

licitation prohibition. Further, it appears that the Board licenses or regulates entity three. K.S.A. 46-237(c) would make it a violation for entity three to "offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to" the Board or its employees.

K.S.A. 46-254, in pertinent part provides, "[t]he commission...upon the request of any individual to which this act applies shall render an opinion in writing on questions concerning the interpretation of this act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of this act." The commission's ability to interpret generally requires a factual scenario to which the act may be applied. This is evinced by the presumption of compliance afforded to a person who acts in accordance with the provisions of our opinions. Without facts, your second question would require us to add to, or limit, the statutory definition of "special interest," which, we decline to do.

In response to your remaining question, efforts of persons in conjunction with those of the Board office would not violate the act so long as persons with a special interest are not solicited by an employee of the Board (K.S.A. 46-236); a gift or economic opportunity, which does not meet any statutory exceptions set forth in K.S.A. 46-237a, is not accepted in the official capacity of Board employees; and the gift or economic opportunity is not offered by a person licensed, inspected, or regulated by the Board (K.S.A. 46-237(c)). Under the facts provided, no other violations based upon the proposed collaboration are apparent. In an analogous effort to solicit conference sponsorships, we opined (Opinion No. 2009-06) that a collaborative effort between the Kansas Corporation Commission State Energy Office and the Kansas Department of Commerce to solicit funds from persons known to have special interests in the KCC would not violate these same provisions of the Kansas Ethics Law. In our Opinion 2011-08, the interrelated provisions of K.S.A. 46-236, 46-237, and 46-237a are discussed at length, which may be of limited assistance for the Board office in navigating their various requirements.

Sincerely,

G. Daniel Harden, Chairman
By Direction of the Commission

Doc. No. 045905

State of Kansas

Real Estate Commission

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9:00 a.m. Monday, February 19, 2018 at the Kansas Real Estate Commission, 700 SW Jackson, Suite 404, Topeka, KS 66603 to consider the adoption of proposed regulations of the Kansas Real Estate Commission, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period to receive written public comments on the proposed regulations. All interested par-

ties may submit written comments prior to the hearing to the Kansas Real Estate Commission, 700 SW Jackson, Suite 404, Topeka, KS 66603 or by email to erik.wisner@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. To provide all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Erik Wisner at 785-296-3411.

Summaries of the proposed regulations and their economic impact follow. Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be viewed at <http://www.krec.ks.gov>.

K.A.R. 86-3-26 adopts by reference the commission's document titled "real estate brokerage relationships." A revision of this form was approved by the commission on October 10, 2017. The regulation also allows for a brokerage firm to produce their own version of this document if it contains the minimum disclosure requirements contained in the version adopted by the commission. The proposed regulation is necessary pursuant to K.S.A. 58-30,110.

K.A.R. 86-3-27 adopts by reference the commission's form titled "transaction broker addendum." A revision of this form was approved by the commission on October 10, 2017. The proposed regulation is necessary pursuant to K.S.A. 58-30,109.

K.A.R. 86-3-28 adopts by reference the commission's form titled "buyer's or tenant's consent to direct negotiation." A revision of this form was approved by the commission on April 18, 2017. The proposed regulation is necessary pursuant to K.S.A. 58-30,103.

The Commission sees no economic impact in adopting these regulations.

Erik Wisner
Executive Director

Doc. No. 045891

State of Kansas

Department of Health and Environment

Notice of Public Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Kansas Health and Environmental Laboratory, Quality, Preparedness and Certification Section, Breath Alcohol Laboratory Program, will conduct a public hearing at 10:00 a.m. Thursday, February 22, 2018, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulation K.A.R. 28-32-11 regarding evidential breath alcohol test device (EBAT device) certification. This regulation is being proposed as a

(continued)

temporary regulation and as a permanent regulation.

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

Summary of Regulation:

K.A.R. 28-32-11. EBAT device certification. KDHE proposes to amend this regulation to eliminate ambiguity created by the existing requirement that EBAT devices be included on a 2006 National Highway Traffic Safety Administration (NHTSA) list. NHTSA publishes its list infrequently, which creates difficulties ensuring that up-to-date equipment is available to law enforcement agencies and officers. The amended regulation will remove that discrepancy.

Economic Impact:

Cost to individuals: There is no increase in costs to private citizens or other private entities.

Cost to the agency: There is no additional cost to the agency. Any costs will be absorbed in the current budget.

Cost to other governmental agencies or units: There is no known additional cost to other

governmental agencies or units to implement this proposed amended regulation.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Christine Houston, KDHE, 6810 SE Dwight St., Topeka, KS 66620, by email to Christine.Houston@ks.gov, or by fax to 785-296-8068. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained from the KDHE Breath Alcohol Laboratory Program website at <http://www.kdheks.gov/lipo/alcohol.html> or by contacting Christine Houston at the address above, 785-230-1727 or fax 785-296-8068.

Questions pertaining to the proposed regulation should be directed to Christine Houston at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Christine Houston.

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

Doc. No. 045889

State of Kansas

Board of Veterinary Examiners

Permanent Administrative Regulations

Article 1.—DEFINITIONS

70-1-7. “Companion animal”; definition. The term “companion animal” shall have the meaning specified in K.S.A. 47-816, and amendments thereto. (Authorized by K.S.A. 2016 Supp. 47-821; implementing K.S.A. 2016 Supp. 47-816; effective Dec. 22, 2017.)

Article 3.—EXAMINATIONS

70-3-1. General requirements. Each examination shall be given in the English language. The preparation, administration, and grading of all examinations shall be performed according to the protocol of the international council for veterinary assessment selected by the board for the examinations. (Authorized by and implementing K.S.A. 2016 Supp. 47-825; effective Jan. 1, 1974; amended March 13, 1995; amended Dec. 22, 2017.)

70-3-2. Standard to pass. Each successful examinee shall achieve the following:

(a) A scaled score of at least 70 on each of the national tests; and

(b) a score of at least 90 percent on the state jurisprudence examination. (Authorized by and implementing K.S.A. 2016 Supp. 47-825; effective Jan. 1, 1974; amended March 13, 1995; amended Dec. 22, 2017.)

70-3-5. Failing any examination. A candidate for licensure shall not be admitted to take any examination more than five times. No applicant may retake any examination more than five years after that individual’s initial attempt, except that the fourth and fifth attempts shall be at least one year after the previous attempt. (Authorized by and implementing K.S.A. 2016 Supp. 47-825; effective Jan. 1, 1974; amended Dec. 22, 2017.)

**Article 6.—MINIMUM STANDARDS FOR
VETERINARY PREMISES SANITARY
CONDITIONS AND PHYSICAL PLANT**

70-6-1. Veterinary premises and mobile veterinary clinic; minimum requirements. Each veterinary premises, including mobile veterinary clinics (MVCs) except as specified in this regulation, shall meet all of the following minimum requirements:

(a) General. All areas of the veterinary premises, and all instruments, apparatus, and apparel used in connection with the practice of veterinary medicine, shall be maintained in a clean and sanitary condition at all times. Cleaning agents capable of killing viruses and bacteria shall be used to disinfect the veterinary premises. All public areas of the veterinary premises shall be maintained in a safe condition for each client and patient.

(b) Exterior and grounds.

(1) The exterior structure shall exhibit evidence of regular maintenance. All windows shall be kept clean. If windows are open for ventilation, screens shall be required. All signs shall be kept in good repair.