

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 4, No. 5

January 31, 1985

Pages 89-112

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State of Kansas

SECRETARY OF STATE

NOTICE OF HEARING ON ADOPTION OF AN ADMINISTRATIVE REGULATIONS

The Secretary of State will hold a public hearing on the adoption of a temporary administrative regulation, K.A.R. 7-21-3, at 9 a.m., February 15, 1985, in Room 234-N of the State Capitol, Topeka, KS.

The amendment proposed for adoption sets forth procedures for casting write-in votes on a voting machine.

Copies of the proposed amendment and fiscal impact statement can be obtained from the Secretary of State, State Capitol, Topeka, KS 66612. The Secretary of State will accept oral and written testimony prior to or at the time of the public hearing for consideration in making changes to the proposed regulation prior to adoption.

JACK H. BRIER
Secretary of State

Doc. No. 002850

State of Kansas

SECRETARY OF STATE

NOTICE

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officials are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office and are available free of charge.

EXECUTIVE APPOINTMENTS

(Appointments filed January 1
through January 11, 1985)

[Eff.: effective date; Repl.: replaces; Reapp.: Reappointment; Exp.: Appointment expires.]

Appointed by the Governor

Arts Advisory Council

N. Ruth Adams, 208 S. Maple, McPherson 67460. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. Tish Rogers.

Cary H. Danielson, 1105 Gretchen, Wichita 67206. Eff. 1-11-85. Serves at the pleasure of the Governor.

Melissa A. Holmes, 1455 N. Ash, Wichita 6724. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. Jolana Montgomery.

Ann Jeter, 310 W. 23rd, Hays 67601. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. Leah Ann Anderson.

Ardena Matlack, 615 Elaine Ave., Clearwater 67026. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. John Lindner.

Sylvia L. Orosco, 210 S. 4th, Garden City 67846. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. Andrew Valdivia.

Michael E. Ott, 1520 Crescent Road, Lawrence 66044. Eff. 1-11-85. Serves at the pleasure of the Governor. Repl. Jo Ann C. McDowell.

Corporation Commission, State

Margalee P. Wright, 1807 Lisa Lane, Wichita 67203. Eff. 1-18-85. Subject to Senate confirmation. Exp. 3-20-86. Repl. Richard C. Loux, resigned.

Governor, Office of the

Lisa A. Mendoza, 5217 S.W. 20th Terr., #301, Topeka 66604. Pardon and extradition attorney. Eff. 10-29-84. Serves at the pleasure of the Governor. Repl. Bill Joy, Jr., resigned.

Regents, State Board of

Frank J. Becker, 530 Prairie Road, El Dorado 67042. Eff. 1-2-85. Subject to Senate confirmation. Exp. 12-31-87. Repl. James W. Pickert, resigned.

Norman W. Brandeberry, 956 E. 1st, Russell 67665.

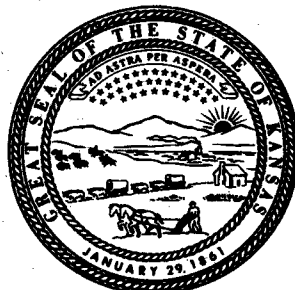
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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, KS 66612



PHONE: 913/296-3489

Eff. 1-2-85. Subject to Senate confirmation. Exp. 12-31-88. Reapp.

Richard R. Reinhardt, Route 1, Box 118, Erie 66733. Eff. 1-2-85. Subject to Senate confirmation. Exp. 12-31-88. Repl. George Wingert.

Dr. William R. Roy, 1561 S.W. Lakeside Dr., Topeka 66604. Eff. 1-2-85. Subject to Senate confirmation. Exp. 12-31-86. Repl. Archie R. Dykes, resigned.

Appointed by the House Minority Leader

Building Construction, Joint Committee on State

Rep. Darrel Webb, 2608 S. Fern, Wichita 67217. Eff. 1-9-85. Exp. 1-12-87. Reapp.

Legislative Post Audit Committee

Rep. Ruth Luzzati, 5203 Plaza Lane, Wichita 67208. Eff. 1-9-85. Reapp.

Rep. Bill Wisdom, 1915 S. 29th St. Ct., Kansas City 66106. Eff. 1-9-85. Reapp.

JACK H. BRIER
Secretary of State

Doc. No. 002882

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
ADVISORY COMMISSION
ON JUVENILE OFFENDER PROGRAMS**

NOTICE OF MEETING

The Advisory Commission on Juvenile Offender Programs will meet at 1:30 p.m., Friday, February 8, 1985, in the State Capitol Building, Room 527-S, Topeka, KS.

ROBERT C. BARNUM
Commissioner of Youth Services

Doc. No. 002847

State of Kansas

ATTORNEY GENERAL

Opinion No. 85-8

Cities of the Third Class—Powers and Duties of Mayor—General Powers and Duties of Mayor; Incompatibility of Offices. Judy A. Reid, Brewster City Clerk, Brewster, January 18, 1985.

The common law doctrine of incompatibility of offices does not preclude one person from simultaneously holding the offices of deputy sheriff and mayor of a third class city having the mayor-council form of government. Cited herein: K.S.A. 15-301, 15-308, K.S.A. 1984 Supp. 19-805, K.S.A. 19-812, 19-813. TRH

Opinion No. 85-9

Automobiles and Other Vehicles—Drivers' Licenses—Driving While License Cancelled, Suspended or Revoked; Non-resident Motorists. Colonel

Bert Cantwell, Superintendent of the Kansas Highway Patrol, Topeka, January 18, 1985.

Non-resident motorists who hold a valid driver's license in their state of residence are granted the privilege of operating a motor vehicle in this state, and do not need to obtain a Kansas driver's license. However, such a privilege may be suspended or revoked by the division of vehicles in the same manner and for the same reasons as a Kansas driver's license may be suspended or revoked. Accordingly, a non-resident whose license is suspended or revoked in his or her home state forfeits the right to operate a motor vehicle in Kansas, and is subject to the criminal penalties of K.S.A. 8-262 should he or she continue to drive in Kansas. It should be emphasized that it is the privilege to operate a vehicle which is subject to suspension or revocation, and not the license itself, which may be suspended or revoked only by the issuing state. Cited herein: K.S.A. 8-236, 8-251, 8-252, 8-258, K.S.A. 1984 Supp. 8-262, K.S.A. 8-1430, 8-1441, K.S.A. 1984 Supp. 8-1567. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 002842

State of Kansas

BOARD OF COSMETOLOGY

NOTICE OF MEETINGS

The Board of Cosmetology will be holding their 1985 board meetings in their offices at 630 Kansas Ave., Topeka, KS on the following dates:

Monday, February 18

Monday, April 22

Monday, June 24

Monday, August 19

Monday, October 21

Monday, December 9

All meetings will begin at 3:30 P.M.

BETTY R. SIPLE
Secretary

Doc. No. 002840

State of Kansas

**BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES**

REQUEST FOR ENGINEERING SERVICES

In accordance with K.S.A. 75-5801 *et seq.*, it is the policy of the Division of Water Resources, Kansas State Board of Agriculture, to negotiate contracts for engineering services on the basis of demonstrated competence and qualifications for the type of professional services required at fair and reasonable fees. Selection criteria will consist of the following:

1. Size and professional qualifications of the firm.
2. Experience and training of the firm's staff in the

(continued)

measurements of rate and quantity of water pumped or removed from wells, lakes and/or streams, and collection of data in conjunction with the use of water for irrigation, industrial, or municipal purposes with principal emphasis on irrigation use. Experience and training in hydrology and hydraulics, water flow measurements (primarily in closed conduits), and knowledge of energy consumption metering will be a consideration.

3. Workload of the firm.
4. The firm's performance record.
5. Compliance with Kansas statutes. All firms must comply with the requirements of the Professional Engineers' Registration Act, K.S.A. chapter 74.

Engineering firms engaged in lawful practice of providing engineering services and interested in providing services for collecting water use data, to determine the extent that a water right is perfected (developed), are encouraged to submit a statement of qualifications and experience to: Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612-1283.

DAVID L. POPE
Division of Water Resources

Doc. No. 002849

State of Kansas

STATE HISTORICAL SOCIETY HISTORIC SITES BOARD OF REVIEW

NOTICE OF MEETING

The Kansas Historic Sites Board of Review will meet at 9:00 a.m., Saturday, February 23, 1985, in the Conference Room of the Kansas Museum of History, 6425 S.W. 6th, Topeka.

The following properties will be evaluated for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

- Hiawatha Memorial Auditorium, 611 Utah St., Hiawatha, Brown County
- Ernie's Rock Shelter (14CT303), Peru vicinity, Chautauqua County
- Kingman County Courthouse, Kingman, Kingman County
- (Old) Goodland City Library, 120 W. 12th, Goodland, Sherman County
- Muddy Creek Bridge, 3 miles east and 1 mile north of Douglass, Butler County
- Polecat Creek Bridge, 5 miles west and 2 miles south of Douglass, Butler County
- Cottonwood River Bridge, north edge of Cottonwood Falls, Chase County
- Eight Mile Creek Bridge, 1½ miles north and 2 miles west of Rock, Cowley County
- Esch's Spur Bridge, 3 miles south and 3 miles west of Dexter, Cowley County
- Hudgeon Bridge, 10 miles south and ¾ miles west of Girard, Crawford County

- East F.A.S. 259 Bridge, 1½ miles south and ¼ mile east of Homewood, Franklin County
- Walnut Creek Bridge, 1½ miles south of Wellsville, Franklin County
- North Branch Otter Creek Bridge, 2 miles south and 8½ miles west of Climax, Greenwood County
- Verdigris River Bridge, ½ mile north of Madison, Greenwood County
- Hackberry Creek Bridge, 13 miles west and 11 miles north of Jetmore, Hodgeman County
- Belvidere Medicine Lodge River Bridge, north edge of Belvidere, Kiowa County
- Labette Creek Tributary Bridge, west edge of Parsons, Labette County
- Parsons Labette Creek Tributary Bridge, 1 mile east and 1¼ miles south of Parsons, Labette County
- Pumpkin Creek Tributary Bridge, 2 miles west of Mound Valley, Labette County
- Bullfoot Creek Bridge, 4 miles south and 1 mile east of Vesper, Lincoln County
- Spring Creek Tributary Bridge, 8 miles south and 5 miles east of Lincoln, Lincoln County
- Lander's Creek Bridge, south edge of Goodrich, Linn County
- Harris Bridge, 3 miles north and 4 miles west of Americus, Lyon County
- Middle Creek Tributary Bridge, 6 miles south and 1 mile west of Louisburg, Miami County
- Pennsylvania Avenue Rock Creek Bridge, south edge of Independence, Montgomery County
- Bear Creek Masonry Bridge, 3 miles north and 6 miles west of Redfield, Morton County
- Cut-Off Bridge, 6¼ miles south and 1¼ miles east of St. Paul, Neosho County
- Erie Bridge, east edge of Erie, Neosho County
- Maxwell's Slough Bridge, 1 mile south of St. Paul, Neosho County
- East F.A.S. Route 314 Bridge, 8 miles south of Bazine, Ness County
- Township Line Bridge, 3 miles west of Rozel, Pawnee County
- Vermillion River Tributary Bridge, 5 miles south and 1 mile east of Onaga, Pottawatomie County
- Old Maid's Fork Bridge, 2 miles west and ½ mile north of Nekoma, Rush County
- Rush-Russell County Line Bridge, 11 miles north of Otis, Rush County
- McCauley Bridge, ½ mile south of Auburn, Shawnee County
- Brush Creek Bridge, ½ mile south of Coyville, Wilson County

JOSEPH W. SNELL
Executive Director

Doc. No. 002818

State of Kansas

DEPARTMENT OF ADMINISTRATION DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be re-

ceived by the Director of Purchases, State Office Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, FEBRUARY 11, 1985

#A-5032

Emporia State University, Emporia—REPLACE COOLING TOWER, Roof Top, Central Power Plant #26402

University of Kansas Medical Center, Kansas City—PHOTOGRAPHIC NEGATIVE AND PRINT REPRODUCTION

#60513

Legislative Research Department, Topeka—PLAIN PAPER COPIER

#60516

Winfield State Hospital and Training Center, Winfield—FURNISH AND INSTALL REFRIGERANT COMPRESSOR

#60517

Kansas State University, Manhattan—IBM SYSTEMS 36 EXPANSION

#60518

Department of Transportation, Various Locations; Kansas State Park and Resource Authority, Topeka and Kansas Highway Patrol, Topeka—TWO-WAY RADIO EQUIPMENT

#60521

Wichita State University, Wichita—OFFICE AUTOMATION SYSTEMS

#60522

Kansas State University, Manhattan—TYPEWRITERS

#60555

Kansas State University, Manhattan—SALE OF USED DATA PROCESSING EQUIPMENT

TUESDAY, FEBRUARY 12, 1985

#A-5015

Youth Center at Topeka, Topeka—CONSTRUCT NEW SEWAGE SEPARATOR STATION

#A-5024

Youth Center at Beloit, Beloit—FURNISH FINISH HARDWARE

#26394

Wichita State University, Wichita—PATROL OFFICERS UNIFORMS

#60519

University of Kansas Medical Center, Kansas City—COMPUTER SYSTEM

#60523

Kansas State University, Manhattan—WORD PROCESSING SYSTEM—IBM COMPATIBLE

#60524

University of Kansas Medical Center, Kansas City—WORD PROCESSOR

#60530

University of Kansas, Lawrence—FUNGICIDES, HERBICIDES AND INSECTICIDES

#60532

Department of Transportation, Topeka—LUMINARIES, Kansas City

#60534

Department of Transportation, Topeka—BLUE PRINTING-DRAFTING AND SURVEYING SUPPLIES

#60541

Department of Administration, Central Motor Pool, Topeka and Youth Center at Atchison—VEHICLES

#60564

University of Kansas Medical Center, Kansas City—WOOD DOORS

#60565

Larned State Hospital, Larned—MISCELLANEOUS GROCERIES

#60566

Pittsburg State University, Pittsburg—REPAIR BOILER WATER STORAGE AND PRE-HEATER DEAERATOR TANKS

#60567

Kansas Fish and Game Commission, Pratt—CONTINUOUS FORMS—"BIG GAME PERMITS" AND "ARCHERY DEER PERMITS"

WEDNESDAY, FEBRUARY 13, 1985

#26405

Kansas Fish and Game Commission, Pratt—AGGREGATE, Elk City Wildlife Area

#60520

Department of Transportation, Garden City—WOOD GUARD RAIL POSTS AND BLOCKS

#60538

Department of Transportation, Topeka—NUCLEAR GAUGE

#60542

Fort Hays State University, Hays—LOUNGE FURNITURE

#60543

Kansas Fish and Game Commission, Various Locations—BOATS

#60561

Department of Social and Rehabilitation Services, Topeka—SPONGES

THURSDAY, FEBRUARY 14, 1985

#A-5203

Fort Hays State University, Hays—STUDY OF EXISTING ELECTRIC POWER DISTRIBUTION SYSTEM

#26408

Kansas Fish and Game Commission, Pratt—AB-3 AGGREGATE, HAULED AND TAILGATE SPREAD, Clinton Wildlife Area

#60547

Kansas Correctional Industries, Lansing—CHEMICALS

#60548

Kansas State School for the Visually Handicapped, Kansas City—VAN

#60554

Department of Transportation, Various Locations—LUMINAIRES AND POLE SHEAR BASES

#60556

Kansas State University, Manhattan—REMOVE AND REPLACE PIPING AND PIPE INSULATION IN HEATING-COOLING SYSTEM, Fort Hays Experiment Station, Hays

#60562

University of Kansas Medical Center, Kansas City—HINGES, WALL BUMPERS AND DOOR FRAMES

(continued)

FRIDAY, FEBRUARY 15, 1985

#26406

Statewide—PRE-RECORDED RECORDS AND TAPES

TUESDAY, FEBRUARY 19, 1985

#26404

Statewide—AUTOMOTIVE SPARK PLUGS

#60560

Department of Health and Environment,
Topeka—CONSULTANT SERVICES FOR HEALTH FACILITIES PLAN

WEDNESDAY, FEBRUARY 20, 1985

#26396

Statewide—RADIO TUBES, RECEIVING AND RECTIFICATION

#26399

Kansas State Fair, Hutchinson—ELECTRICAL SUPPLIES

THURSDAY, FEBRUARY 28, 1985

#A-4910

Kansas Fish and Game Commission, Pratt—RENOVATION SCOTT STATE PARK LAKE, Scott County

FRIDAY, MARCH 1, 1985

#26375

Statewide—AUTOMOBILE LIABILITY

TUESDAY, MARCH 5, 1985

#26398

Statewide—ROOM AIR CONDITIONERS

TUESDAY, MARCH 19, 1985

#26400

Statewide—LARGE, PHOTO AND STAGE STUDIO LAMPS

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002844

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on Quotation 6866 for Sale of Miscellaneous Junk Scrap Iron, Aluminum, Batteries and Tires, Obsolete/Surplus filters and Spark Plugs, Electric Generator Plant, Tractor Mowers, Lawn Mowers, Rotor Tillers, Snow Plows, Bituminous Mixers, New Tires and Miscellaneous Equipment, located in the following Kansas Department of Transportation Districts: Salina, KS, Norton, KS, Chanute, KS, Hutchinson, KS and Garden City, KS, will be received until 10 a.m., Thursday, February 14, 1985.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Bldg., Topeka, KS, R. L. Anderson, District Engineer, Salina, KS, E. L. Olson, District Engineer, Norton, KS, D. E. Kimbell, District Engineer, Chanute, KS, M. S. Fry, District Engineer, Hutchinson, KS and E. D. Crockett, District Engineer, Garden City, KS.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002845

(Published in the KANSAS REGISTER, January 31, 1985.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified engineering firm for the supervision and inspection, in accordance with KDOT procedures, for the following projects.

Montgomery County

169-63 K-1797-01/F-BRF 083-1(44), reconstruction of US-169 from the state line to the south city limits of Coffeyville, including the replacement of two bridges.

Pawnee County

56-73 K-2595-01/F-BRF 020-3(12), replacement of the Arkansas River drainage bridge 1.76 miles southwest of US-156.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by March 1, 1985.

It is the policy of the KDOT to use the following criteria as the basis for selection of engineering consultant firms.

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002843

(Published in the KANSAS REGISTER, January 31, 1985.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., February 21, 1985 and then publicly opened:

DISTRICT ONE—Northeast

Doniphan—22 C-1487-01—2.5 miles west of Highland at US-36, north, 4.0 miles, surfacing. (Federal Funds)

Doniphan—22 C-1488-01—2.0 miles north of Highland, east and north, 2.0 miles, surfacing. (Federal Funds)

Lyon—50-56 K-2642-01—US-50 and Americus Road west of Emporia, 0.0 mile, intersection improvement. (Federal Funds)

Riley—81 K-1428-02—Tuttle Creek State Park, 3.5 miles, overlay. (State Funds)

Wabaunsee—70-99 M-1359-01—I-70, Safety Rest Area 5506 and 5507 near Paxico, 0.0 mile, safety rest area. (State Funds)

DISTRICT TWO—Northcentral

Cloud—9-15 K-1994-01—K-9, east city limits of Concordia to west city limits of Clyde, 12.3 miles, overlay. (State Funds)

Cloud—9-15 K-2003-01—K-9, junction K-28 to west city limits of Concordia, 1.7 miles, overlay. (State Funds)

Dickinson—77-21 K-2014-01—US-77, bridge 36 over Missouri Pacific Railroad, 0.3 mile north of the junction of US-56A, 0.0 mile, bridge paint. (State Funds)

Ellsworth—14-27 K-2145-01—K-14, north city limits of Ellsworth north to west junction I-70, 7.7 miles, conventional seal. (State Funds)

Ellsworth—27 K-2494-01—Kanopolis State Park, 0.2 mile, overlay. (State Funds)

Ellsworth—14-27 K-2520-01—K-14, Rice-Ellsworth County line north to south city limits of Ellsworth, 15.0 miles, conventional seal. (State Funds)

Ellsworth—111-27 K-2167-01—K-111, north city limits of Kanopolis, north to junction K-156, 5.3 miles, conventional seal. (State Funds)

Ellsworth—156-27 K-2491-01—US-156, junction K-140, northeast to I-70, 10.7 miles, recycle. (State Funds)

Jewell—28-45 K-2130-01—K-28, east city limits of Jewell, east to Jewell-Cloud County line, 13.5 miles, conventional seal. (State Funds)

Morris—64 C-1868-01—Dunlap, northwest, 3.5 miles, surfacing. (Federal Funds)

Morris—64 C-1870-01—Burdick, west, 3.0 miles, surfacing. (Federal Funds)

Washington—15W-101 K-1759-01—K-15W, junction K-9 to junction US-36, 7.0 miles, overlay. (State Funds)

DISTRICT THREE—Northwest

Norton—36-69 K-2416-01—US-36, 0.32 mile east of west city limits of Norton, east, 4.4 miles, overlay. (State Funds)

Norton—36-69 K-2532-01—US-36, Norton-Phillips County line west, 10.2 miles, overlay. (State Funds)

Norton—60-69 K-2201-01—K-60, junction US-36 to junction US-383, 4.3 miles, overlay. (State Funds)

Norton—67-69 K-2533-01—K-67, junction US-36 north (all of K-67), 1.0 mile, overlay. (State Funds)

Osborne—181-71 K-2181-01—K-181, 8.2 miles from Osborne-Mitchell County line to south city limits in Downs, 5.7 miles, overlay. (State Funds)

Osborne—181-71 K-2429-01—K-181, junction US-24 at Downs north to Smith-Osborne county line, 4.0 miles, overlay. (State Funds)

Phillips—183-74 K-1743-01—US-183, Kansas-Nebraska state line south, 10.0 miles, overlay. (State Funds)

Rooks—183-82 K-1575-01—US-183, 1.2 miles south of K-18 north to US-24, 15.3 miles, overlay. (Federal Funds)

Smith—36-92 K-2193-01—US-36, east junction US-281 to Smith-Jewell County line, 3.0 miles, overlay. (State Funds)

Smith—36-92 K-2194-01—US-36, west junction US-

281 to east junction US-281, 12.0 miles, overlay. (State Funds)

Smith—181-92 K-2203-01—K-181, Smith-Osborne County line, north to junction US-36, 15.2 miles, overlay. (State Funds)

Smith—204-92 K-2196-01—K-204, junction US-36 east to west city limits of Smith Center, 1.6 miles, overlay. (State Funds)

Thomas—83-97 K-0897-01—US-83, 3 miles north of Logan-Thomas County line north, 6.9 miles, grading and bridge surfacing. (Federal Funds)

DISTRICT IV—Southeast

Crawford—69-19 X-0999-02—US-69, Missouri Pacific Railroad crossing US-69 near Pittsburg, 0.0 mile, railroad crossing surfacing. (Federal Funds)

Montgomery—63 C-1089-01—1.6 miles south of Independence, south (2 locations), 2.3 miles, surfacing. (Federal Funds)

DISTRICT V—Southcentral

Comanche—183-17 K-2248-01—US-183, Comanche-Kiowa County line, south, 0.6 mile, recycle. (State Funds)

Cowley—160-18 K-1765-01—US-160, Sumner-Cowley County line, east to beginning concrete pavement in Winfield, 8.0 miles, overlay and widen. (Federal Funds)

Edwards—19-24 K-1623-01—K-19, junction US-50, north to Edwards-Pawnee County line, 3.7 miles, overlay. (State Funds)

Edwards—50-54 K-2265-01—US-50, junction K-19 to Edwards-Stafford County line, 4.2 miles, overlay. (Federal Funds)

Kiowa—183-49 K-2256-01—US-183, Comanche-Kiowa County line, north, 7.3 miles, recycle. (State Funds)

Pawnee—19-73 K-1624-01—K-19, Edwards-Pawnee County line, north to junction K-19 Spur, 11.5 miles, overlay. (State Funds)

Pawnee—183-73 K-2250-01—US-183, junction K-156 to Pawnee-Rush County line, 11.2 miles, overlay. (State Funds)

Pawnee—183-73 K-2263-01—US-183, north junction US-56, north to junction US-156, 12.3 miles, recycle. (State Funds)

Pratt—61-76 K-0677-01—K-61, 1.3 miles north of junction US-54, northeast to Preston, 10.6 miles, grading and bridge. (Federal Funds)

Rice—4-80 K-2247-01—K-4, west city limits of Geneseo to Rice-Ellsworth County line, 7.7 miles, overlay. (State Funds)

Sedgwick—87 C-1719-01—3.7 miles south of Colwich, west, 4.9 miles, surfacing. (Federal Funds)

Sedgwick—87 C-2038-01—0.7 mile north and 2.2 miles east of Derby, east, 2.8 miles, surfacing. (Federal Funds)

Sedgwick—87 U-0885-01—13th and Oliver in Wichita, 0.0 mile, intersection. (Federal Funds)

Stafford—50-93 K-1732-01—US-50, junction US-281 east to Stafford-Reno County line, 15.0 miles, recycle. (State Funds)

Stafford—50-93 K-2264-01—US-50, Edwards-Stafford County line east, 8.0 miles, overlay. (State Funds)

(continued)

Sumner—160-96 K-1766-01—US-160, east end Arkansas River bridge to Sumner-Cowley County line, 0.5 mile, overlay and widen. (Federal Funds)

DISTRICT VI—Southwest

Finney—50-28 K-1712-01—US-50, 0.4 mile east of US-83 Spur to Finney-Gray County line, 12.4 miles, recycle. (Federal Funds)

Gray—50-35 K-1764-01—US-50, Finney-Gray County line east to west city limits of Cimarron, 18.1 miles, recycle. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002839

State of Kansas

LEGISLATURE

The following lists the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

Bills Introduced January 17-25:

SB 42, by Committee on Financial Institutions and Insurance: An act concerning banks and banking; relating to the control of banks.

SB 43, by Committee on Energy and Natural Resources: An act relating to fish and game; authorizing the issuance of institutional group fishing licenses for facilities licensed by or under the jurisdiction of the secretary of social and rehabilitation services; amending K.S.A. 1984 Supp. 32-104 and repealing the existing section.

SB 44, by Committee on Judiciary: An act concerning theft; providing certain civil remedies therefor.

SB 45, by Committee on Judiciary: An act concerning judges of the district court; relating to elections on the method of selection; amending K.S.A. 1984 Supp. 20-2901 and repealing the existing section.

SB 46, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; amending K.S.A. 21-3610a, 41-103, 41-208, 41-209, 41-211, 41-305, 41-306, 41-308, 41-401, 41-402, 41-410, 41-701, 41-706, 41-708, 41-709, 41-713, 41-2701, 41-2707, 41-2708, 41-2713, 41-2716, 79-3606, 79-3817, 79-4101, 79-4102, 79-4103, 79-4104 and 79-41a01 and K.S.A. 1984 Supp. 8-260, 8-1327, 41-102, 41-304, 41-310, 41-311, 41-317, 41-501, 41-602, 41-901, 41-2704, 41-2705, 41-2714 and 41-2721 and repealing the existing sections; also repealing K.S.A. 41-307 and K.S.A. 1984 Supp. 41-409.

SB 47, by Senator Norvell: An act concerning the state historical society; rescinding authority for admittance fees to state historic sites and property; abolishing the historic properties fee fund; amending K.S.A. 75-2701 and repealing the existing section.

SB 48, by Senators Burke, Allen, Arasmith, Gordon, Harder, Hoferer, F. Kerr, Langworthy, Montgomery, Salisbury, Talkington, Thiessen, Vidricksen, Walker, Werts and Winter: An act concerning municipalities; authorizing governing bodies thereof to issue bonds for payment of the costs of removal or encapsulation of asbestos in public buildings; conditions.

SB 49, by Committee on Judiciary: An act concerning regulation of public utilities and common carriers; state corporation commission powers and duties; amending K.S.A. 66-107, 66-108, 66-110, 66-111, 66-113, 66-141 and 66-156 and K.S.A. 1984 Supp. 66-101 and repealing the existing sections.

SB 50, by Senators Winter, Arasmith, Burke, Ehrlich, Harder, Hoferer, D. Kerr, Langworthy, Montgomery, Morris, Talkington, Thiessen, Vidricksen, Walker and Yost: An act relating to income taxation; provide a tax credit for contributions to utility cost relief programs; amending K.S.A. 79-32,120 and repealing the existing section.

SB 51, by Senators Ehrlich, Allen, Arasmith, Burke, Gordon, Harder, Hoferer, D. Kerr,

F. Kerr, Langworthy, Montgomery, Morris, Salisbury, Talkington, Thiessen, Vidricksen, Walker, Werts and Winter: An act concerning support of certain persons; relating to orders for child support or maintenance; providing for enforcement thereof; amending K.S.A. 23-452, 23-473, 23-475, 38-1104, 39-718a, 39-755, 60-1610, 60-1613, 60-2310 and 75-6202 and K.S.A. 1984 Supp. 38-1512, 38-1616, 39-709, 39-754 and 44-718 and repealing the existing sections.

SB 52, by Senator Ehrlich: An act concerning the regulation of traffic; relating to the duty of the driver of a vehicle to give notice of an accident to the police; amending K.S.A. 1984 Supp. 8-1606 and repealing the existing section.

SB 53, by Committee on Education: An act concerning school districts; relating to agreements for interlocal cooperation; amending K.S.A. 72-8230 and repealing the existing section.

SB 54, by Committee on Education: An act concerning the school district equalization act; affecting the definition of "pupil" for the purposes thereof; amending K.S.A. 1984 Supp. 72-7033 and repealing the existing section.

SB 55, by Committee on Education: An act concerning community colleges; affecting the tax levy limitation for capital outlay funds thereof; amending K.S.A. 71-501 and repealing the existing section.

SB 56, by Committee on Education: An act concerning school districts; authorizing boards of education to increase budgets of operating expenses for the operation of summer remediation programs; amending K.S.A. 1984 Supp. 72-7055 and repealing the existing section.

SB 57, by Committee on Education: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the department of education from the state general fund; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 58, by Financial Institutions and Insurance: An act amending the uniform consumer credit code; concerning supervised loans; amending K.S.A. 16a-2-301 and repealing the existing section.

SB 59, by Committee on Local Government: An act relating to cities; authorizing the establishment of an internal service equipment fund.

SB 60, by Committee on Energy and Natural Resources: An act relating to fish and game; establishing an elk hunting fee; amending K.S.A. 1984 Supp. 32-164b and repealing the existing section.

SB 61, by Committee on Energy and Natural Resources: An act relating to fish and game; designating game protectors as wildlife conservation officers; amending K.S.A. 74-3302b and K.S.A. 1984 Supp. 74-3302 and repealing the existing sections.

SB 62, by Senator Norvell: An act concerning the Fort Hays military reservation; authorizing the lease of certain tracts of land on the campus of Fort Hays state university; amending K.S.A. 76-519 and repealing the existing section.

SB 63, by Committee on Judiciary: An act concerning certain governmental employees; relating to payment of attorney fees in civil rights actions; amending K.S.A. 75-6116 and repealing the existing section.

SB 64, by Committee on Judiciary: An act relating to crimes and punishments; concerning presentence investigations; amending K.S.A. 1984 Supp. 21-4604 and repealing the existing section.

SB 65, by Committee on Judiciary: An act concerning judges of the district court; relating to terms of certain judges; amending K.S.A. 25-312a and repealing the existing section.

SB 66, by Committee on Judiciary: An act concerning crimes and punishments; relating to driving under the influence of alcohol or drugs; amending K.S.A. 1984 Supp. 8-1567 and repealing the existing section.

SB 67, by Committee on Judiciary: An act concerning criminal procedure; relating to parole eligibility of certain inmates; amending K.S.A. 1984 Supp. 22-3717 and repealing the existing section.

SB 68, by Committee on Judiciary: An act concerning criminal procedure; relating to jury trials in certain cases; amending K.S.A. 1984 Supp. 22-3404 and 22-3609 and repealing the existing sections.

SB 69, by Committee on Judiciary: An act concerning adoption; relating to procedures therefor; amending K.S.A. 59-2278 and repealing the existing section.

SB 70, by Committee on Judiciary: An act concerning corrections; relating to mental treatment for discharged inmates; amending K.S.A. 75-5209 and repealing the existing section.

HB 2037, by Representative Shore: An act relating to natural gas; concerning the regulation of production from certain common sources of supply; amending K.S.A. 55-703 and repealing the existing section.

HB 2038, by Representative Heinemann: An act concerning farm tenancies; relating to termination of tenancy; amending K.S.A. 58-2506a and repealing the existing section.

HB 2039, by Representative Heinemann: An act amending the uniform commercial code; relating to priority of certain security interests; amending K.S.A. 84-9-312 and repealing the existing section.

HB 2040, by Legislative Educational Planning Committee: An act providing for the establishment, maintenance and operation of a state pool of instructional equipment; imposing certain powers, duties and functions on the state board of education.

HB 2041, by Representative Roper: An act establishing the Kansas coal commission.
HB 2042, by Representatives Buehler, Crumbaker, Friedeman, Hayden, Littlejohn, R.D. Miller, Mollenkamp, Moomaw, Roenbaugh and Schmidt: An act amending the disposition of unclaimed property act; concerning applicability to certain dividends and credits of certain public utilities; amending K.S.A. 58-3929 and repealing the existing section.

HB 2043, by Representative Walker: An act concerning probate proceedings; relating to notice of sale of personal property; amending K.S.A. 59-2243 and repealing the existing section.

HB 2044, by Committee on Communication, Computers and Technology: An act relating to crimes and punishments; concerning computer crime and computer theft; classifying certain acts as misdemeanors and felonies.

HB 2045, by Representative Sughrue (by request): An act relating to medical care facilities; concerning itemized bills.

HB 2046, by Representative Sughrue: An act concerning the solar energy system income and privilege tax credit; extending the application thereof; amending K.S.A. 79-1118, 79-32,166, 79-32,167 and 79-32,168 and repealing the existing sections.

HB 2047, by Representatives DeBaun, Friedeman, Guldner, Laird and Patrick: An act concerning alcoholic liquors; relating to the sale thereof; amending K.S.A. 41-2614 and repealing the existing section.

HB 2048, by Representative Sughrue: An act concerning the code for care of children; relating to reintegration of child into family; concerning termination of parental rights; amending K.S.A. 1984 Supp. 38-1565 and 38-1581 and repealing the existing sections.

HB 2049, by Committee on Judiciary: An act concerning state institutions for the mentally retarded; repealing K.S.A. 76-1411, 76-1510c, 76-1617 and 76-17c02.

(Published in the KANSAS REGISTER, January 31, 1985.)

**CITY OF ANDOVER
BUTLER COUNTY, KANSAS
NOTICE OF BOND SALE
(STREET)
SERIES 1985**

Sealed bids will be received by the Governing Body in the city of Andover, Kansas, at the City Civic Center, 909 North Andover Road, Andover, Kansas 67002, Tuesday, February 12, 1985, at 7:30 p.m. Standard Time, at which time bids shall be publicly opened for the purchase of Internal Improvement Bonds of the city of Andover, Kansas, in the aggregate amount of \$453,461.33. Said bonds will be dated February 1, 1985, and will be in the denomination of \$5,000.00 each, except No. 1 \$3,461.33 and will become due as follows:

Amount	Interest Rate	Maturity
\$ 3,461.33		September 1, 1986
\$40,000.00		September 1, 1986
\$45,000.00		September 1, 1987
\$45,000.00		September 1, 1988
\$45,000.00		September 1, 1989
\$45,000.00		September 1, 1990
\$45,000.00		September 1, 1991
\$45,000.00		September 1, 1992
\$45,000.00		September 1, 1993
\$45,000.00		September 1, 1994
\$50,000.00		September 1, 1995

Said bonds are payable partly from special assessments; however, the entire tangible property in said City can be levied on to pay said bonds. Said bonds are not callable.

Interest on said bonds will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1986. Both principal and interest will be payable at the office of the State Treasurer, Topeka, Kansas.

Said bonds are being issued for the purpose of Street Improvements in said City.

Delivery and Legal Opinion

Said bonds, properly printed, are to be furnished by the City without cost to the successful bidder, and said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas, phone (316) 685-7212, whose final, unqualified, approving opinion will be furnished and paid for by the City and delivered to the successful bidder as and when the bonds are delivered. The successful bidder will also be furnished with a certified transcript of proceedings evidencing the authorization and issuance of said bonds, and the usual closing proofs, including a non-litigation certificate. CUSIP Numbers will be printed on each bond.

Said bonds will be delivered to the successful bidder through any bank, on or about March 8, 1985 in Kansas City, Missouri; Topeka, Kansas; Wichita, Kansas; or Andover, Kansas, as may be specified by the bidder.

The assessed valuation of all tangible taxable property situated in the city of Andover, Butler County, Kansas, is \$10,061,105.00 for the year 1984.

(continued)

HB 2050, by Committee on Judiciary: An act concerning care and treatment of mentally ill persons; amending K.S.A. 59-212, 59-2213, 59-2901, 59-2902, 59-2906 through 59-2912, 59-2914, 59-2914a, 59-2916, 59-2916a, 59-2917, 59-2918, 59-2919, 59-2922, 59-2924, 59-2926, 59-2928, 59-2929, 59-2931, 59-2932, 59-2940, 59-3002, 59-3018, 75-5209 and 77-201 and K.S.A. 1984 Supp. 22-3428, 28-170, 38-1513 and 38-1614 and repealing the existing sections; also repealing K.S.A. 59-2904, 59-2915, 59-2917a, 59-2921, 59-2923 and 59-2942.

HB 2051, by Committee on Federal and State Affairs: An act relating to open public meetings; concerning notice; amending K.S.A. 75-4318 and repealing the existing section.

HB 2053, by Committee on Judiciary: An act concerning mentally ill persons; relating to transfers and discharges thereof; amending K.S.A. 59-2907 and 59-2924 and repealing the existing sections.

HB 2054, by Committee on Judiciary: An act amending the Kansas code for care of children; amending K.S.A. 1984 Supp. 38-1525 and 38-1584 and repealing the existing sections.

HB 2055, by Committee on Judiciary: An act amending the Kansas code for care of children; relating to confidentiality of certain records and reports; concerning certain plans to be submitted to the court; amending K.S.A. 1984 Supp. 38-1507 and 38-1565 and repealing the existing sections.

HB 2056, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to educational decisions with regard to certain children.

HB 2057, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the department of transportation and Kansas highway patrol; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2058, by Committee on Education: An act concerning the legislative educational planning committee; relating to the powers, duties and authority thereof; amending K.S.A. 46-1208a, and repealing the existing section.

HB 2059, by Committee on Judiciary: An act amending the Kansas code for care of children; relating to mental care and treatment decisions; amending K.S.A. 1984 Supp. 38-1513 and repealing the existing section.

HB 2060, by Committee on Assessment and Taxation: An act relating to taxation of income; concerning the Kansas itemized deduction of an individual; amending K.S.A. 79-32,120 and repealing the existing section.

HB 2061, by Representative Laird: An act concerning crimes and punishments; defining and classifying the crime of theft of a license plate.

HB 2062, by Committee on Ways and Means: An act concerning the Kansas army and air national guard; providing tuition grants for members thereof enrolled in institutions of postsecondary education in Kansas; providing for administration thereof.

HB 2063, by Representative Guldner: An act concerning vehicular traffic; lights on certain vehicles; amending K.S.A. 8-1720 and repealing the existing section.

HB 2064, by Representative R. D. Miller: An act relating to driver's license; concerning notice of suspension or revocation of driver's license; amending K.S.A. 1984 Supp. 8-255 and repealing the existing section.

SR 1805, by Senators Burke, Mulich and Strick: A resolution honoring Harry Darby.

HR 6008, by Representative Justice: A resolution commemorating Martin Luther King, Jr.

HR 6009, by Representatives Sand and Knopp: A resolution commending Jack Hartman, Kansas State University head basketball coach and wishing Coach Hartman a speedy recovery.

HR 6010, by Representatives Guldner, Baker, Brown, Buehler, Cloud, DeBaun, Douville, Eckert, Flottman, Fox, Freeman, Friedeman, Graeber, Harper, Hassler, Holmes, Hoy, King, Kline, Laird, Littlejohn, Long, Louis, Mayfield, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, B. Ott, K. Ott, Patrick, Polson, Pottorff, Roe, Sallee, Shore, Snowbarger, Spaniol, Sprague and Vancrum: A resolution relating to consideration of appropriation bills for fiscal year 1986; adopting certain policies and procedures therefor; providing for preparation and distribution of certain information relating thereto.

HR 6011, by Representatives Guldner, Aylward, Baker, Barr, Brown, Bryant, Buehler, C. Campbell, Cloud, Crowell, DeBaun, Douville, Eckert, Flottman, Fox, Freeman, Friedeman, Fuller, Graeber, Harper, Hassler, Holmes, Joy, Jenkins, King, Kline, Laird, Littlejohn, Long, Louis, Mayfield, D. Miller, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, B. Ott, K. Ott, Patrick, Polson, Pottorff, Roe, Roenbaugh, Rolfs, Sallee, Shore, Smith, Snowbarger, Spaniol, Sprague and Vancrum: A resolution relating to consideration of appropriation bills for fiscal year 1986; adopting certain policies and procedures therefor; providing for preparation and distribution of certain information relating thereto.

HR 6012, by Representative Buehler: A resolution congratulating and commending the Clafin High School football team and its coach, Mark Middlemist, on finishing second in the 1984 Class 2A State Football championship in Kansas.

HR 6013, by Representative Neufeld: A resolution congratulating and commending the Ingalls High School football team and its coach, John Walker, on winning the 1984 Eight-Man Division Two State Football Championship in Kansas.

HR 6014, by Representatives Justice and Love: A resolution commemorating the 111th birthday of the Reverend James E. Newman.

HR 6015, by Representatives Branson, Charlton, Freeman and Solbach: A resolution congratulating and commending the Lawrence High School football team and its coach, Bill Freeman, on winning the 1984 Class 6A State Football Championship in Kansas.

HR 6016, by Representatives Branson, Charlton and Solbach: A resolution congratulating and commending the Lawrence High School girls' golf team and its coach, Ted Juneau, on winning the 1984 State Golf Championship in Kansas.

HR 6017, by Representatives Branson, Charlton and Solbach: A resolution congratulating and commending the Lawrence High School girls' volleyball team and its coach, Joan Wells, on winning the 1984 Class 6A State Volleyball Tournament in Kansas.

HR 6018, by Representatives Branson, Charlton and Solbach: A resolution congratulating and commending the Lawrence High School boys' gymnastics team and its coach, Bob Manning, on winning the 1984 State Gymnastics Meet in Kansas.

HCR 5003, by Representatives Rosenau and Harper: A proposition to amend article 11 of the constitution of the state of Kansas by adding a new section thereto authorizing limitations upon the levy of ad valorem property taxes by taxing subdivisions of the state to be proposed by initiative of the electors of the taxing subdivision.

Doc. No. 002846

The total bonded indebtedness of the City is as follows, to-wit:

G.O. Bonds, \$2,209,461.33, including this issue.

Notes: \$731,000.00, all of which will be picked up by this bond issue and from money on hand.

Utility Revenue Bonds: \$50,000.00.

Warrants: None.

Overlapping debt: U.S.D. #385 \$3,125,000.00, of which 33.67% is applicable to Andover.

Population of Andover, Kansas 3,266
Third Class City

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. No more than five changes in rates shall be used. A repeat of a rate will not constitute a change. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the 20 bond index of tax exempt municipal bonds published by the Weekly Bond Buyer in New York, New York on the Monday next preceding the day on which the bonds are sold (February 12, 1985), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Conditions for Bidders

Bids shall be submitted on a contract form with the usual information thereon, and should be addressed to the City Clerk of Andover, Kansas, plainly marked, "Bond Bid." All bids must state the gross interest cost of the bid and the average annual interest rate and premium, if any, all certified by the bidder to be correct, and the City will be entitled to rely upon such representations. Each bid must be accompanied by a certified check, cashier's check or bank draft equal to two percent (2%) (\$9,069.33) of the amount of such bid, to the city of Andover, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned. The awards will be made on the basis of the lowest net interest cost to the City. In the event an error should occur in computing the coupon rates, the net interest cost will govern.

The right is reserved to reject any or all bids.

ZACK WILKERSON
Mayor
PATRICIA M. STUENKEL
City Clerk

Doc. No. 002841

State of Kansas

DEPARTMENT ON AGING

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
December 19, 1984. Will expire May 1, 1985.)

Article 1.—GENERAL PROVISIONS

26-1-1. Definitions. As used in Articles 1, 2, 3 and 4 of these rules and regulations: (a) "Area agency" or "area agency on aging" means the agency or organization within a planning and service area that has been designated by the secretary to develop, implement and administer a plan for the delivery of a comprehensive and coordinated system of services to older persons in the planning and service area.

(b) "Area plan" means the document developed by an area agency which describes the comprehensive and coordinated system of services to be provided to older persons in a planning and service area.

(c) "Comprehensive and coordinated system of services" means a program of interrelated supportive and nutrition services designed to meet the needs of older persons in a planning and service area.

(d) "Contract" means a procurement agreement.

(e) "Contractor" means the party or parties who, under contract with the department or an area agency, are to actually provide services to older persons in a planning and service area.

(f) "Department" means the Kansas department on aging created by K.S.A. 75-5903 and any amendments thereto.

(g) "Federal act" means the older Americans act of 1965, as amended.

(h) "Grant" means an award of financial assistance in the form of money, or property in lieu of money, by the department.

(i) "Grantee" means any legal entity to which a grant is awarded and which is accountable to the department for the use of the grant. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant.

(j) "Granting agency" means the Kansas department on aging.

(k) "Indian tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by the governing body of an Indian tribe.

(l) "Notification of grant award" means the document, issued by the department, awarding financial assistance for the provision of services to older persons and specifying the terms of the grant.

(m) "Notification of sub-grant award" means the document, issued by an area agency, awarding financial assistance to a sub-grantee for the provision of services to older persons and specifying the terms of the sub-grant.

(n) "Older person" means any person 60 years of age or older.

(o) "Planning and service area" or "PSA" means a geographic area of the state designated by the department for area plan development and area agency designation.

(p) "Redesignation" means a change in the geographic boundaries of a planning and service area or selection of an area agency that is different than the area agency previously designated for a particular planning and service area.

(q) "Secretary" means the secretary of the Kansas department on aging.

(r) "Service provider" means any legal entity that is obligated to provide services to older persons in any planning and service area.

(s) "State act" means the Kansas act on aging, K.S.A. 75-5901 through K.S.A. 75-5923.

(t) "State advisory council" means the advisory council on aging created by K.S.A. 75-5911, and any amendments thereto.

(u) "State plan" means the document submitted by the department in order to receive its allotment of funds under the older Americans act.

(v) "Sub-grant" means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to a sub-grantee.

(w) "Sub-grantee" means any legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of the grant funds.

(x) "Unit of local government" means:

(1) Any county, city, township, school district, or other similar political subdivision of the state, or any agency, bureau, office or department thereof; or

(2) Any Indian tribal organization. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-1-2. Procedure for redesignation of planning and service area boundaries. (a) Requests for redesignation of existing planning and service area boundaries shall be in writing and may be made by:

(1) Any unit of local government; or

(2) Any Indian tribal organization.

(b) At a minimum, the following factors shall be considered in decisions regarding redesignation of planning and service areas:

(1) Whether the proposed boundaries conform with requirements of the state and federal acts;

(2) The geographical distribution of persons age 60 and over;

(3) The relationship of the proposed boundaries to those of other planning and service areas;

(4) The incidence of need for services and the degree to which resources are available to meet the needs;

(5) Comments by older citizens, units of local government, and other interested parties in the planning and service area; and

(6) Comments of the state advisory council.

(c) A public hearing on the proposed planning and service area redesignation shall be held prior to taking action on the request. At least one hearing shall be held in that locality of the state where redesignation will alter or modify the existing geographic boundaries.

(d) Applications shall be processed in the following manner:

(1) Within 60 days following the receipt by the department of a request for redesignation, a public hearing shall be held in the geographic area which will be affected by the proposed redesignation.

(2) Advance notice of the hearing shall be given at

least 10 days prior to the date of the hearing by publishing the notice in a newspaper which has general circulation in the geographic area which will be affected by the proposed redesignation. The notice shall state the date, time, location, and purpose of the public hearing.

(3) Written comments shall be received before, at, and up to 10 days following the hearing.

(4) The secretary shall render a decision on each request within 60 days after the close of comment period.

(5) The applicant shall have 30 days following the receipt of the decision to appeal the secretary's decision.

(e) The party requesting a redesignation of planning and service area boundaries may withdraw or ask for a continuance of its redesignation request at any time prior to receiving the secretary's decision. The request shall be in writing. Only one request for continuance shall be allowed for each redesignation request and, if granted, the continuance shall not exceed 90 days from the date it is requested. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-1-3. Procedure for redesignation of area agency on aging. (a) Only one area agency on aging shall be designated in each planning and service area.

(b) A request for redesignation of an area agency on aging may be submitted by any of the following:

(1) Any unit of local government;

(2) Any established office on aging operating in a planning and service area;

(3) Any private or public nonprofit agency; or

(4) Any Indian tribal organization.

(c) An area agency on aging shall not be redesignated until:

(1) An on-site review has been completed to determine the capacity of the applicant to conform with the federal and state acts and rules and regulations promulgated pursuant to those acts;

(2) At least one public hearing has been conducted in the planning and service area;

(3) Evidence of support has been provided from:

(A) Units of local government;

(B) Older persons;

(C) The state advisory council;

(D) Local advisory councils; and

(E) Other interested parties; and

(4) Evidence has been supplied that the applicant possesses the legal and organizational capacity to carry out the functions specified in the federal and state acts.

(d) Applications shall be processed as follows:

(1) Within 60 days following the receipt by the department of a request for redesignation, a public hearing shall be held in the geographic area which will be affected by the proposed redesignation.

(2) Advance notice of the hearing shall be given at least 10 days prior to the date of the hearing by publishing the notice in a newspaper which has general circulation in the geographic area which will be

(continued)

affected by the proposed redesignation. The notice shall state the date, time, location, and purpose of the public hearing.

(3) Written comments shall be received before, at, and up to 10 days following the hearing.

(4) The secretary shall render a decision to the applicant within 60 days after the close of the comment period.

(5) The applicant shall have 30 days following the receipt of the decision to appeal the secretary's decision.

(e) The party requesting a redesignation of an area agency may withdraw or ask for a continuance of its redesignation request at any time prior to receiving the secretary's decision. The request shall be in writing. Only one request for continuance shall be allowed each redesignation request and, if granted, the continuance shall not exceed 90 days from the date it is requested. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-1-4. Public hearings. (a) In addition to those public hearings required by the federal act, the department shall hold at least one hearing annually to determine the needs, issues, and concerns of older persons.

(b) At least 10 days prior to the hearing, notice of the hearing shall be published in the Kansas Register, and in the largest newspaper of general circulation in the locality in which the hearing has applicability, and distributed to area agencies on aging. The notice shall include the date, time, location and purpose of the public hearing.

(c) Written comments shall be received before, at, and up to 10 days following the public hearing. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-1-5. Area plan development. (a) Each area agency shall develop and submit an area plan for approval by the department. An area agency shall not receive any funds until the area plan has been approved by the department.

(b) Each area plan shall be submitted on forms prescribed by the department and shall contain all the information requested on the form.

(c) Each area agency shall ensure that units of local government, local advisory councils, potential service providers and older persons have an opportunity for involvement in the development of the area plan.

(d) Each area agency shall use the allocation, under an approved area plan, for those services which are consistent with service definitions issued and provided by the department and the identified, priority service needs within the PSA.

(e) Each area agency, as part of the area plan, shall describe the rationale for the proposed allocation of funds for services in the planning and service area. The rationale shall describe the manner in which the proposed distribution of funds will meet identified, priority nutrition and supportive service needs. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-1-6. Operating policies and procedures. (a) Each area agency receiving funding under an area plan shall have written policies and procedures to govern the conduct of its operations and functions. These policies and procedures shall:

(1) describe the administrative and policy structure of the area agency;

(2) describe the policies and procedures that are applicable to sub-grantees and service providers, and include any policies and procedures mandated by the department.

(b) Each area agency's written policies and procedures that are applicable to sub-grantees and service providers shall be officially adopted by action of the entity's governing body. Before adoption, the area agency shall provide an opportunity for comment on the proposed operating policies and procedures by units of local government, local advisory councils, potential service providers, and older persons. Notice of the opportunity for comment shall be published in a newspaper or newspapers of general circulation in the PSA-at least 14 days before the policies and procedures are adopted by the area agency.

(c) Each area agency, prior to final adoption of its policies and procedures, shall first submit the procedures to the department for review.

(d) Each area agency shall provide copies of the written policies and procedures to each of the sub-grantees and service providers with whom it has sub-grants or contracts and to the department, without cost. Other parties may obtain a copy of the written policies and procedures upon compliance with the Kansas open records act, K.S.A. 45-205 et seq. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

Article 2.—GRANTS AND CONTRACTS BY THE DEPARTMENT

26-2-1. Notice of grant award. (a) Each notification of grant award shall prescribe the following:

(1) The total financial amount of the award, including:

(A) The amount of funds to be provided by the department; and

(B) The amount of funds to be provided by the grantee; and

(2) Conditions of the grant, including:

(A) The effective and expiration dates of the grant;

(B) A list of services to be provided by the grantee either directly or through sub-grants or contracts; and

(C) Special conditions which may be specified as a part of the grant.

(b) Each notice of grant award shall be signed by the secretary and the authorized representative of the grantee and shall be recognized as official when signed by both parties.

(c) Services funded, in whole or in part, by state funds shall comply with the same financial requirements as those services funded by federal funds, unless specifically exempted by the secretary. When an exemption is given, appropriate financial requirements shall be imposed concerning the use of these

state funds. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-2. Contracts for service. The department may enter into contracts for the provision of services to older persons in any planning and service area. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-3. Reporting requirements. Each grantee or contractor of the department shall:

(a) Submit, to the department, program and financial reports deemed necessary by the department to comply with federal and state requirements;

(b) Submit such reports by the due dates, using the forms prescribed by the secretary; and

(c) In the case of grantees, be responsible for obtaining and reporting necessary information from those sub-grantees and service providers with whom they have sub-grants or contracts. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-4. Modification of approved grants or contracts. (a) A written request for modification of a grant or contract may be submitted to the department for approval. "Modification of a grant or contract" means any change that would:

(1) Alter the program scope, planned objectives, or the manner in which services are delivered;

(2) Provide financial assistance or payments to any entity not authorized by the original grant or contract; or

(3) Alter the approved budget of the original grant or contract, except as authorized in directives issued by the secretary.

(b) The secretary may agree to a modification of an approved grant or contract, if the secretary determines that such modification is consistent with the state plan and will not adversely affect the provision of services to older persons.

(c) The secretary, within 30 days of the date of receiving a request for modification, shall provide notification of action taken on the request. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-5. Assessments of performance and compliance with department grants and contracts. (a) At least annually, the secretary or the secretary's designee shall conduct an on-site assessment of each grantee or contractor to:

(1) Determine the extent of compliance with state and federal requirements; and

(2) Assess the degree to which objectives which are part of the grant or contract have been achieved.

(b) Each grantee or contractor shall be given advance written notice of the on-site assessment including:

(1) The date scheduled for the on-site assessment; and

(2) The scope of the on-site assessment.

(c) A written report shall be provided to the grantee or contractor within 60 days of the on-site assessment.

The report shall describe the findings of the on-site assessment.

(d) Each written assessment report issued may be used as a basis for:

(1) Action to be taken by the grantee and contractor to correct exceptions noted during the assessment;

(2) Suspension or termination of the grant or contract; or

(3) The issuance of a subsequent grant or contract.

(e) Each grantee or contractor shall have 30 days from receipt of the written assessment report to respond to any exceptions noted by the department.

(f) Each assessment report shall note changes, improvements, or corrections which have been made by the grantee or contractor since the previous annual assessment. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-6. Withholding of payments; basis. (a) Payments to a grantee or contractor shall be withheld by the department if:

(1) Expenditures by the grantee or contractor fail to comply with applicable federal or state requirements; or

(2) The secretary suspends or terminates the grant or contract.

(b) Payments may be withheld by the department if a grantee or contractor fails to submit, by the established due date, any report required by the department. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-2-7. Closeout, suspension or termination of grants or subgrants. The department, and each grantee of the department which has made one or more subgrants, may closeout, suspend or terminate a grant or subgrant in accordance with the provisions of 45 C.F.R. sections 74.110 through 74.116, as in effect on July 1, 1984, which are adopted by reference, with the following exceptions:

(a) Each reference in the federal regulations to "HHS" shall be deemed to refer to the department or grantee of the department;

(b) Each reference in the federal regulations to "the Federal Government" shall be deemed to refer to the department or grantee of the department;

(c) Each reference in the federal regulations to "Federal" shall be deemed to refer to "state";

(d) Paragraph (c)(3) of 45 C.F.R. Section 74.111 is deleted; and

(e) Subsections (b) and (d) of 45 C.F.R. Section 74.112 are deleted. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

Article 3.—SUB-GRANTS AND CONTRACTS BY AREA AGENCIES

26-3-1. Contracting and granting practices. (a) An area agency shall not make a sub-grant or contract involving funds made available by the department until an area plan or other document detailing the proposed use or uses of such funds has been approved by the department for a specific time period and the

(continued)

secretary has issued a notification of grant award to the area agency.

(b) Each area agency and each sub-grantee of an area agency, when proposing to contract for services to older persons, shall select a service provider in accordance with the provisions of paragraphs 8 to 15, inclusive, of Attachment O, "Procurement Standards," of OMB Circular A-102, as in effect on June 9, 1981, which are adopted by reference, with the following exceptions:

(1) Each reference in the federal regulations to "grantee" shall be deemed to refer to area agency or sub-grantee of an area agency or both;

(2) Each reference in the federal regulations to "federal grantor agency" or "grantor agency" shall be deemed to refer to the department on aging, or an area agency on aging;

(3) Each reference in the federal regulations to "Comptroller General of the United States" and "Office of Federal Procurement Policy" shall be deemed to refer to the secretary;

(4) The second sentence of subsection (e) of paragraph 11 is deleted; and

(5) The third sentence of paragraph 12 is deleted.

(c) Any area agency may utilize the small purchase procedure described in paragraph 11(a) of Attachment O, if the procurement is for a total dollar amount of less than \$10,000. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-2. Sub-grants. (a) Each notification of sub-grant award shall prescribe the following:

(1) The total financial amount of the award, including:

(A) The amount of funds to be provided by the area agency; and

(B) The amount of funds to be provided by the sub-grantee.

(2) Conditions of the grant, including:

(A) The effective and expiration dates of the grant;

(B) A list of services to be provided by the sub-grantee; and

(C) Special conditions, if any, which may be specified as a part of the sub-grant.

(b) Each notice of sub-grant award shall be signed by the authorized representative of the area agency and the sub-grantee and shall be recognized as official when signed by both parties.

(c) Services funded, in whole or in part, by state funds shall comply with the same financial requirements as those services funded by federal funds, unless specifically exempted by the secretary. When an exemption is given, appropriate financial requirements shall be imposed concerning the use of these state funds. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-3. Contracts for services. (a) Any area agency that has received a notification of grant award may enter into a contract with a public or private non-profit organization to provide services to older persons in a PSA, without the prior, written approval of the secretary.

(b) Any area agency that has received a notification

of grant award shall not enter into a contract with a for-profit organization to provide services to older persons in a PSA until the area agency has received written approval from the secretary to enter into such a contract.

(c) (1) Any area agency proposing to enter into a contract with a for-profit organization to provide services to older persons in a PSA shall submit a written request to the secretary to enter into such a contract.

(2) The request shall be made on forms prescribed and furnished by the department, shall contain all the information requested on the forms, and shall be accompanied by the proposed contract.

(d) The secretary, within 30 days of the date of receiving any such request, shall notify the area agency of the decision to grant or deny the request. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-4. Responsibilities when sub-granting or contracting services under an area plan. When sub-granting or contracting for services under an area plan, each area agency shall: (a) Sub-grant or contract for services within 90 days after the effective date of the notification of grant award issued by the department, unless written approval for an extension of time is requested of, and granted by, the secretary.

(b) Not alter the sub-grant or contract during the final 60 days of any fiscal year, unless written approval to do so is requested of, and granted by, the secretary;

(c) Obtain prior, written approval from the department when proposing to contract for services with any for-profit organization;

(d) Submit to the department, within 20 days following the issuance of any sub-grant or contract, a copy of the sub-grant or contract; and

(e) Retain records for each sub-grant or contract in the area agency office for review and audit purposes. Such copies shall be retained for a period of three calendar years from the end of the calendar year to which the records pertain; however, if any litigation or audit is begun or if a claim is instituted involving a sub-grant or contract, the records pertaining to such sub-grant or contract shall be retained until such litigation, audit, or claim is settled. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-5. Modification of approved sub-grants or contracts. (a) A sub-grantee or contractor may submit to an area agency a written request for modification of a sub-grant or contract. "Modification of a sub-grant or contract" means any change that would:

(1) Alter the program scope, planned objectives, or the manner in which services are delivered; or

(2) Provide financial assistance or payments to any entity not authorized by the original sub-grant or contract.

(b) Any area agency may agree to a modification of a sub-grant or a contract with a non-profit public or private organization, if the area agency determines that such a modification is consistent with state and area plans and will not adversely affect the provision of services to older persons in the PSA.

(c) Any area agency, prior to agreeing to a modification of a contract with a for-profit organization, shall submit the modification to the department for its approval. Such a request shall include a statement that the area agency has determined that the proposed modification is consistent with the state and area plans and will not adversely affect the provision of services to older persons in the PSA.

(d) The secretary, within 30 days of the date of receiving a request for modification of a contract with a for-profit organization, shall notify the area agency of action taken on the request. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-6. Reporting requirements. Each sub-grantee or contractor of an area agency shall:

(a) Submit, to the area agency, program and financial reports deemed necessary by the department to comply with federal and state requirements; and

(b) Submit such reports by the due dates, using the forms prescribed by the secretary. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-3-7. Appeals from certain area agency decisions. (a) Any potential service provider who complied with the method of procurement procedures utilized by an area agency but who was not selected to provide services to older persons in a PSA, and any service provider that believes its sub-grant or contract was suspended or terminated in a manner not consistent with K.A.R. 26-2-7, may appeal the action of the area agency by filing a written request for a hearing with the department.

(b) Any request for a hearing under this rule and regulation shall state clearly the action which prompts the request for hearing and shall be filed within 30 days from the date the action prompting the request for hearing was taken.

(c) Any request for hearing shall be personally delivered, or mailed, to the area agency whose action is being appealed and to the department.

(d) Within 30 days of the date of receiving notification of the filing of a request for a hearing, an area agency shall submit to the department, and to the entity that requested the hearing, a statement of the basis upon which the action being appealed was taken by the area agency.

(e) Any request for a hearing filed under this rule and regulation shall be governed by the provisions of K.A.R. 26-4-2 through 26-4-4.

(f) The scope of review by the secretary of any area agency action shall be limited to determining whether the action of the area agency is:

- (1) within the scope of the area agency's authority;
- (2) substantially supported by the evidence presented concerning the matter; and
- (3) unreasonable, arbitrary or capricious. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

Article 4.—HEARINGS AND APPEALS

26-4-1. Opportunity for a hearing regarding certain

actions. (a) If the secretary proposes to take any of the actions specified in subsection (b) of this rule and regulation, the secretary, at least 45 days prior to taking such an action, shall give written notice of the proposed action and the basis for the proposed action to the entity or entities that will be affected by the proposed action.

(b) Notice, as prescribed in subsection (a), shall be required if the secretary proposes to:

(1) Disapprove a proposed area plan of any area agency;

(2) Deny a request for redesignation of the boundaries of any planning and service area;

(3) Withdraw the designation of any area agency;

(4) Suspend or terminate a grant, except as provided by the terms of the grant; or

(5) Withhold payments under K.A.R. 26-2-6.

(c) Any entity receiving notice of proposed action of the secretary may file a written request for a hearing concerning the proposed action, within 30 days of the date the notice of proposed action is sent by the secretary.

(d) Any request for a hearing shall state clearly the proposed action upon which a hearing is requested and shall be personally delivered, or mailed, to the department. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-4-2. Hearing panel. (a) Within 30 days from the date of receiving a request for a hearing under K.A.R. 26-3-7 or 26-4-1, the secretary shall appoint a hearing panel to consider the matter upon which a hearing has been requested. Each hearing panel shall consist of:

(1) One department staff member who did not investigate or make a recommendation concerning the subject matter of the hearing;

(2) One state advisory council member; and

(3) One area agency on aging director or chairperson of an area agency governing body. The director or chairperson shall not represent the area agency involved in the subject matter of the hearing.

(b) The secretary shall designate one member of each hearing panel to serve as the presiding officer at the hearing. Within 10 days after being designated, the presiding officer shall:

(1) Fix a date, time, and place for the hearing;

(2) Give written notice of the date, time and place of the hearing to the party who requested the hearing and to the department, area agency or sub-grantee of the area agency whose action or proposed action is the subject matter of the hearing; and

(3) Give written notice to the party who requested the hearing that such party:

(A) At any time prior to the hearing and during normal business hours, may examine and review the evidence upon which the action of the area agency or sub-grantee of the area agency, or proposed action of the secretary, is based;

(B) May appear at the hearing personally or through legal counsel or other authorized representative; and

(C) At the hearing, may present witnesses and documentary evidence and shall be afforded the opportunity to cross-examine any adverse witness or wit-

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nesses. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-4-3. Hearing. (a) The presiding officer shall conduct each hearing in accordance with the provisions of the notice of hearing and the requirements of this rule and regulation.

(b) Prior to the commencement of the hearing, the members of the hearing panel may examine the file relating to the matter.

(c) Upon commencement of the hearing, the appellant shall be permitted to make an opening statement and present any witnesses, documents, or other evidence, and in general, present his or her case. Thereafter, the representative of the agency whose decision is being appealed may make an opening statement and present any witnesses, documents or other evidence and, in general, present the case on behalf of the agency. Thereafter, any other interested person, upon receiving recognition by the presiding officer, may present any evidence or statements that are relevant to the appeal. The appellant and the representative of the agency whose decision is being appealed may, in their turn, examine any witnesses and documents placed in evidence. Members of the hearing panel, from time to time during the hearing, may question any of the parties and witnesses and examine any documents offered in evidence.

(d) The hearing shall be of an informal and non-adversary nature with no oath-taking required. For good cause shown, the hearing may be continued to a future date and time at which the hearing of the appeal shall be completed. Each party shall be allowed a period of time, which shall not exceed one hour, in which to present the case, unless the hearing panel, in the interest of justice, grants more time. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

26-4-4. Decision of the secretary. (a) The hearing panel, within 30 days after the conclusion of the hearing, shall submit its report to the secretary. This report shall contain findings of fact and a recommendation to the secretary.

(b) The secretary shall issue a decision within 20 days after receiving the hearing panel's recommendation. The decision shall be in writing, signed, and mailed or personally delivered to all interested parties. If mailed, the decision shall be sent by certified or registered mail with return receipt requested. If delivered, an acknowledgement of receipt shall be signed by the party to whom the decision is delivered.

(c) An appeal of the secretary's decision may be made:

(1) To the U.S. Commissioner on Aging, for those applicable matters related to the federal act and federal regulations; and

(2) To the courts, as provided by law. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984.)

SYLVIA HOUGLAND
Secretary of Aging

Doc. No. 002798

State of Kansas

STATE CORPORATION COMMISSION

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board December 19, 1984. Will expire May 1, 1985.)

Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

82-3-106. Cementing-in surface pipe. (a) Surface pipe or casing. The depth of required surface pipe shall be determined in the following manner:

(1) The surface pipe shall be set to a depth not less than 20 feet below the bottom of all freshwater strata. In setting surface pipe, the surface hole diameter shall be sufficiently larger than the surface pipe to permit circulation of the cement.

(2) At all drill sites where tertiary and younger deposits are present, surface pipe shall be set to a depth of not less than 20 feet below the base of these deposits.

(3) The operator shall set not less than 50 feet of surface pipe in any well unless the operator is otherwise excluded from this requirement, or the commission grants an exception after a hearing and after receiving a favorable recommendation from the advisory committee. Drilling shall not commence until the operator has received, from the conservation division, notice of the amount of surface pipe that must be set.

(4) If no additional information, including well logs, formation tests, water quality data, or water well data, is made available by the operator, table I, dated September 15, 1984, shall be used by the commission and the department in determining the required depths of the surface pipe.

(b) Protection of usable water.

(1) Alternate 1. Surface pipe shall be set and cemented according to the requirements of the commission and the department under paragraph (a)(4).

(2) Alternate 2.

(A) If the depth of usable water, as specified by the commission and the department, are greater than the amount of surface pipe set under paragraph (a)(4), additional pipe or the production string shall be cemented in from the base of the usable water to the surface of the ground, when the well becomes capable of producing oil or gas. The cement shall be maintained at surface level. Cementing shall be completed within 120 days of the spud date of the well. Extensions may be granted with the approval of the commission and the department.

(B) Compliance with Alternate 2 may also be accomplished by placing an alternative cementing material that is acceptable to the commission behind that pipe or production string in a manner prescribed by the commission or its authorized representatives.

(C) At the time a producing well is abandoned, it shall be plugged in a manner prescribed by the commission so as to effectively prevent subsequent migration of oil, gas or water from or into strata that would be damaged by this migration.

(3) When freshwater and usable water can mix be-

cause of an existing artesian head, additional pipe or the production string shall be cemented-in from a point 50 feet below the usable water formation to the surface of the ground.

(c) Allowing cement to set around surface pipe. Unless otherwise provided by specific order of the commission, the cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch. Further operations shall not be commenced until the cement has been in place for at least eight hours.

(d) Affidavit. Operators shall file an affidavit with the conservation division setting out the method of cementing used on a well on the provided form. Depths which have usable and freshwater shall be protected by recommended methods, which are on file with the state corporation commission. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152, 55-156, 55-157, 55-159; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984.)

82-3-108. Well location. (a) A well shall not be drilled nearer than 330 feet from any lease or unit boundary line. However, the commission may, after notice and hearing, grant exceptions to permit drilling within shorter distances, and to the acreage attributable and assigned allowables, when it determines such exceptions are necessary either to prevent waste or to protect correlative rights.

(b) When an exception to this rule is desired, an application shall be submitted to the conservation division. The application shall be accompanied by a plat that is drawn to the scale of one inch equalling 1,320 feet and that accurately shows the property on which the well is sought to be drilled, all other completed, partially drilled, or permitted wells on the property and all adjoining surrounding properties and wells.

(c) The applicant shall provide notice of hearing not less than 10 days prior to the hearing date. The notice shall be sent to each offset operator, unleased mineral owner and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location. The applicant shall also publish notice pursuant to K.A.R. 82-3-135.

(d) The commission may grant an exception to permit drilling within lesser distances, and to the acreage attributable and assigned allowable, for the purposes of drilling, deepening, or additional completion, re-completion, or reentry of a well. Such an exception may be issued by an administrative order under the following conditions:

(1) After 30 days notice has been given by the applicant to all offset operators, unleased mineral owners and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location, and if a protest has not been made to the application; or

(2) When an application is accompanied by waivers of objection signed by all offsetting operators and unleased mineral owners, and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location.

(3) Waivers of objection shall be on a form prescribed by the commission and shall show all:

(A) exceptions being sought including well location exceptions;

(B) acreage attributable;

(C) the allowable sought as compared to a full allowable; and

(D) bonus allowable sought as compared to a full bonus allowable.

(e) All well location exceptions issued by the commission shall expire six months from the granting of the exception, unless drilling operations are begun or an application for a six-month extension of the permit is approved by the commission. The application for a six-month extension shall be accompanied by a statement setting out the reasons the extension is necessary. Only one six-month extension shall be granted by the commission. If a well location exception permit expires, a renewal shall not be granted unless a new application is filed, notice given, a hearing held, and proof made as in an original well location exception application.

(f) Wells drilled nearer than 330 feet to any lease or unit boundary line without obtaining an exception from the commission shall be prohibited from producing either oil or gas until an appropriate allowable is determined.

(g) Whenever authority is granted to drill a well at a location other than specified by this rule, the allowable shall be determined by the commission for the protection of the correlative rights of all persons entitled to share in the common source of supply in accordance with K.A.R. 82-3-207(b) and (c).

(h) This rule shall not apply to any counties or specific areas that are exempted by the commission after notice and hearing. (Authorized by K.S.A. 55-152, 55-604, 55-704; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 55-152, 55-603, 55-703a; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984.)

82-3-109. Application for well spacing. (a) Contents. Any interested party may file an application for well spacing and orderly development. The application shall include the following:

(1) The location, depth, and producing formation of the existing productive well or wells in the area sought to be spaced;

(2) a description of the area sought to be spaced, with an affirmation that all of the area is reasonably expected to be productive from the subject formation;

(3) the proposed well location restriction;

(4) the proposed configuration of producing units for acreage attribution purposes;

(5) the names and addresses of all lessees of record in the area sought to be spaced;

(6) the names and addresses of all owners of record of the minerals in unleased acreage within the area sought to be spaced;

(7) the names and addresses, as shown by the applicant's books and records, of all persons owning the

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royalty or leasehold interest in acreage sought to be spaced and operated by the applicant, or on which the applicant has a lease or an interest in the lease;

(8) if a proration formula is sought, the specific factors proposed to be utilized in the allocation of production;

(9) the applicant's license number; and

(10) such other information which may be required by the commission.

(b) Notice of hearing. An original and five copies of the application shall be filed with the secretary of the commission in Topeka, Kansas. An additional copy of the application shall be sent to the conservation division. The commission shall set the application for hearing. The applicant shall provide notice of the hearing. The notice shall state the time, place, and nature of the hearing. The notice shall be provided at least 10 days prior to the hearing to all lease operators of record, and all owners of record of the minerals in unlease acreage, in the area sought to be spaced. The applicant shall also publish notice pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 55-603, 55-703a, 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984.)

82-3-124. Dual or multiple-completed wells. (a) Production from more than one common source of supply through the same well bore shall be permitted if separation of each source of supply is maintained and if commission approval has been obtained.

(b) Whenever an operator or producer desires to complete a well in more than one source of supply, an original and one copy of an application requesting approval of dual or multiple completion shall be filed with the conservation division. The application shall contain the following information:

(1) A description of the well and lease for which application is made, and a plat showing the location of the well and lease, the location of all other wells on the lease, and the location of all offset wells. Well depths and producing sources of supply shall be properly designated on the plat and lease ownership shall be indicated;

(2) the names and upper and lower limits of the sources of supply involved in the dual or multiple completion;

(3) a wireline log of the subject well;

(4) a complete description of the proposed installation including the size, weight, depth, and condition of all casing and tubing, the size of all drilled holes, the amount of cement used and the location of the tops of cement behind each casing string, the location or intended location of casing perforations, the type of packer to be used and the depth at which it is to be set. A diagram of the proposed installation shall be attached to the application;

(5) a description of the proposed plan for separately measuring and accounting for the production for each source of supply;

(6) a description of storage facilities and a descrip-

tion and diagram of the proposed wellhead to pipeline installation; and

(7) the applicant's license number.

(c) The application shall be supported by an affidavit and shall contain a certificate showing service of a copy of the application upon the operators of all offset leases. The application may be accompanied by waivers of right to protest executed by operators of offset leases. If waivers are obtained from the operators of all offset leases, the application may be passed upon immediately; otherwise, it shall be held in abeyance for a period of 10 days from the date of filing. If a protest is not filed with the commission within the 10 day period, the application may be passed upon without hearing; otherwise, a hearing, shall be held. The applicant shall provide notice of the hearing not less than 10 days prior to the hearing date to each offset operator within one-half mile of the lease upon which the subject well is located. The applicant shall also publish notice as is required by K.A.R. 82-3-135.

(d) All dual and multiple completions shall be made and operated under the direction of the commission. Packer installations made in connection with a dual or multiple completion, and removal, reinstallation, or replacement of the packer in such a well, shall not be made except upon notice to and with the approval of a representative of the commission. If one of the producing sources of supply is abandoned, the plugging of the abandoned source of supply shall be in accordance with the requirements of the commission.

(e) If any source of supply in an intended dual or multiple completion is found upon testing to be non-productive, it shall immediately be plugged under the direction of a commission representative.

(f) Dual and multiple-completed wells shall at all times be operated and maintained so as to insure the complete segregation of all fluids from the producing sources of supply. In monitoring the installation of packers, and in inspecting dual and multiple-completed wells in the course of their operation, representatives of the commission shall make, or cause to be made, tests that may be necessary to determine whether packer leakage exists. These tests may include bottom hole pressure measurements, chemical analysis of oil, water, and gas, and any other tests which are found to be indicative of the effectiveness of the packer.

(g) Whenever evidence of leakage of the packer in any dual or multiple-completed well is discovered, this packer shall be immediately repaired, a new packer shall be installed, or the affected producing source of supply shall be plugged.

(h) A dual or multiple-completed well shall not be allowed to produce during one day, more than twice its average daily allowable for the current proration period for that source of supply.

(i) Operators shall notify the commission and the operators of offset producing leases at least 24 hours before the installation of a packer.

(j) An installation charge for each dual or multiple-completed well, and a charge for any inspection of such well, shall be made to defray necessary expenses of supervision by the commission.

(k) Failure of the operator of any dual or multiple-completed well to comply with any of the provisions of this rule shall constitute grounds for the revocation of the order granting the dual or multiple completion, or the suspension or cancellation of current or future allowables of that well. If the order granting the dual or multiple completion of any well is revoked, all but one of the producing sources of supply shall immediately be sealed off under the direction of the commission.

(l) The commission may grant tentative approval for dual or multiple-completed wells based on extenuating circumstances. Final approval may be granted after proper application. (Authorized by K.S.A. 55-602; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 55-603; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984.)

82-3-135. Notice for certain administrative hearings. (a) Scope. The notice requirements prescribed in this regulation apply to each administrative hearing which arises under any rule or regulation or statutory provision for the conservation of crude oil and natural gas, and which is heard by the commission or by any agent appointed by the commission.

(b) Hearings initiated by the attorney general or the commission.

(1) The commission shall publish notice of the hearing in the Wichita Eagle-Beacon. The commission shall also publish notice of the hearing in the official county newspaper of each county in which the lands affected by the hearing are located. If that county does not have an official county newspaper, the commission may publish notice in any newspaper satisfying the requirements of K.S.A. 64-101 in a county in which the lands affected by the hearing are located.

(2) The commission shall mail, by second class mail, a copy of the notice of the hearing to each person who has filed for the purpose of receiving notice. The copy of the notice shall be mailed not less than 13 days prior to the hearing date.

(3) The commission shall provide any additional notice required by any rule, regulation or statute which applies to the hearing or which is necessary to provide due process to any person whose property may be affected by the hearing.

(c) Hearings initiated by any person other than the attorney general or commission.

(1) Each person who initiates a hearing shall publish notice of the hearing in the Wichita Eagle-Beacon. The person who initiated the hearing shall also publish notice of the hearing in the official county newspaper of each county in which the lands affected by the hearing are located; however, the person who initiated the hearing may publish notice in any newspaper satisfying the requirements of K.S.A. 64-101 in a county in which the lands affected by the hearing are located, if that county does not have an official newspaper.

(2) The commission shall mail, by second class mail, a copy of the notice of the hearing to each person who has filed for the purpose of receiving notice. The

copy of the notice shall be mailed not less than 13 days prior to the hearing date.

(3) The person who initiated the proceeding shall provide any additional notice required by any rule, regulation or statute which applies to the hearing or is necessary to provide due process to any person whose property may be affected by the hearing.

(d) Proof of notice. Commission staff shall prove that notice has been properly published, if the commission is required to publish notice; the commission may accept as proof of notice an affidavit sworn by the commission staff that notice has been perfected. The person who initiated the hearing shall prove that notice has been properly published, if that person is required to publish notice. The commission may accept as proof of notice an affidavit sworn by the person who initiated the hearing that notice has been perfected. These affidavits shall have been filed with the commission on or before the hearing date.

(e) Filing for the purpose of receiving notice. Any person who desires to receive notice of any hearings shall file annually with the commission that person's name, address and other information as may be reasonably required by the commission. The filing shall be on a form prescribed by the commission. The filing shall be mailed or delivered to the State Corporation Commission, Conservation Division, Colorado Derby Building, 202 W. 1st St., Wichita, Kansas 67202, and shall be accompanied by an annual \$50 fee. (Authorized by K.S.A. 55-152, 55-602, 55-604, 55-704; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2; effective, T-85-51, Dec. 19, 1984.)

82-3-203. State and pool allowable and proration.

(a) Oil market demand. The commission may hold a monthly hearing to determine the amount of crude petroleum that can be produced daily throughout the state during the next succeeding proration period without causing waste. The commission shall then fix the total state allowed production and shall allocate it among the prorated pools, leases, and wells. Any crude oil which is removed from a lease shall be charged against the allowable established for that lease, except in cases where permission is granted to use waste oil for oiling roads leading to the lease.

(b) Statewide allowable. The allowables for non-prorated pools shall be set by the following range depth schedule:

Pool Depth Range	Maximum allowable bbls/well/day
0-4,000	25
above 4,000-4,500	31
above 4,500-5,000	37
above 5,000-5,500	43
above 5,500-6,000	48
above 6,000-6,500	52
above 6,500-7,000	56
above 7,000-plus	60

Allowables shall be assigned on an individual well basis and the maximum lease allowable shall be the sum of the individual well productivities or allowables, whichever is less.

(c) Discovery oil allowable.

(1) An oil discovery allowable equal to 1½ times the

(continued)

current daily allowable assigned to a similar well may be granted. The current daily allowable assigned to a similar well shall be determined by using statewide allowables set by these rules or the regular allowable as established by a special pool basic proration order.

(2) A discovery allowable may be assigned to wells in a newly discovered pool:

(A) for a period of 18 months from the date upon which the initial state-supervised test is taken on the discovery well, or in the absence of a state-supervised test, the date of completion of the discovery well; or

(B) until development has connected the pool with another known common source of supply producing from the same geological formation (reservoir), whichever first occurs.

(3) The following additional provisions shall apply to discovery oil allowable amounts.

(A) Recognition of a newly discovered pool shall require the filing of an application and notice, a hearing before the commission, and approval by the commission. The applicant shall provide notice of the hearing not less than 10 days prior to the hearing date to each offset operator and lessee of record within one-half mile of the lease upon which the subject well is located. The applicant shall also publish notice as is required by K.A.R. 82-3-135. Information in support of the application shall include that required under subsection (d) of this regulation.

(B) Additional wells may be granted a discovery allowable, effective the date of the state supervised test, upon the filing of a request with the conservation division. A hearing before the commission shall be set and proper notice given if:

(i) if the request for subsequently developed wells entitled to the discovery oil allowable does not clearly show to the satisfaction of the conservation division that the subject well is producing from the same common source of supply (reservoir) as the discovery well; or

(ii) a protest is filed with the commission by an interested party within 10 days from the date the affidavit is mailed.

(C) Overproduction and underproduction of the discovery oil allowable shall be subject to the same restrictions and procedures as followed for standard oil allowables.

(D) Each discovery allowable shall be subject to adjustment for the gas-oil ratio provisions in any combination pool.

(E) Each discovery allowable shall be subject to temporary reduction consistent with the market demand determination. If reduction is required, the commission may extend the time for production of the discovery allowable.

(F) Discovery allowables may be obtained for each newly discovered pool in the same well bore, if the well is completed, as authorized by the commission, so that production from a newly discovered pool is not commingled with production from any other pool in the well bore.

(d) Affidavit for discovery allowable. Each operator seeking to obtain a discovery allowable shall file an affidavit and supporting information with the conservation division after the completion of the well. The affidavit shall show:

(1) the exact location of the well (legal description);
 (2) the lease name;
 (3) the geological name of the producing formation;
 (4) the top and bottom depths of the producing formation;

(5) the results of a state supervised production test, showing volumes of oil, gas, and water;

(6) any other pertinent data such as bottom hole pressures and core data, which may help determine the validity of the request;

(7) the date of the first production;

(8) the date of first oil sales and the purchaser to whom delivered;

(9) the names and addresses of each operator or lessee of record within one-half mile of the lease upon which the subject well is located, and a statement indicating the date a copy of the affidavit was mailed to each;

(10) an electric log or logs of the well in question, if taken;

(11) a geological log or report of the well in question giving full details of the formations penetrated, drill stem tests, casing and cementing, perforations if any, and well stimulation procedures;

(12) a map of the area surrounding the subject well. The map shall show the location of all wells, whether producing or dry holes, the total depth of these wells, the name of the producing formation, and the top and bottom of the formation. The map shall cover an area sufficient to show that the producing formation in the subject well is not in communication with any other known common source of supply. The map shall cover an area with a radius of no less than 1½ miles with the subject well as the center of that area; and

(13) a geological contour map on a geological marker that will reflect the expected altitude of the formation from which the well is producing.

The affidavit shall include the following statement: "It is the opinion of the operator that this well will not cause waste if it is granted a discovery allowable." (Authorized by K.S.A. 55-604; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984.)

82-3-311. Drilling through gas storage formations.

(a) Every person, firm or corporation who, for any purpose, drills or causes the drilling of a well or test hole that will penetrate into or bore through any underground stratum or formation that a natural gas public utility has appropriated through the exercise of the right of eminent domain for the underground storage of natural gas pursuant to K.S.A. 55-1204 shall seal off the natural gas storage stratum or formation by:

(1) The methods and materials recommended by the public utility and approved by the commission or its duly authorized representative; or

(2) by methods and materials that the commission determines to be fair, equitable and reasonable.

(b) That person, firm or corporation shall maintain the well or test hole in a manner that will protect the stratum or formation at all times against pollution and the escape of natural gas.

(c) Not less than 30 days before commencing such a well or test hole, or before plugging a well that has ceased to produce, the person, firm or corporation

desiring to commence drilling or plugging operations shall give the public utility and the commission notice in writing, by registered mail, of the date desired for commencement of operations.

(d) Within 10 days after receipt of notice, the public utility shall forward to the commission its recommendations as to the manner, methods and materials to be used in the sealing off or plugging operation. The public utility shall give notice of the recommendations by mailing or delivering a copy to the person, firm or corporation who seeks to drill or plug a well or test hole. The notice shall be mailed or delivered on or before the date the recommendations are mailed to or filed with the commission.

(e) Any objections or complaints stating why the recommendations, as proposed by the public utility, are not feasible, practical or reasonable shall be filed within five days after the recommendation is filed.

(f) If any objections or complaints are filed, or if the commission deems that there should be a hearing on the recommendation of the public utility, a hearing shall be held. The person, firm, corporation or agency requesting the hearing shall provide notice of the hearing not less than 10 days prior to the hearing date to each person, firm or corporation seeking to drill or plug a test hole and to the public utility. Notice shall also be provided pursuant to K.A.R. 82-3-135.

(g) The commission shall prescribe the manner, methods and materials to be used in the sealing off or plugging operation. Operations shall not commence until the manner, methods and materials to be used have been prescribed by the commission.

(h) The public utility involved may have a representative present at all times during the drilling, completing or plugging of the well or test hole and shall have access to all records relating to the drilling, equipping, maintenance, operation or plugging of the well.

(i) The public utility, in conjunction with the commission or its representative and the operator of the well, shall have the right to inspect or test the well to discover any leaks or defects that may affect the underground natural gas storage stratum or formation.

(j) Any extra cost and expense necessarily incurred in sealing off the stratum or formation or in the plugging, maintaining, inspecting or testing the well, as recommended by the public utility and subsequently approved or independently determined by the commission or its representative, that is over and above the ordinary expense of operations using similar methods shall be paid upon completion by the public utility involved.

(k) Special rules, regulations and orders shall be issued when required and shall prevail over the general rules and regulations if a conflict occurs. (Authorized by K.S.A. 55-152, 55-604; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 55-1203; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984.)

82-3-401. Injection or disposal well; application, content, notice, objection, hearing and approval. (a) Fluid shall not be injected into a well for enhanced recovery or disposal purposes until approved by the commission, following the required application and notice. The commission may grant an exception to this

requirement for good cause.

(b) The application shall be verified and filed in triplicate with the commission and shall show:

(1) The name, location, surface elevation, total depth, and plug back depth of each injection or disposal well;

(2) the location of all oil and gas wells, including abandoned wells, drilling wells and dry holes within ½ mile of the injection or disposal well;

(3) the name and address of each operator of a producing or drilling well within ½ mile of the injection or disposal well;

(4) the name, description, and depth of each injection interval. The application shall indicate whether the interval is through any perforations or an open-hole or both;

(5) the depths of the tops and bottoms of all casing and cement used or to be used in the injection or disposal well;

(6) a plat showing all producing wells within a ½ mile radius and indicating producing formations and the subsea top of the producing formations;

(7) the size of the casing and tubing and the depth of the tubing packer;

(8) any information that is available in the log of the injection or disposal well, including an elevation reference;

(9) a description of the fluid to be injected, the source of injected fluid, and the estimated maximum and average daily rate of injection, in barrels per day;

(10) the names and addresses of the operators shown in paragraph (b)(2) above, who were notified of the application, and evidence that the notice was given;

(11) information showing that injection or disposal into the proposed zone will be contained within the zone and will not initiate fractures through the overlying strata which could enable the fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished to the commission by the applicant, if requested by the commission;

(12) the applicant's license number; and

(13) any other information that the commission requires.

(c) The commission, when issuing an order approving injection or disposal, shall consider the following:

(1) maximum injection or disposal rate;

(2) maximum surface pressure;

(3) the type of injection or disposal fluid and the lithology and rock characteristics of the injection or disposal zone and the overlying strata; and

(4) the adequacy and thickness of the confining zone or zones between the injection interval and the base of the lowest fresh or usable water.

(d) Applications may be filed to include the use of more than one injection or disposal well on the same lease or on more than one lease. The information requested of the applicant shall be provided for each well that is included in the application.

(e) Applications shall be executed by the operator of the proposed injection plan or disposal well.

(f) The applicant shall give notice of the application by mailing or delivering a copy of the application to the landowner on whose land the well is located, each operator of a producing or drilling well and each

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unleased mineral owner within a ½ mile radius of the proposed injection or disposal well. Notice shall be mailed or delivered on or before the date the application is mailed to or filed with the commission. Notice of the application shall be published in at least one issue of a newspaper with general circulation in the county or counties in which the lands involved are located.

(g) Objections or complaints shall be filed within 15 days after the notice is published. The complaint or objection shall state the reasons why the proposed plan, as contained in the application, may cause damage to oil, gas, or fresh and usable water resources.

(h) If the application is for disposal into a formation producing within ½ mile of the applicant's well, the disposal zone shall be below the water-oil contact or 50 feet below the top of the producing formation.

(i) If any objection or complaint is filed, or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. The person, firm, corporation or agency requesting the hearing shall provide notice of the hearing not less than 15 days prior to the hearing date. The notice shall be provided to each operator of a producing or drilling well and each unleased mineral owner within a one-half mile radius of the proposed injection or disposal well. Notice shall also be provided pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 55-901, 55-152; implementing K.S.A. 55-605, as amended by L. 1984, Ch. 203, Sec. 1, 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 55-1003, 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984, amended, T-85-51, Dec. 19, 1984.)

82-3-502. Notice; protest; hearing; administrative grant. (a) The commission shall set the time and place for hearings on applications for natural gas well classification determinations under the Natural Gas Policy Act of 1978, Public Law 95-621. If commission staff determines that the application is complete, that it has been filed as provided in K.A.R. 82-3-501 and that it should be granted administratively, the applicant shall be advised accordingly. The applicant shall give notice, by publication to all interested parties, that the matter is intended to be granted administratively unless a written protest is filed and received within 10 days after the publication notice. In the event no protest is filed, the application shall be granted without further appearance or hearing.

(b) If the staff recommends that an application not be granted administratively, a hearing shall be held. The applicant shall give notice of the hearing not less than 10 days before the hearing.

(c) The notice required in subsections (a) and (b) shall be given to all purchasers of the applicant's gas. The applicant shall also publish notice pursuant to K.A.R. 82-3-135.

(d) Proof of publication of notice shall be furnished to the commission on or before the hearing date, or if no hearing is required, upon receipt of the notice from the publisher. The notice shall specify that, if a timely protest is filed, the hearing will be held at the next regularly scheduled hearings of NGPA matters that occurs at least 10 days subsequent to the filing of protest. If a timely protest is filed, protestants shall be notified immediately in writing of the time and place of the hearing. Notice provisions contained in this

regulation shall pertain only to notices provided for hearing dates or to notices of the intent to administratively grant applications for natural gas well classification under the Natural Gas Policy Act of 1978, Public Law 95-621. (Authorized by K.S.A. 66-1,185; implementing K.S.A. 55-706, as amended by L. 1984, Ch. 203, Sec. 2, 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984.)

Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

82-4-21. Requiring insurance. Public motor carriers of property or passengers, or contract motor carriers of property or passengers, or private motor carriers of property, and local wreckers shall not operate a motor vehicle, trailer, or semitrailer for the transportation of persons or property within the provisions of the motor carrier law of this state until an insurance policy is filed in compliance with K.S.A. 66-1,128, as amended, and in accordance with the regulations of the commission. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g and L. 1984, Ch. 25, Sec. 5; implementing L. 1984, Ch. 25, Sec. 3, K.S.A. 1983 Supp. 66-1,128; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984.)

82-4-22. Insurance requirements. (a) (1) Before a certificate, permit, or license is issued to a public motor carrier of property or passengers, a contract motor carrier of property or passengers, a private motor carrier of property, or a local wrecker, the applicant shall keep in force and file with the state corporation commission of Kansas a public liability and property damage insurance policy, or a certified copy of such a policy. This policy shall be issued by an insurance company or association meeting the requirements of K.S.A. 1983 Supp. 66-1,128.

(2) The insurance shall bind the obligors to pay compensation for:

(A) injuries or death to persons, except injury to the insured's employees while engaged in the course of their employment; and

(B) loss of, or damage to, property of others (not including property usually designated as cargo) resulting from the negligent operation of the carrier.

(3) The liability insurance policy shall have attached to it an endorsement as set out in K.A.R. 82-4-25a. The carriers shall file proof of insurance in amounts not less than those required in K.S.A. 1983 Supp. 66-1,128. In special cases, and for good cause shown, the carriers may be required by order of the commission to file insurance in additional amounts.

(b) Public and contract motor carriers of property and local wreckers that conduct intrastate business shall keep in force and file with the state corporation commission a cargo insurance policy or a certified copy of a policy. This policy shall be issued by a company authorized to write coverage in the state of Kansas, in a minimum amount of \$3,000. The cargo insurance policy shall have attached to it an endorsement as set out in K.A.R. 82-4-25a.

(c) A certificate written by an insurance company or association meeting the requirements of K.S.A. 1983 Supp. 66-1,128, and which certifies that the proper

required insurance is in effect, may be filed in lieu of the actual insurance policy. The certificate shall be filed on a form approved by the commission.

(d) Before the expiration date or cancellation date of an insurance policy filed in compliance with the law, and the regulations of the commission, the motor carrier shall file with the commission a new policy for the vehicle, or the vehicle shall immediately be withdrawn from service and notification of the action shall be given the commission.

(e) Operation by a motor carrier without strict compliance with this regulation shall suspend the certificate, permit or license issued to the carrier and the commission shall proceed to cancel the certificate, permit or license. (Authorized by K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112, K.S.A. 1983 Supp. 66-1,112g; implementing K.S.A. 1983 Supp. 66-1,128; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1983; amended, T-85-48, Dec. 19, 1984.)

82-4-30b. Application for local wrecker permit. Each application for a local wrecker permit shall be typewritten on the form furnished by the commission. All applications shall contain: (a) The principle office or place of business and the residence of the applicant;

(b) a description of the make, year and vehicle identification number of each vehicle to be used by the applicant;

(c) proof of public liability and property damage and cargo insurance in the amounts required in K.A.R. 82-4-22 and K.S.A. 1983 Supp. 66-1,128. The proof shall be submitted in the form required in K.A.R. 82-4-22 and K.A.R. 82-4-24a. (Authorized by L. 1984, Ch. 25, Sec. 5; implementing L. 1984, Ch. 25, Sec. 1, Sec. 2, Sec. 3, Sec. 4, Sec. 6; effective, T-85-48, Dec. 19, 1984.)

82-4-38. Identification tags. Identification tags shall be displayed at all times on the front of the vehicle for which the tag was issued. (a) Every vehicle operated by an intrastate common carrier shall be issued and shall display a tag which is white on a blue background.

(b) Every vehicle operated by an intrastate contract carrier shall be issued and shall display a tag which is white on a red background.

(c) Every vehicle operated by a private carrier shall be issued and shall display a tag which is black on a white background.

(d) Every local wrecker vehicle shall be issued and shall display a tag which is yellow on a green background. A decal printed with "local wrecker" shall be centered on the bottom of the local wrecker tag. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g, L. 1984, Ch. 25, Sec. 5; implementing K.S.A. 66-1,129, K.S.A. 1983 Supp. 66-1,139, L. 1984, Ch. 25, Sec. 1; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984.)

82-4-86. Vehicle inspection stations. (a) Each commission authorized inspection station shall be located in Kansas. Any carrier with vehicles that are registered with the commission may file an application to serve as an authorized inspection station.

(b) Each application shall be submitted in the form

of a letter on company stationery or letterhead and shall be signed by the owner of the company or an authorized officer of the corporation. The letter shall include the following:

(1) the carrier's name, address and telephone number;

(2) geographic description, location or address of the proposed inspection station;

(3) the current number of motor vehicles and trailers operated by the carrier;

(4) the name of the proposed, company-authorized and certified mechanic or mechanics;

(5) a non-refundable check, payable to the state corporation commission of Kansas, for \$100.

(c) An investigation of the application shall be conducted by a designated representative of the state corporation commission who shall report all findings. Upon approval by the commission, an order shall be issued designating the carrier and inspection station as an approved inspection location. The order or a copy shall be retained at the approved inspection station and shall be made available upon request to any representative of the commission and any state or local law enforcement officer.

(d) Any relocation of approved inspection stations or any revision in the name or names of the company-authorized and certified mechanic shall be approved by the commission.

(e) Each approved inspection station shall have:

(1) a minimum of one authorized and certified mechanic on duty or on call;

(2) an inspection area suitable for inspections; and
(3) sufficient tools and equipment to inspect each type of vehicle. All tools and equipment shall be maintained in good operating condition.

(f) The company-authorized and certified mechanic shall inspect the motor vehicle or trailer in accordance with K.A.R. 82-4-3 and K.A.R. 82-4-20. Vehicles in compliance shall be issued a certificate which shows the date of the inspection. The certificate shall be signed by the company-authorized and certified mechanic performing the inspection.

(g) One copy of the certificate shall remain with the motor vehicle or trailer, one copy of the certificate shall be retained by the authorized inspection station for a period of one year from the date of issuance, and one copy shall be forwarded to the Kansas corporation commission within 30 days of the inspection. Each certificate issued shall be valid for 12 months from the date of issue.

(h) Certificates may be purchased from the commission by an approved inspection station for \$5.00 each. The motor carrier purchasing the certificates shall be accountable for the disposition of each certificate. Abuse of the authority to inspect or abuse of its accountability for the certificates shall be grounds for suspension or revocation of the carrier's authority by the Commission. (Authorized by K.S.A. 1983 Supp. 66-1,112 and L. 1984, Ch. 25, Sec. 9; implementing L. 1984, Ch. 25, Sec. 9; effective, T-85-48, Dec. 19, 1984.)

MICHAEL LENNEN
Chairman

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