111-19-41	New	V. 37, p. 624	111-601-36	Amended	V. 37, p. 1086
111-4-3536	New	V. 37, p. 777	111-19-42	New	V. 37, p. 625	111-601-37	Amended	V. 37, p. 1088
111-4-3537	New	V. 37, p. 980	111-19-43	New	V. 37, p. 252	111-601-46	New	V. 37, p. 632
111-4-3538	New	V. 37, p. 982	111-19-44	New	V. 37, p. 665	111-601-47	New	V. 37, p. 632
111-4-3539	New	V. 37, p. 983	111-19-45	New	V. 37, p. 778	111-601-48	Amended	V. 37, p. 1038
111-4-3540	New	V. 37, p. 984	111-19-46	New	V. 37, p. 990	111-601-49	New	V. 37, p. 633
111-4-3541	New	V. 37, p. 985	111-19-47	New	v. 37, p. 1084	111-601-50	New	V. 37, p. 633
111-4-3542	New	V. 37, p. 1166	111-301-39	Amended	V. 37, p. 223			
111-4-3543	New	V. 37, p. 1167	111-301-63	New	V. 37, p. 135			
111-4-3544	New	V. 37, p. 1168	111-301-64	New	V. 37, p. 135			
111-4-3545	New	V. 37, p. 1169	111-301-65	New	V. 37, p. 135			
111-4-3546	New	V. 37, p. 1083	111-301-66	New	V. 37, p. 136			
111-4-3547	New	V. 37, p. 1171	111-301-67	New	V. 37, p. 626			
111-5-80	Amended	V. 37, p. 218	111-301-68	Amended	V. 37, p. 990			
111-5-81	Amended	V. 37, p. 219	111-301-69	New	V. 37, p. 626			
111-5-82	Amended	V. 37, p. 220	111-301-70	Amended	V. 37, p. 991			
111-5-83	Amended	V. 37, p. 221	111-301-71	Amended	V. 37, p. 991			
111-5-84	Amended	V. 37, p. 221	111-302-4	Amended	V. 37, p. 223			
111-5-85	Amended	V. 37, p. 221	111-302-5	Amended	V. 37, p. 223			
111-5-243	New	V. 37, p. 620	111-401-6	Amended	V. 37, p. 253			
111-7-81	Amended	V. 37, p. 986	111-401-11	Amended	V. 37, p. 254			
111-7-267	New	V. 37, p. 133	111-401-63	Amended	V. 37, p. 445			
111-7-268	New	V. 37, p. 987	111-401-109	Amended	V. 37, p. 628			
111-7-269	New	V. 37, p. 987	111-401-117	Amended	V. 37, p. 254			
111-4-270	New	V. 37, p. 987	111-401-208	Amended	V. 37, p. 1037			
111-7-271	New	V. 37, p. 988	111-401-240	New	V. 37, p. 667			
111-7-272	New	V. 37, p. 988	111-401-241	New	V. 37, p. 667			
111-7-273	New	V. 37, p. 988	111-401-242	New	V. 37, p. 667			
111-7-274	New	V. 37, p. 989	111-401-243	New	V. 37, p. 667			
111-7-275	New	V. 37, p. 989	111-401-244	New	V. 37, p. 668			
111-9-218	New	V. 37, p. 251	111-401-245	New	V. 37, p. 668			
111-9-219	New	V. 37, p. 989	111-401-246	New	V. 37, p. 669			
111-9-220	New	V. 37, p. 1193	111-401-247	New	V. 37, p. 779			
111-15-1	Amended	V. 37, p. 1171	111-401-248	New	V. 37, p. 779			
111-15-2	Amended	V. 37, p. 1171	111-401-249	New	V. 37, p. 779			
111-15-3	Amended	V. 37, p. 1172	111-401-250	New	V. 37, p. 780			
111-15-5	Amended	V. 37, p. 1173	111-401-251	New	V. 37, p. 780			
111-15-6	Amended	V. 37, p. 1173	111-401-252	New	V. 37, p. 781			

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

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

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-1	Amended	V. 37, p. 1107
117-2-2	Amended	V. 37, p. 1107
117-3-2	Amended	V. 37, p. 1108
117-4-1	Amended	V. 37, p. 1109
117-4-2	Amended	V. 37, p. 1111
117-5-1	Amended	V. 37, p. 1112
117-8-3	Amended	V. 37, p. 998

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