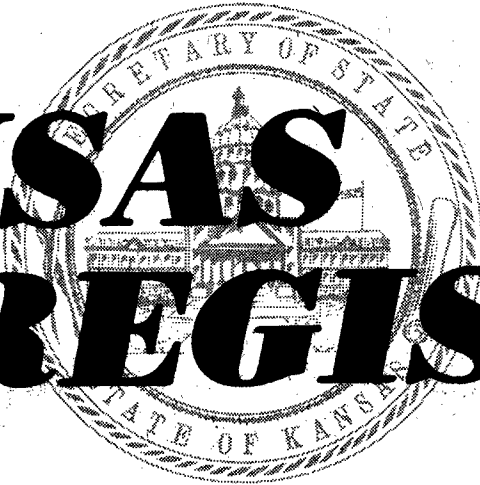


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 10

March 6, 1986

Pages 305-360

IN THIS ISSUE . . .

	Page
Northwest Kansas Groundwater Management District No. 4	
Notice of Meeting	306
State Banking Board	
Notice of Meeting	306
State Conservation Commission	
Notice of Meeting	306
Children and Youth Advisory Committee	
Notice of Meeting	306
State Board of Technical Professions	
Notice of Meeting	307
Kansas Water Office	
Notice of Meetings	307
Liquor Law Review Commission	
Notice of Meetings	307
Department of Education	
Request for Proposals Concerning Adult Basic Education	307
Department of Transportation	
Notice to Bidders	308
Attorney General	
Opinion No. 86-25	308
Notice to Bidders for State Purchases	308
Legislative Bills Introduced February 20-26	310
Court of Appeals Docket	312
Advisory Commission on Juvenile Offender Programs and State Advisory Group	
Notice of Meeting	320
Secretary of State	
Usury Rate for March	320
Notice of Bond Redemption	
Finney County	320
Shawnee County	321
Notice of Bond Sale	
City of Ottawa	321
City of Overland Park	323
U.S.D. 204, Wyandotte County	326
U.S.D. 461, Wilson County	328
State Corporation Commission	
Notice of Motor Carrier Hearings	330
Permanent Administrative Regulations	
State Board of Agriculture—Division of Weights and Measures	334
Mined-Land Conservation and Reclamation Board	337
State Corporation Commission	346

State of Kansas

**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 4****NOTICE OF MEETING**

The March board meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for 10 a.m. C.S.T., Thursday, March 13, in the district office, 1175 S. Range, Colby. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT
Manager

Doc. No. 003973

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD****NOTICE OF MEETING**

The State Banking Board will conduct its monthly meeting, in accordance with K.S.A. 74-3006, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka, at 10 a.m. Monday, March 24. The board reviews matters coming before it relating to its supervisory authority set forth in K.S.A. 98-1801 *et seq.*

EUGENE T. BARRETT, JR.
State Bank Commissioner

Doc. No. 003974

State of Kansas

STATE CONSERVATION COMMISSION**NOTICE OF MEETING**

The State Conservation Commission will meet at 8:30 a.m. Monday, March 10, in conference room 300A, 109 S.W. 9th, Topeka.

Persons not on the commission's mailing list may request a copy of the agenda by contacting Yolanda Pardee, Room 300, 109 S.W. 9th, Topeka 66612, (913) 296-3600.

KENNETH F. KERN
Executive Director

Doc. No. 003977

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CHILDREN AND YOUTH
ADVISORY COMMITTEE****NOTICE OF MEETING**

The Children and Youth Advisory Committee will meet at noon Monday, March 10, in the Judicial Administrator's conference room, Judicial Center, 301 W. 10th, Topeka.

STEPHEN CLEGG, JR.
Chairman, Children and Youth
Advisory Committee

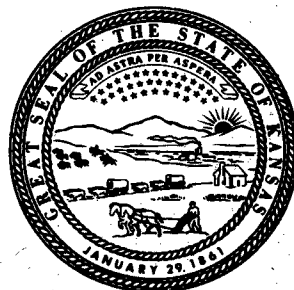
Doc. No. 003981

The *Kansas Register* is an official publication of the state of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1986. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
JACK H. BRIER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas
BOARD OF TECHNICAL PROFESSIONS

NOTICE OF MEETING

The State Board of Technical Professions will meet at 9 a.m. Friday, March 7, in the board office, 214 W. 6th, Room 202, Topeka. The meeting is open to the public.

BETTY ROSE
 Executive Secretary

Doc. No. 003967

State of Kansas
KANSAS WATER OFFICE

NOTICE OF MEETINGS

The Kansas Water Office will conduct four public meetings to receive public input on proposals developed by the Kansas Fish and Game Commission and the Kansas Park Authority for lake level management at 15 of the 24 large federal lakes located in Kansas. Following these public meetings on the proposed lake level management plans, the Kansas Water Office will develop a recommended lake level management plan for each of the reservoirs and submit them to the Corps of Engineers for their consideration for including the recommended management plan in their annual operating plans.

At the first meeting, proposed lake level management plans will be reviewed for Council Grove Lake, El Dorado Lake, Elk City Lake, a joint proposal for Fall River and Toronto lakes, John Redmond Lake and Marion Lake. At the second meeting, proposed lake level management plans will be reviewed for Hillsdale Lake, Melvern Lake and Pomona Lake. At the third meeting, proposed lake level management plans will be reviewed for Kanopolis Lake, Milford Lake and Tuttle Creek Lake. At the fourth meeting, proposed lake level management plans will be reviewed for Clinton Lake and Perry Lake.

The locations and times for these four meetings are as follows:

Date	Time	Location
March 18	10:00 a.m.	Eureka Hospitality Room Courthouse, 4th and Main
March 18	3:00 p.m.	Ottawa Basement, Courthouse 3rd and Main
March 20	10:00 a.m.	Lawrence Public Library 707 Vermont
March 20	3:00 p.m.	Manhattan Sirloin Stockade Junction 24 Highway & Bluemont Ave.

JOSEPH F. HARKINS
 Director, Kansas Water Office

Doc. No. 003988

State of Kansas
DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION

NOTICE OF MEETINGS

The Liquor Law Review Commission Subcommittee on On Premises will meet at 7:30 a.m. Monday, March 10, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission Subcommittee on Wholesalers will meet at 2:30 p.m. Friday, March 21 and March 28, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission will meet from 10 a.m. to 3 p.m. Monday, March 24, in Room 220-S, State Capitol, Topeka.

HERB ROHLEDER
 Chairman

Doc. No. 003989

State of Kansas
DEPARTMENT OF EDUCATION

**REQUEST FOR PROPOSALS CONCERNING
 ADULT BASIC EDUCATION**

Pursuant to Section 310 of the Adult Education Act (P.L. 91-230), as amended by the Educational Amendments of 1984, Public Law 98-511, the Kansas State Department of Education Adult Education Unit is requesting special demonstration/teacher training project proposals for adult basic education for fiscal year 1986. Proposals should address the methods of adult basic education that will, as a result of its completion, provide improved staff development programs and demonstration projects that reflect state, regional and national needs.

In line with the General Education Development (GED) stated purpose to insert a writing exercise in its battery of tests, special consideration will be given to those staff development applications which will assist adult basic education instructors to teach writing skills.

For further information, contact Wes Pelsue, Adult Education Specialist, Kansas State Department of Education, 120 E. 10th, Topeka 66612, (913) 296-3192.

DR. HAROLD L. BLACKBURN
 Commissioner of Education

Doc. No. 003971

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on D.O.T. Quotation 6891 for the sale of used radio equipment, located at the Kansas Department of Transportation district yards in Topeka, Salina, Norton, Chanute and Garden City, will be received until 10 a.m., Thursday, March 20. Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka; James D. Jones, District Engineer, Topeka; R. L. Anderson, District Engineer, Salina; E. L. Olson, District Engineer, Norton; D. E. Kimbell, District Engineer, Chanute; and E. D. Crockett, District Engineer, Garden City.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003986

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-25

Monopolies and Unfair Trade—Consumer Protection—Disclaimer or Limitation of Warranties.

Uniform Commercial Code—Sales—Implied Warranty of Merchantability. Representative Joe Knopp, 67th District, Manhattan, February 20, 1986.

A licensed dealer in motor vehicles may also be licensed to act as a broker for such vehicles, and solicit sales for vehicles delivered to him on consignment. Such a broker is accordingly a supplier under the Kansas Consumer Protection Act (KCPA), K.S.A. 50-623 *et seq.*, and any sale which he solicits is subject to the act. An implied warranty of merchantability attaches to the sale of any good when the seller is a merchant in goods of that kind, pursuant to the Uniform Commercial Code, K.S.A. 84-2-104, 84-2-314. If the sale is also a consumer transaction under the KCPA, such implied warranty cannot be disclaimed. Therefore, the implied warranty of merchantability may not be disclaimed by a broker of motor vehicles, and any label or sticker which is required to be displayed by the Federal Trade Commission must reflect the existence of the warranty, and may not identify the transaction as an "As Is" sale. Cited herein: K.S.A. 50-623; 50-624; 50-627; 50-639; 84-2-104; 84-2-314; 84-2-316; L. 1976, ch. 236, § 1; 16 C.F.R. § 455. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 003972

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 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, MARCH 17, 1986

#27004-A

Kansas State University, Manhattan—FERTILIZER,
Fort Hays Experiment Station, Hays

#27031

Department of Administration, Division of Accounts
and Reports, Topeka—CONTINUOUS WARRANTS

#64803

University of Kansas Medical Center, Kansas
City—ARGON LASER AND CARDIAC PHANTOM

TUESDAY, MARCH 18, 1986

#27036

Statewide—CONTINUOUS MARGINAL
PUNCHED "STOCK" COMPUTER FORMS

#64285-A

Kansas State University, Manhattan—FURNISH
AND INSTALL CAPACITORS FOR POWER
FACTOR CORRECTION

#64811

Wichita State University, Wichita—BODY
COMPOSITION ANALYZER

#64813

Department of Transportation, Topeka—AB-3
AGGREGATE OR AS-1 AGGREGATE, Marysville

#64814

Department of Social and Rehabilitation Services,
Topeka—FURNISH ALL MATERIALS AND LABOR
TO FABRICATE VENDING FACILITY #71, Olathe

#64815

University of Kansas, Lawrence—TRANSFORMER

#64819

Department of Transportation, Topeka—STROBE
WARNING LIGHTS

#64820

Kansas State School for the Deaf, Olathe—
RECEIVERS, TRANSMITTERS, CARRYING
CASES—AUDITORY TRAINING EQUIPMENT

#64821

Kansas State University, Manhattan—FREEZE
DRYING EQUIPMENT

WEDNESDAY, MARCH 19, 1986

#A-5270

Larned State Hospital, Larned—TUCKPOINT AND
WATERPROOF FOOD PREPARATION BUILDING

#A-5345

Department of Transportation, Topeka—REROOF
SUB-AREA BUILDING, Lakin

#A-5446

Kansas Fish and Game Commission, Pratt—REPAIR
AND RENOVATION, OTTAWA STATE FISHING
LAKE

#27034

Department of Administration, Division of Printing,
Topeka—REFUSE COLLECTION SERVICE

#64810

Department of Administration, Architectural
Services, Topeka—ISOLATION VALVE
INSTALLATION

#64827
Kansas State University, Manhattan—ANIMAL
CAGES

#64831
Department of Transportation, Salina—
HERBICIDES

#64832
Department of Transportation, Topeka—TOILET
TISSUE, Olathe

#64833
Kansas State University, Manhattan—VEHICLES

#64838
Kansas State University, Manhattan—POLICE
UNIFORMS

#64839
Kansas State University, Manhattan—MILO

#64840
Kansas State Penitentiary, Lansing—WATER
CLOSETS

#64841
Department of Social and Rehabilitation Services,
Topeka—ELECTRIC WHEELCHAIR

#64842
University of Kansas Medical Center, Kansas
City—X-RAY PHANTOM, DISINFECTANT
IRRIGATOR

#64843
University of Kansas Medical Center, Kansas
City—ORTHOPEDIC FRAME WITH TRAPEZE

#64844
University of Kansas Medical Center, Kansas
City—BLOOD PRESSURE MONITOR, SMOKE
EVACUATOR, ELECTRONIC THERMOMETERS

#64845
Kansas State Historical Society, Topeka—STORAGE
CABINET DRAWERS

#64846
Kansas State University, Manhattan—REPAIRS TO
PAN WASHER

THURSDAY, MARCH 20, 1986

#A-5291
Parsons State Hospital and Training Center,
Parsons—REMOVE TWO CHILLERS AND INSTALL
NEW REFRIGERANT COILS AND STEAM COIL
WITH PIPING AND CONTROLS, Research Facility

#27003 (1st Rebid)
Kansas Fish and Game Commission, Pratt—ROAD
ROCK HAULED AND TAILED, Perry Wildlife Area

#27038
Kansas Fish and Game Commission, Pratt—ROAD
GRAVEL, Wilson Wildlife Area

#64848
Pittsburg State University, Pittsburg—LAB
OSCILLOSCOPE

#64849
University of Kansas, Lawrence—LAB
CENTRIFUGE

#64850
University of Kansas Medical Center, Kansas
City—LAB APPARATUS

#64851
University of Kansas Medical Center, Kansas
City—BIOLOGICAL CABINET

#64852
Kansas Fish and Game Commission, Pratt—TROUT
FOOD

#64853
Kansas State University, Manhattan—CONTROL
SYSTEM COMPONENTS

#64857
Kansas State University, Manhattan—VEHICLES

#64858
Department of Transportation, various
locations—PLASTIC PAVEMENT MARKINGS

#64859
Department of Transportation, Topeka—MARKER
OVERLAYS

#64860
Kansas Fish and Game Commission,
Pratt—REBUILDING OF WAUKESHA ENGINE
AND PHILADELPHIA GEAR DRIVE, Cheyenne
Bottoms Waterfowl Area

#64861
Department of Administration, Division of
Information Systems and Communications,
Topeka—SOFTWARE FOR SANTA FE MOVE—IBM
COMPATIBLE

#64862
Winfield State Hospital and Training Center,
Winfield—DISPOSAL WELL PLUGGED, Cowley
County

FRIDAY, MARCH 21, 1986

#27037
Department of Transportation, various
locations—READY MIX CONCRETE

#27039
University of Kansas, Lawrence—REAL TIME
WEATHER DATA SERVICE

#64864
Kansas Fish and Game Commission, Pratt—
TWO-WAY RADIO EQUIPMENT

#64865
Department of Transportation, various
locations—MOWER REPAIR PARTS

#64866
Kansas Highway Patrol, Topeka—WEIGHT
FITNESS EQUIPMENT, Salina

#64867
Kansas State University, Manhattan—VIDEO
EQUIPMENT

#64868
Department of Transportation, Chanute—TYPE I
PRESSURE RELIEF JOINT FILLER

#64869
Kansas State Penitentiary, Lansing—
REPLACEMENT UNITS FOR "U" TUBE HEAT
EXCHANGER BUNDLES

MONDAY, MARCH 31, 1986

#64837
Department of Transportation, various
locations—TRUCKS

MONDAY, APRIL 7, 1986

#26893 (Rebid)
University of Kansas Medical Center, Kansas City
and other state agencies—PERFUSION SUPPLIES

#27033
Kansas Fish and Game Commission, Pratt—
AGRICULTURE LEASE, Nemaha State Fishing Lake

#27040
Kansas Fish and Game Commission, Pratt—
AGRICULTURE LEASE, Perry Wildlife Area

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003980

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced February 20-26:

- SB 674**, by Committee on Transportation and Utilities: An act concerning vehicle dealers; motor vehicle liability insurance requirements; amending K.S.A. 1985 Supp. 40-3104 and repealing the existing section.
- SB 675**, by Committee on Transportation and Utilities: An act concerning motor vehicle drivers' licenses; amending K.S.A. 8-240 and K.S.A. 1985 Supp. 8-247 and repealing the existing sections.
- SB 676**, by Committee on Local Government: An act concerning the countywide retailers' sales tax; relating to the apportionment thereof; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.
- SB 677**, by Committee on Local Government: An act concerning the annexation of land located in certain water districts; amending K.S.A. 12-527 and repealing the existing section.
- SB 678**, by Committee on Local Government: An act relating to counties; concerning county home rule powers; prescribing certain limitations thereon; amending K.S.A. 1985 Supp. 19-101a and repealing the existing section.
- SB 679**, by Committee on Energy and Natural Resources: An act relating to fish and game; concerning fees charged by county clerks for sale or issuance of licenses and permits; amending K.S.A. 1985 Supp. 32-104a and repealing the existing section.
- SB 680**, by Committee on Public Health and Welfare: An act concerning the practice of psychology; relating to the registration of master's degree psychologists working in licensed community mental health centers or state institutions.
- SB 681**, by Joint Committee on State Building Construction: An act concerning the joint council on recreation; designating the council as the official state agency to accept and disburse certain federal funds; prescribing certain powers, duties and functions therefor; amending K.S.A. 74-3314 and 74-3320 and repealing the existing sections.
- SB 682**, by Committee on Judiciary: An act concerning alcohol and drug safety actions; relating to facilities and equipment therefor; amending K.S.A. 1985 Supp. 8-1008 and repealing the existing section.
- SB 683**, by Committee on Local Government: An act concerning motor fuel taxes; relating to the apportionment thereof to cities and counties; amending K.S.A. 79-3425c and repealing the existing section.
- SB 684**, by Committee on Ways and Means: An act concerning the Kansas animal health department; abolishing certain fee funds and creating the animal disease control fund; amending K.S.A. 47-1011, 47-1218, 47-1307, 47-1503 and 47-1702 and K.S.A. 1985 Supp. 47-672 and 47-1805 and repealing the existing sections.
- SB 685**, by Committee on Ways and Means: An act concerning the crime victims reparations fund; amending K.S.A. 74-7317 and repealing the existing section.
- SB 686**, by Committee on Ways and Means: An act relating to state tax levies for institutions; relating to the imposition and disposition thereof and accounting procedures therefor; amending K.S.A. 76-6b04, 76-6b09, 79-2201 and 79-5109 and K.S.A. 1985 Supp. 76-6b10 and repealing the existing sections.
- SB 687**, by Committee on Agriculture: An act concerning pesticides; amending K.S.A. 1985 Supp. 2-2438a and 2-2469 and repealing the existing sections.
- SB 688**, by Committee on Assessment and Taxation: An act concerning the financing of county courthouses, jail or law enforcement center facilities; authorizing the imposition of a countywide retailers' sales tax for such purpose; exempting revenue bonds issued for such purpose from the county bonded indebtedness limitation; amending K.S.A. 1985 Supp. 10-307, 12-187, 12-192 and 12-195 and repealing the existing sections.
- SB 689**, by Committee on Assessment and Taxation: An act relating to the enforcement and collection of Kansas retailers' sales tax; imposing personal liability for the tax on individuals responsible for collection and payment thereof.
- SB 690**, by Committee on Public Health and Welfare: An act concerning the department on aging; establishing an information and referral network to assist persons with Alzheimer's and related diseases.
- SB 691**, by Committee on Public Health and Welfare: An act establishing regional Alzheimer's disease assistance centers; providing for the designation of such centers; authorizing the development of a state Alzheimer's disease assistance plan; providing grants-in-aid to such regional centers.
- SB 692**, by Committee on Governmental Organization: An act concerning school district finance; affecting the definition of district wealth; amending K.S.A. 72-7042 and repealing the existing section.
- SB 693**, by Committee on Transportation and Utilities: An act authorizing and directing the Kansas turnpike authority to study the feasibility of constructing certain turnpike projects or freeways including the methods of financing thereof; prescribing the location thereof; and concerning appropriations for fiscal years ending June 30, 1986, and June 30, 1987, for such purposes.
- SB 694**, by Committee on Judiciary: An act concerning abused persons; relating to protection therefor; amending K.S.A. 60-3102, 60-3104, 60-3106, 60-3107 and 60-3110 and repealing the existing sections.
- SB 695**, by Committee on Judiciary: An act concerning the uniform controlled substances act; relating to substances included in schedule I; amending K.S.A. 65-4105 and repealing the existing section.
- SB 696**, by Committee on Agriculture: An act concerning agriculture; relating to land and property used in a farming operation; authorizing the stay of enforcement of certain judgments relating to such property; establishing procedures relating thereto; providing for redemption of certain property.
- SB 697**, by Committee on Agriculture: An act concerning brand inspection fees; amending K.S.A. 1985 Supp. 47-417a and 47-437 and repealing the existing sections.
- SB 698**, by Committee on Elections: An act concerning elections; relating to absentee voting; amending K.S.A. 25-1216 and K.S.A. 1985 Supp. 25-1122 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 25-1122e.
- SB 699**, by Committee on Assessment and Taxation: An act concerning the county inheritance tax fund; providing for the termination of distributions to counties therefrom; abolishing such fund and disposing of the moneys therein; amending K.S.A. 79-1578 and repealing the existing section.
- SB 700**, by Committee on Federal and State Affairs: An act concerning crime victims reparations; relating to certain alcohol or drug-related offenses; amending K.S.A. 74-7301 and repealing the existing section.
- SB 701**, by Committee on Federal and State Affairs: An act concerning the crime victims reparations board; relating to disposition of moneys recovered by subrogation; amending K.S.A. 74-7312 and repealing the existing section.
- SB 702**, by Committee on Governmental Organization: An act relating to veterans; concerning the Kansas commission on veterans affairs and the Kansas soldiers' home; amending K.S.A. 73-1208a, 73-1208b, 73-1208c, 73-1209 and 76-1904 and repealing the existing sections, and also repealing K.S.A. 1985 Supp. 75-5719 and 75-5720.
- SB 703**, by Committee on Agriculture: An act concerning pesticides; certification of certain applicators; limitations on licensees; amending K.S.A. 2-2441a and K.S.A. 1985 Supp. 2-2440 and repealing the existing sections.
- SB 704**, by Committee on Judiciary: An act concerning children and minors; relating to reports of suspected child abuse; amending K.S.A. 1985 Supp. 38-1522 and repealing the existing section.
- SB 705**, by Committee on Judiciary: An act concerning crimes and punishments; relating to unlawful disclosure of a warrant; amending K.S.A. 21-3827 and repealing the existing section.
- SB 706**, by Committee on Judiciary: An act concerning crimes and punishments; relating to certain crimes regarding parental custody; amending K.S.A. 21-3422 and K.S.A. 1985 Supp. 21-3422a and repealing the existing sections.
- SB 707**, by Committee on Judiciary: An act concerning crimes and criminal procedure; relating to the authority of the attorney general in certain cases.
- SB 708**, by Committee on Judiciary: An act concerning crimes and punishments; relating to the promotion of prostitution; amending K.S.A. 21-3513 and repealing the existing section.
- SB 709**, by Committee on Judiciary: An act concerning the expungement of records; amending K.S.A. 1985 Supp. 21-4619 and 38-1610 and repealing the existing sections.
- SB 710**, by Committee on Judiciary: An act concerning crimes and punishment; relating to the time limit for commencing prosecution; amending K.S.A. 21-3106 and repealing the existing section.
- SB 711**, by Committee on Judiciary: An act concerning children; relating to the admissibility of evidence in certain proceedings; amending K.S.A. 1985 Supp. 22-3433, 22-3434 and 60-460 and repealing the existing sections.
- SB 712**, by Committee on Judiciary: An act concerning law enforcement agencies; relating to reports of missing children.
- SB 713**, by Committee on Judiciary: An act relating to juveniles; concerning grounds for taking juveniles into custody; concerning the interstate compact on juveniles; amending K.S.A. 1985 Supp. 38-1527 and 38-1528 and repealing the existing sections.
- SB 714**, by Committee on Assessment and Taxation: An act relating to property taxation; allowing interest on refunds of protested taxes; amending K.S.A. 1985 Supp. 79-2005 and repealing the existing section.
- SB 715**, by Committee on Assessment and Taxation: An act relating to state contracts and purchases; authorizing the rejection of bids under certain circumstances; amending K.S.A. 75-3740 and repealing the existing section.
- SB 716**, by Committee on Assessment and Taxation: An act relating to civil procedure; concerning redemption of real property; amending K.S.A. 60-2414 and repealing the existing section.
- SB 717**, by Committee on Governmental Organization: An act repealing K.S.A. 75-5232 relating to hours constituting workweek for employees of department of corrections.
- SB 718**, by Committee on Governmental Organization: An act concerning the Kansas law enforcement and civil defense communications committee; concerning the statewide communications network; amending K.S.A. 74-5703 and repealing the existing section.
- SB 719**, by Committee on Ways and Means: An act authorizing the state board of regents to construct and equip a facility for the care of and clinical research on animals at the university of Kansas medical center; making and concerning appropriations for the fiscal year ending June 30, 1986, for the university of Kansas medical center.
- SB 720**, by Committee on Ways and Means: An act establishing the statewide reappraisal cost sharing fund; providing for credits thereto and expenditures therefrom; amending K.S.A. 79-3620 and repealing the existing section.
- HB 3024**, by Committee on Judiciary: An act concerning insurance; imposing certain taxes and privilege fees on premiums; providing for disposition thereof to assist health care providers in paying professional liability insurance premiums and premium surcharges; amending K.S.A. 40-3213 and K.S.A. 1985 Supp. 40-252 and 40-3404 and repealing the existing sections.
- HB 3025**, by Committee on Education (by request): An act concerning school districts; authorizing boards of education to apply for and accept grants and loans from the federal government for payment of the costs of removal or encapsulation of friable asbestos-containing material in school buildings.
- HB 3026**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of transportation; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- HB 3027**, by Committee on Ways and Means: An act relating to state moneys; concerning fee agency accounts; amending K.S.A. 75-4214 and 75-4215 and repealing the existing sections.
- HB 3028**, by Committee on Transportation: An act concerning motor vehicles; relating to the collection of fees; amending K.S.A. 1985 Supp. 8-145 and repealing the existing section.
- HB 3029**, by Committee on Transportation: An act amending the interstate motor fuel use act; amending K.S.A. 79-34,108, 79-34,110, 79-34,112, 79-34,114 and 79-34,117 and repealing the existing sections.
- HB 3030**, by Committee on Transportation: An act relating to the taxation of motor-vehicle fuels; amending K.S.A. 1985 Supp. 79-3408 and repealing the existing section.
- HB 3031**, by Committee on Transportation: An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 1985 Supp. 8-134 and repealing the existing section.
- HB 3032**, by Committee on Assessment and Taxation: An act relating to the taxation of income; concerning the federal income tax liability deduction of an individual; amending K.S.A. 79-32,120 and repealing the existing section.
- HB 3033**, by Committee on Agriculture and Small Business (by request): An act designating Harney silt loam as the state soil of Kansas.
- HB 3034**, by Committee on Communication, Computers and Technology: An act concerning research, innovation and development at educational institutions under the supervision and control of the state board of regents; relating to the establishment and support of centers of excellence and centers for industrial innovation and technology transfer at such institutions.
- HB 3035**, by Committee on Communication, Computers and Technology: An act relating to educational institutions under the supervision and control of the state board of regents; authorizing guidelines and procedures for acquisition of goods and services for certain research, innovation and development activities; exemption from competitive bid requirements.
- HB 3036**, by Committee on Energy and Natural Resources: An act concerning conservation districts; relating to conservation structures; amending K.S.A. 1985 Supp. 2-1915 and repealing the existing section.
- HB 3037**, by Committee on Energy and Natural Resources: An act establishing the oil and gas commission; providing for the powers, duties and functions thereof; amending K.S.A. 45-106, 55-102, 55-128c, 55-128d, 55-129, 55-131, 55-139, 55-140a, 55-140b, 55-141, 55-141a, 55-143, 55-150, 55-151, 55-152, 55-158, 55-159, 55-160, 55-161, 55-162, 55-164, 55-602, 55-603, 55-604, 55-606, 55-607, 55-608, 55-609, 55-612, 55-613, 55-702, 55-708, 55-709, 55-711, 55-901, 55-903, 55-904, 55-1003, 55-1004, 55-1005, 55-1006, 55-1201, 55-1204, 55-1207, 55-1301, 55-1402, 55-1504, 65-171d, 74-2622, 79-32,163, 79-4217 and 82a-728 and K.S.A. 1985 Supp. 55-140, 55-211a, 55-605 and 55-706 and repealing the existing sections; and also repealing K.S.A. 55-163.
- HB 3038**, by Committee on Energy and Natural Resources: An act concerning water; enacting the Kansas recreational river act.
- HB 3039**, by Committee on Energy and Natural Resources: An act concerning conservation easements; relating to the creation thereof.
- HB 3040**, by Committee on Governmental Organization: An act imposing the provisions of the Kansas sunset law upon the mined-land conservation and reclamation board and the office of the executive director thereof; amending K.S.A. 49-404 and repealing the existing section.

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals

Court of Appeals Courtroom

2nd Floor, Kansas Judicial Center

301 W. 10th, Topeka, Kansas

Before Rees, P.J.; G. Joseph Pierron, Jr., District Judge, Assigned;
and John W. White, District Judge Assigned

Monday, March 17, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
58,055	State of Kansas, appellee, v. Arthur Tardiff, appellant.	Arthur R. Weiss, Assistant District Attorney Gene Olander, District Attorney Attorney General Michael Kaye Todd B. Butler	Shawnee
58,574	DeElla Alice Johnson, appellee, v. State of Kansas—KNI, State Self-Insurance Fund, appellants, Workers' Compensation Fund.	Martha M. Snyder Randall J. Forbes	Shawnee
57,319	Patricia J. Goertzen, Adm. of Estate of Albert E. Goertzen, Deceased, appellee, v. Kansas Department of Social and Rehabilitation Services, appellant.	Derek J. Shafer Malcolm G. Copeland	Shawnee
57,615	Joseph M. Levier, appellant, v. State of Kansas, Dept. of Revenue, Division of Vehicles, appellee.	Reid Stacey Malcolm Copeland Brian Cox Thomas E. Hatten	Shawnee
1:00 p.m.			
58,001	Robert L. Gray, Paul W. Babcock, Chester W. Martinson, Melvin P. DeWeese and Joseph R. Stanley, appellants, v. Phillips Petroleum Co., appellee.	Robert L. Gray, Paul W. Babcock, Chester W. Martinson, Melvin P. DeWeese, and Joseph R. Stanley, all pro se R. Wayne Lampson Karl V. Cozard J. J. Kubat, Jr. Robert J. Perry Herbert A. Marshall	Shawnee
57,897	John B. Mannen, appellee, v. Fred C. Berckefeldt, appellant.	Edwin P. Carpenter	Shawnee
58,423	Frances Balagna and Joshua Balagna, by and through his Next Friend, Frances Balagna, appellants, v. Van Doren-Hazzard-Stallings, a Partnership, and Dallas W. Freeborn, appellees.	Kenneth M. Carpenter William H. Pickett Cathleen Reeder Herbert A. Marshall	Shawnee

58,288	Kent-Brown Chevrolet Inc., appellee, v. American States Ins. Co., appellant.	Patrick Barnes Shelden Le Bron	Shawnee
--------	--	-----------------------------------	---------

Tuesday, March 18, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
58,185	Robert L. Hillebert, appellee, v. Ronald D. Steele, Randy B. Currie, David M. Scheer, Jr., Richard Singer and Marion Schroll, appellants.	Arthur Palmer Randall J. Forbes	Shawnee
58,267	Raymond John Hogan, appellant, v. Karrie Hogan and Richard Blevins, appellees.	Frank D. Taff Stanley E. Oyler James E. Switzer	Shawnee
58,054	John T. Wagner and Judy A. Wagner, appellants, v. Raymond S. Meier, Leonard G. Meier and Peter P. Meier, appellees.	Henry J. Schulteis Hal E. DesJardins George D. Wagstaff	Shawnee
58,103	Lonell Jessie Woffard, appellant, v. Laurie A. Strait, appellee.	Douglas E. Wells Thomas E. Wright	Shawnee

Kansas Court of Appeals
11th Floor Courtroom, Sedgwick County Courthouse
525 N. Main St., Wichita, Kansas
Before Parks, P.J.; Richard A. Medley, District Judge, Assigned;
and Robert L. Bishop, District Judge, Assigned

Monday, March 17, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
58,075	Home Life Ins. Co., plaintiff, v. Dean C. Clay, <i>et al.</i> , appellants, v. James Woody Woodall, <i>et al.</i> , Third-Party Defendants, Reliance Ins. Co. and Kansas Bankers Surety Co., appellees.	Kenneth A. Clark Dean Clay, <i>pro se</i> J. Michael Morris Leon Keiter William A. Hensley Keith Witten Thomas L. Theis	Sedgwick
58,191	Western Kansas Express, Inc. and Jayhawk Truck Line, Inc., appellants, v. Dugan Truck Line, Inc., appellees.	John E. Jandera Edgar Wm. Dwire	Sedgwick
58,239	Pamela C. Parks, appellee, v. Mrs. Marion B. Newell, Sp. Adm. for Estate of Marion B. Newell, appellant.	David L. Calvert Craig Kennedy	Sedgwick
58,017	Larry W. Roberts, Arlene L. Roberts and Kansas State Bank and Trust Co. of Wichita, appellees, v. Doyle P. Hopper and Juanita L. Hopper; Windsor Park Homeowners, Inc.; Wendell B. Parks and Patricia A. Parks, appellants.	Thomas J. Lasater Edgar Wm. Dwire Kenneth G. Gale Richard A. Loyd B. J. Hickert	Sedgwick

(continued)

1:00 p.m.

58,133	Russell Barby, <i>et al.</i> , appellees, v. Alfred Barby, <i>et al.</i> , appellants.	Paul L. Thomas David S. Wooding	Sedgwick
57,832	Joyce Ann Johnson and Kelly Ann Johnson, appellants, v. Lyle P. Baker, appellee.	C. Robert Bell	Sedgwick
58,101	Speed King Mfg. Co., Inc., appellant, v. Aspen Pipe & Supply Co., Inc., Richard L. Krehbiel and Virginia A. Grant, appellees.	Darrell D. Kellogg Jim Mangan Walter C. Williamson	Sedgwick
57,981	Daniel K. Stratton, appellee, v. Garvey International, Inc., appellant.	Ross Griggs Ron Beal	Sedgwick

Tuesday, March 18, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
58,430	Sedgwick County Commissioners, appellees, v. Earl W. Hamman and John E. and Gertrude Baker, <i>et al.</i> , appellants.	Bruce B. Fitts Benjamin Foster C. Foster Bell	Sedgwick
58,104	First National Bank in Wichita, appellee, v. James T. Howard, Lois Howard and J & G Elec. Co., appellants.	William F. Kluge Barry L. Arbuckle	Sedgwick
58,155	Manpower, Inc., of Wichita, appellee, v. State of Kansas Employment Security Board of Review, appellant, and John Sutton.	Orval J. Kaufman Marlin A. White	Sedgwick
58,388	David A. Sack, appellant, v. C. J. Kurth, M.D.; J. Walker Butin, M.D.; E. Holmes Brinton, M.D.; J. Dolan, M.D.; and James P. Rhoads, M.D., appellees.	Bradley A. Pistotnik Debra Arnett Charles Hills	Sedgwick

**Kansas Court of Appeals
District Courtroom, Ford County Courthouse
Central & Spruce, Dodge City, Kansas**

**Before Abbott, C.J.; J. Stephen Nyswonger, District Judge, Assigned;
and Clarence E. Renner, District Judge, Assigned**

Monday, March 17, 1986

10:15 a.m.

Case No.	Case Name	Attorney	County
57,535	State of Kansas, appellee, v. Jessie Mejia, appellant.	Daniel L. Love, County Attorney E. Leigh Hood Attorney General Erich M. Shultz	Ford
57,831	State of Kansas, appellee, v. Richard L. Brownrigg, appellant.	Daniel L. Love, County Attorney Attorney General David L. Patton	Ford

1:00 p.m.

57,882	State of Kansas, appellee, S.C.	Leigh Hood, Assistant County Attorney; Attorney General	Ford
	v. Lex Hartnett, appellant.	Linda L. Eckelman David Patton	
58,487	State of Kansas, appellee,	Daniel L. Love, County Attorney Attorney General	Ford
	v. Ronald D. Speer, appellant.	Linda L. Eckelman Melissa Kelly	
57,502	Raymond A. Cognasi, appellee,	John E. Fierro	Ford
	v. Texas Bank & Trust Co., appellant.	David H. Snapp	
57,866	Eric G. Bortzer, appellee,	John Fierro	Ford
	v. U.S.D. 443 and Pennsylvania National Insurance Co., appellants.	Casey R. Law	
58,535	Dorothea Slack, appellant,	Robert L. Feldt	Barton
	v. Thies Develop. Corp., and Fireman's Fund Ins. Co., appellee.	Turner & Boisseau	
56,918	Slentz-McAllaster, appellee,	T. J. Carney	Edwards
	v. American Agricultural Ind., Inc., Defendant, Kinsley Bank, appellant.	David Traster Gene Porter	

Tuesday, March 18, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
58,264	V. Carol Streit, appellant,	David M. Schauner	Edwards
	v. Board of Education, U.S.D. 347, Edwards County, appellee.	J. Byron Meeks Kenneth W. Strobel	
57,603	Larry J. Gerber, appellant,	Barry K. Gunderson	Ford
	v. Farmland Industries, Inc., appellee.	Jack E. Dalton	
57,696	Methodist Hospital Association, Inc., appellee,	Ken W. Strobel	Ford
	v. M. W. Howard and Billie L. Howard, appellants.	Robert M. Baker	
58,318	A. M. Stauth, Randy M. Stauth, J. Wes Berghouse, Dee Jacquart and Rollie Jacquart, appellees,	Harry A. Waite David H. Snapp	Ford
	v. William F. Brown, Jr. and Amy E. Brown; William C. Eckles and Cheryl A. Eckles, appellants.	Terry J. Malone	

(continued)

Kansas Court of Appeals
West Courtroom, Court Building
Ottawa, Kansas

Before Meyer, P.J.; Janice D. Russell, District Judge, Assigned;
and Robert L. Gernon, District Judge, Assigned

Monday, March 17, 1986
9:00 p.m.

Case No.	Case Name	Attorney	County
58,309	State of Kansas, appellee, v. Louis Nunez, appellant.	Joyce Fackler Hendrix, Assistant County Attorney Attorney General	Franklin
58,167	Hubbard Lumber Co., Inc. appellee, v. Bob Dodson, appellant.	Frank Manzanares Thomas H. Sachse	Franklin
58,280	In the Matter of the Guardianship and Conservatorship of Della Marie Slemph.	Wendell J. Barker Alan D. Weber Sheryl A. Bussell Richard O. Skoog Robert Young, Gdn. A/L	Franklin
58,069	Gunter Alberti, appellant, v. Tildie M. Alberti, appellee.	Thomas Britt Nichols George A. Lowe	Miami
1:00 p.m.			
58,241	In the Matter of the Marriage of Charles Melvin Hampton and Susan Lorraine Hampton, now Susan Lorraine Snelling.	Thad E. Nugent Betsy B. Patrick	Miami
58,051	Richard L. Sele, appellant, v. City of Yates Center, appellee.	Kurt F. Kluin Leo T. Gensweider	Woodson
58,274	Quail Ridge Industries, Inc., and John W. Nolker, appellees, v. Harold V. Chapman, Nellie W. Chapman and Autumn Manor, Inc., appellants.	Jerry R. Palmer Joel W. Meinecke	Woodson
58,422	Omer Dyer and Imogene Dyer, appellees, v. Thomas F. Johnson and Emmalene G. Johnson, et al., appellants.	Patrick T. Forbes John N. Sherman Thomas F. Johnson and Emmalene Johnson, pro se Leo T. Gensweider	Woodson

Tuesday, March 18, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
57,884	In the Matter of the Marriage of Sandra L. Mocnik and Mark R. Mocnik.	Lee H. Tetwiler D. Richard White	Miami
57,618	Helen F. Holt, Celia C. Holt, Darrell L. Holt, Carolyn S. Holt, Clifford Holt, Gilbert Holt and Leroy L. Holt, by Douglas State Bank, Trustee for Estate of Leroy L. Holt, appellees, v. Harold C. Shephard and Caroline B. Shephard, appellants.	Michael D. Heck Charles W. Smiley	Douglas

57,988	Lawrence National Bank and Trust Co., appellees, v. Mary D. Murphy and Donald E. Murphy, appellants.	Peter K. Curran Bradley J. Smoot Bryson Kloon William P. Ronan	Douglas
58,414	In the Matter of the Estate of Harold Jefferson Cannon.	Chester A. Fleming Michael Heck Richard White	Douglas

**Kansas Court of Appeals
Ellis District Courtroom
3rd Floor, Ellis County Courthouse
13th & Fort St., Hays, Kansas**

**Before Briscoe, P.J.; Ralph M. King, Jr., District Judge, Assigned;
and David S. Knudson, District Judge, Assigned**

**Monday, March 17, 1986
9:00 a.m.**

Case No.	Case Name	Attorney	County
57,221	Edwin Herman, appellant, v. Estate of D. F. Antenen, Deceased, appellee.	Larry D. Tittel Tom Kelley	Ness
57,976	J. I. Case Credit Corp., appellee, v. Clarence Foos and Bazine State Bank, appellants.	Ivan D. Krug Dennis J. Keenan Larry D. Tittel	Ness
58,007	G & S Investment Co., appellee, v. Stuart D. Close and Mona Close, appellants.	James A. Spencer M. Dean Burkhead	Thomas
58,256	In the Matter of the Marriage of Carolyn Marie Zodrow and Thomas John Zodrow.	Karen L. Griffiths Michael H. Haas	Sheridan
1:00 p.m.			
57,697	State of Kansas, appellee, v. Hans Wessels, Jr., appellant.	Thomas Sullivan, County Attorney, Attorney General Mark C. Whitney	Phillips
58,036	Chester Pizel, Vernon Pizel, <i>et al.</i> , appellants, v. Allen D. Pizel, <i>et al.</i> , appellees.	Randall W. Weller Stephen B. Rhudy Selby S. Soward	Sherman
58,175	In re Appeal of Ronald C. Ball from the order of Kansas Dept. of Revenue.	William L. Edds Kris E. McKinney Michael V. Foust	Sherman
57,538	Melba Fairchild, plaintiff, v. Michael D. Weilert, appellant, and Daryl McCrate and Marilyn Thummel, appellees.	Jeffery L. Seibel Mike Keeley	Gove

(continued)

Tuesday, March 18, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
57,872	Kansas Oil Corporation, aka Reach Petroleum Management, appellee, v. Board of County Commissioners of Trego County, <i>et al.</i> , appellants.	Richard D. Greene Robert G. Suelter	Trego
58,242	Warren Worthington, appellee, v. Jene A. Miller, appellant.	Robert A. Thompson	Rooks
57,948	A & M Oil, Inc., <i>et al.</i> , appellees, v. L. Lynn Miller, <i>et al.</i> , appellants.	Terry L. Cikanek Robert A. Thompson Jeffrey A. Shadwick	Rooks
57,731	Anita L. Luhman, appellees, v. Eldon L. Luhman, appellant.	John T. Bird Leonard J. Dix Robert Osborn Stanley Krysl Robert Glassman John Bird Allen Shelton	Ellis

Kansas Court of Appeals
Main Courtroom, Finney County Courthouse
8th & St. John, Garden City, Kansas

Before Brazil, P.J.; Steven P. Flood, District Judge, Assigned;
and Adrian J. Allen, District Judge, Assigned

Monday, March 17, 1986

9:45 a.m.

Case No.	Case Name	Attorney	County
57,765	City of Garden City, appellee, v. Robinson Aviation Inc., appellant.	Thomas J. Burgardt Gerard E. Little	Finney
58,460	Arloene Avila, appellee, v. Iowa Beef Processors, appellant.	John W. Johnson Jim Lawing	Finney
57,426	Otto Mehl, <i>et al.</i> , appellants, v. Garden City Prod. Credit Association, appellee.	Gary M. Korte Tom R. Smith Gene Sharp Michael E. Collins	Seward

1:00 p.m.

58,218	Federal Land Bank of Wichita, appellee, v. James W. Dimitt, aka James W. Dimitt, Jr., and Joyce Dimitt, appellants.	Kenneth Boelte James W. Dimitt, <i>pro se</i> Joyce Dimitt, <i>pro se</i>	Stanton
58,140	Peoples National Bank, appellee, v. Kenneth E. Larsen, dba Ken's Yamaha, & Cecil Milhon, appellant, v. Verna L. Larsen.	Richard R. Yoxall Harold K. Greenleaf Kerry E. McQueen	Seward

57,890	In the Matter of the Estate of Lester C. Newland, Deceased.	Thomas R. Oglevie Howard C. Wilson Jerry Fairbanks	Wallace
58,353	U.S.D. 241, Wallace County, appellee, v. Charles Swanson and U.S.D. 241 Professional Employees Association, appellants.	H. David Starkey Thomas L. Toepfer	Wallace
58,405	Archie Anderson, appellee, v. National Carriers, Inc., appellee, and Travelers Ins. Co., appellant.	Lelyn J. Braun Gene Sharp B. G. Larson	Seward
58,510	In the Matter of the Marriage of Beverly Jean Gooch and Paul David Gooch.	Lelyn J. Braun Gene Sharp	Stevens

Tuesday, March 18, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
57,805	Daniel E. Hahn, appellant, v. Dillon Stores, appellee.	Linda L. Eckelman Lelyn J. Braun	Finney
57,822	Diane Kennedy, appellee, v. Larry L. Kennedy, appellant.	Brad Dillon David L. Patton	Finney
[57,563] [58,330] (Cons.)	Lloyd Lightner, next of kin of Jessie Lightner, and Dale Lightner, Deceased, appellants, v. Floyd Frank, Linden Litwiller and Board of County Commissioners, Haskell County, appellees.	John M. Lindner Lelyn J. Braun	Haskell
57,705	Margaret Humphreys and Oren Humphreys, appellants, v. Paul Heine, appellee.	B. G. Larson Arthur B. McKinley Lelyn J. Braun H. Lee Turner	Finney

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 003966

State of Kansas
SOCIAL AND REHABILITATION SERVICES
ADVISORY COMMISSION ON
JUVENILE OFFENDER PROGRAMS
AND STATE ADVISORY GROUP

NOTICE OF MEETING

The Advisory Commission on Juvenile Offender Programs and the State Advisory Group will meet from 9:30 a.m. to 2 p.m. Friday, March 14, at the Villages, Inc., 2209 S.W. 29th, Topeka.

BENJAMIN S. COATES
 Juvenile Offender Programs
 Youth Services

Doc. No. 003982

State of Kansas
SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1985 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of March 1, 1986 through March 31, 1986 shall be 11.40 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 28th day of February, A.D. 1986.

JACK H. BRIER
 Secretary of State

Doc. No. 003976

(Published in the KANSAS REGISTER, March 6, 1986.)

NOTICE OF REDEMPTION
TO THE HOLDERS OF
FINNEY COUNTY, KANSAS
FAMILY MORTGAGE REVENUE BONDS
1980 SERIES A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated as of January 1, 1980, \$400,000 amount of bonds are called for redemption on April 1, 1986 at a redemption price of 100 percent of the principal price being redeemed plus accrued interest to April 1, 1986.

Coupon bonds of \$5,000 denominations, called in full:

215	1042	1704	2283	2867
265	1105	1746	2340	2909
318	1160	1787	2366	2952
375	1179	1827	2409	2993
429	1214	1868	2450	3035
493	1273	1910	2492	3076
527	1307	1953	2534	3161
605	1341	1994	2575	3262
691	1375	2034	2618	3329
777	1384	2075	2660	3413

782	1495	2117	2701	3454
875	1534	2157	2743	3496
907	1584	2198	2784	3537
989	1634	2255	2826	3559

Coupon bonds with the October 1, 1986 and all subsequent coupons should be presented as shown below.

Continental Illinois National Bank
 and Trust Company of Chicago
 Attn: Collection Division
 30 North LaSalle Street, 16th Floor
 Chicago, Illinois 60697

In addition to the coupon bonds listed above, a portion of or the entire amount of fully registered bonds is also called as shown below:

Bond Number	Total Principal	Amount Called
R133	\$ 20,000	\$ 5,000
R427	480,000	15,000
R98	5,000	5,000
R105	5,000	5,000
R113	5,000	5,000
R114	5,000	5,000
R116	5,000	5,000
R118	5,000	5,000

Registered bonds should be presented to the principal paying agent at the following address: Continental Illinois National Bank and Trust Company of Chicago, Attn: Corporate Trust Operations, 30 North LaSalle Street, 16th Floor, Chicago, Illinois 60697.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of bonds called for redemption will cease to accrue on April 1, 1986. Coupons for April 1, 1986 should be detached and presented in the usual manner.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated February 28, 1986.

Finney County, Kansas
 By: Continental Illinois National Bank
 and Trust Company of Chicago, Trustee

Doc. No. 003987

(Published in the KANSAS REGISTER, March 6, 1986.)

**NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
SHAWNEE COUNTY, KANSAS
INDUSTRIAL REVENUE BONDS
SERIES 1983-A
(HEALTH CENTER PARTNERSHIP)**

Notice is hereby given that pursuant to the provisions of Section 7 of Ordinance No. 83-64 of Shawnee County, the above mentioned bonds maturing on April 1, 1986 and thereafter have been called for redemption and payment on April 1, 1986 at the principal corporate trust office of Highland Park Bank & Trust, Corporate Trust Division, 2100 S.E. 29th, Topeka, KS 66605.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 109 percent of the principal amount of each bond together with interest accrued to the redemption date. Payment will be made upon surrender of the bonds.

Interest shall cease to accrue on the bonds so called for redemption on and after April 1, 1986.

Tax identification form number W-9 or an exemption certificate is required or tax will be withheld from payment.

**HIGHLAND PARK BANK & TRUST,
TOPEKA, KANSAS, TRUSTEE**

Doc. No. 003978

(Published in the KANSAS REGISTER, March 6, 1986.)

**NOTICE OF BOND SALE
\$578,089.38
GENERAL OBLIGATION
STREET, STORM SEWER AND
SANITARY SEWER
IMPROVEMENT BONDS
SERIES "A" 1986
OF THE
CITY OF OTTAWA, KANSAS
(Payable from unlimited ad valorem taxes)**

Sealed bids

Sealed bids will be received by the undersigned, City Clerk of the City of Ottawa, Kansas, on behalf of the Commission at the City Hall, 4th and Walnut, Ottawa, KS 66067 until 10:30 a.m. Central Standard Time, on Wednesday, March 12, 1986, for the purchase of \$578,089.38 principal amount of general obligation improvement bonds, series "A" 1986 of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$8,089.38 dated April 1, 1986, and becoming due serially on November 1 in the years, without option of prior payment, as follows:

Year	Principal Amount
1987	\$18,089.38
1988	40,000.00
1989	50,000.00
1990	50,000.00
1991	60,000.00
1992	60,000.00
1993	70,000.00
1994	70,000.00
1995	80,000.00
1996	80,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1987.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax-exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No rate specified shall be lower than any rate specified for an earlier maturity of the bonds. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

(continued)

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rate specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-6a01 to 12-6a17, inclusive, as amended, for the purpose of paying the cost of certain street, storm sewer and sanitary sewer improvements and pursuant to K.S.A. 12-687 for the purpose of paying the cost of certain main trafficway improvements. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Pending Federal Legislation Concerning Tax-Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for the interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city will covenant to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore,

there can be no assurance that the city will be able to comply with such requirement. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax-exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Disposition of Bond Proceeds

The improvement projects for which these bonds are being sold are completed and all proceeds from the sale of the bonds are expected to be disbursed within 30 days from the date of the closing.

Legal Opinion

The bonds will be sold subject to the legal opinion of Gaar & Bell, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, under existing law and regulations, the interest on the bonds is exempt from federal income taxation. The opinion shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at the office of Gaar & Bell, Overland Park, Kansas. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$11,600, payable to the order of the city to secure the city from any loss resulting from the failure of the successful bidder to comply with the terms of his bid. No interest will be paid upon the successful bidder's good faith check. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to his order at the option of the city.

If a bid is accepted but the city shall fail to deliver

the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned, city clerk, and marked "Proposal for the Purchase of Street, Storm Sewer and Sanitary Sewer Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 10:30 a.m. Central Standard Time, Wednesday, March 12, 1986.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1985 is \$24,070,435. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,626,938.85. The city also has outstanding as of January 1, 1986, temporary notes in the principal amount of \$825,000, of which \$325,000 principal amount will be retired out of proceeds from the bonds, and no fund warrants in the principal amount of \$83,000.

Dated March 1, 1986.

CITY OF OTTAWA, KANSAS
 By Orlin W. Smith
 City Clerk
 City Hall
 4th & Walnut
 Ottawa, KS 66067
 (913/242-2190)

Doc. No. 003975

(Published in the KANSAS REGISTER, March 6, 1986.)

NOTICE OF BOND SALE
\$10,975,000
STREET AND STORM DRAINAGE
IMPROVEMENT BONDS
SERIES 1986
OF THE
CITY OF OVERLAND PARK, KANSAS
 (General obligation bonds payable from unlimited ad valorem taxes)

Sealed bids will be received by the undersigned, City Clerk of the City of Overland Park, Kansas, on behalf of the City Council at the City Hall, 8500 Santa Fe Drive, Overland Park, KS 66612, prior to 5 p.m. Central Standard Time, and will also be received from 6:30 to 7 p.m. Central Standard Time, in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas, on Tuesday, March 18, 1986, for the purchase of \$10,975,000 principal amount of street and storm drainage improvement bonds series 1986 of the city hereinafter described. All bids will be publicly opened and read at 7 p.m. Central Standard Time, March 18, 1986, in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas, and will be acted upon by the governing body immediately thereafter.

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated April 1, 1986, and becoming due serially on September 1 in the years as follows:

Year	Principal Amount
1986	\$ 600,000
1987	800,000
1988	1,300,000
1989	1,300,000
1990	1,300,000
1991	1,200,000
1992	1,200,000
1993	1,200,000
1994	1,165,000
1995	910,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year beginning on September 1, 1986.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the State of Kansas. The bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

The city will pay the fees of the bond registrar for

(continued)

registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1991 and thereafter will be subject to redemption and payment prior to maturity, on September 1, 1990, and thereafter in whole or in part on any interest payment date in inverse order of maturity at the redemption price of 100 percent of the principal amount thereof, plus accrued interest to the redemption date.

In the event that the Bill (as hereinafter defined) becomes law in a form which requires all of the proceeds of the bonds to be spent within three years from the date of issuance, the bonds will be subject to mandatory redemption and payment prior to maturity in whole or in part on March 1, 1989, in inverse order of maturity, at a redemption price of 100 percent of the principal amount thereof, plus accrued interest to the date of redemption, using proceeds of the bonds not expended for the cost of the improvements (as hereinafter defined) by January 1, 1989.

Whenever bonds of less than a single maturity are to be redeemed, the paying agent and bond registrar shall select bonds by lot in multiples of \$5,000 principal amount in such equitable manner as it shall designate and shall, in the case of bonds in denominations greater than \$5,000, treat each \$5,000 of face value of each bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the State Treasurer of Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bonds shall cease.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of

1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No rate specified shall be lower than any rate specified for an earlier maturity of the bonds. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-685 *et seq.*, as amended, and K.S.A. 12-6a01 *et seq.*, as amended, for the purpose of paying the cost of certain street and storm drainage improvements. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of certain improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion

The bonds will be sold subject to the legal opinion of Gaar & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill, which presently is pending in the U.S. Senate, contains a number of requirements which would apply to the bonds and which must be satisfied in order for the interest on the bonds to be exempt from federal income taxation. Such requirements gen-

erally are effective for all state and local obligations issued after December 31, 1985, and thus, if the Bill becomes the law in its present form, would be applicable to the bonds. The city will covenant to comply with the requirements of the provisions of the Bill to maintain the tax-exempt status of the bonds. The opinion of bond counsel will state under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and, assuming continued compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$219,500, payable to the order of the city to secure the city from any loss resulting from the failure of the successful bidder to comply with the terms of his bid. No interest will be paid upon the successful bidder's good faith check. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to

accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bond Rating

The outstanding general obligation bonds of the city are rated "Aa1" by Moody's Investors Service, Inc., and the city has applied for rating on the bonds herein offered for sale.

Bid Forms

All bids must be made on forms which may be procured from the Finance Director/City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned Finance Director/City Clerk and marked "Proposal for the Purchase of Street and Storm Drainage Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 5 p.m. Central Standard Time, and will also be received from 6:30 to 7 p.m. Central Standard Time, in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas, on March 18, 1986.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1985 is \$434,508,078. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$22,120,000. Temporary notes in the principal amount of \$3,343,250 will be retired using the proceeds of the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the Finance Director/City Clerk.

Dated February 17, 1986.

CITY OF OVERLAND PARK, KANSAS

Bernice Crummett
Finance Director/City Clerk
City Hall
8500 Santa Fe Drive
Overland Park, KS 66212
(913) 381-5252

Doc. No. 003984

(Published in the KANSAS REGISTER, March 6, 1986.)

NOTICE OF BOND SALE
\$150,000
GENERAL OBLIGATION SCHOOL BONDS
SERIES 1986
OF
UNIFIED SCHOOL DISTRICT NO. 204
WYANDOTTE COUNTY, KANSAS
(BONNER SPRINGS)

Unified School District No. 204, Wyandotte County, Kansas, will receive sealed bids at the District Office, 215 Cedar St., P. O. Box 435, Bonner Springs, KS 66012 (913/422-5600), until 7:30 p.m. C.S.T., Monday, March 17, 1986, for \$150,000 general obligation school bonds, series 1986, of the school district, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

Terms of the Bonds

The bonds will be dated April 1, 1986, and will mature serially on September 1 in the years and in the amounts set forth below. The bonds will consist of fully registered certificated or uncertificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. Interest will be payable September 1, 1986 and thereafter semiannually on March 1 and September 1 (the interest payment dates).

The principal of the bonds will be payable at the principal office of the Treasurer of the State of Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds will be payable to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date (the record dates). The fees of the bond registrar for registration and transfer of the bonds will be paid by the school district.

The bonds will mature serially as follows:

Principal Amount	Maturity Date September 1
\$35,000	1986
35,000	1987
40,000	1988
40,000	1989

Purpose and Security

The bonds are being issued for the purpose of paying the costs of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes. The bonds will constitute general obligations of the school district, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the territorial limits of the school district.

Conditions of Bids

Bids will be received for the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate will apply to all bonds of the

same maturity. Each interest rate specified will be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. The difference between the highest and lowest rates specified in any bid will not exceed 2.5 percent. No interest rate will exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax-exempt municipal bonds published in the weekly Credit Markets in New York, New York, on March 10, 1986, plus 2 percent. 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.

Bid Form and Good Faith Deposit

Bids will be submitted on the official bid form furnished by the school district and will be addressed to the school district at the District Office, 215 Cedar Street, P.O. Box 435, Bonner Springs, KS 66012, and will be plainly marked BOND BID. Each bid will specify the total interest cost to the school district on the basis of such bid and the average annual net interest rate on the basis of such bid. The net interest cost to the school district will be determined by subtracting the amount of the premium, if any, from the total interest cost and will be stated as a dollar amount in the bid. The school district will be entitled to rely on such dollar amount as stated in the bid as the basis of determining the lowest net interest cost bid. If there is any discrepancy between the said net interest cost and the average annual interest rate specified, the specified net interest cost will govern and the rates specified in the bid will be adjusted accordingly.

Each bid must be accompanied by a certified or cashier's check equal to \$3,000, made payable to Unified School District No. 204, Wyandotte County, Kansas. In the event a bidder whose bid is accepted fails to carry out his contract to purchase the bonds, said deposit will be retained by the school district as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

The sealed bids for the bonds will be opened publicly and only at the time and place specified in this notice. The school district reserves the right to reject any and all of the bids, and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the school district.

Delivery of the Bonds

The bonds will be sold subject to unqualified approving opinion of Stinson, Mag & Fizzell, Bond Counsel, of Kansas City, Missouri, a copy of whose opinion will be printed on the reverse side of each certificated bond. Manually signed originals of the opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of the opinion of bond counsel and the expense of printing the bonds will be paid by the school district. Bond counsel's legal opinion will contain a statement to the effect that the bonds will constitute general obligations of the school district, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the

territorial limits of the school district and that the interest on the bonds will be exempt from federal income taxation under present law. Bond counsel's opinion regarding the tax exempt status of the bonds will include references to H.R. 3838, recently passed by the United States House of Representatives, and will assume the present and continuing compliance by the school district with the applicable provisions of H.R. 3838, if enacted. See material contained in this notice of bond sale under the heading "Pending Federal Tax Legislation" for a further discussion of H.R. 3838.

The number and denominations of bonds and names of the registered owners to be shown on the bonds initially delivered must be submitted in writing by the successful bidder to the bond registrar not later than April 3, 1986.

The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds will be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before April 10, 1986, at such location in the state of Kansas or in Kansas City, Missouri, as may be specified by the purchaser. The purchase price, including accrued interest from the date of the bonds to the date of delivery, will be paid at delivery or the good faith deposit will be forfeited.

Pending Federal Tax Legislation

H.R. 3838 includes amendments to the Internal Revenue Code provisions applicable to tax-exempt bonds such as the bonds. These amendments are stated to be effective for bonds delivered after December 31, 1985, and therefore would apply to the bonds if enacted and if applicable to the bonds.

If enacted in the form passed by the House of Representatives, H.R. 3838 would require actions, in addition to those imposed under existing laws, on the part of the school district in order for the interest on the bonds to be exempt from federal income taxes. The school district might be required to make further limitations on the yield on the investment of bond proceeds pending use of those funds on the project and on the timing of the use of those funds on the project. Certain earnings, if any, would ultimately be required to be rebated to the United States. The school district would be required, under H.R. 3838, to report certain information regarding the bonds to the Department of the Treasury. In adopting the bond resolution, the school district will covenant to comply with all applicable provisions of H.R. 3838 in its present form.

In addition, the school district will covenant to comply with all applicable future laws (including H.R. 3838, if enacted in a form different from its current form), regulations, published rulings and court decisions which relate to the exemption from income tax of the interest on the bonds, to the extent any actions can be taken by the school district to comply with such

laws, regulations, published rulings and court decisions or otherwise to preserve such exemption. In the event the school district is unable to comply with such laws, regulations, published rulings or court decisions, interest on the bonds may become taxable, retroactively to the date of issuance. In the event that interest on the bonds becomes taxable, the school district is not required to redeem or otherwise prepay the bonds.

As a result of amendments of the Code proposed in H.R. 3838, property and casualty insurance companies may be subject to a minimum tax on interest on the bonds in taxable years of such taxpayers beginning after December 31, 1987.

The United States House of Representatives and the United States Senate have each adopted non-binding resolutions which could have the effect of delaying the effective date of some or all of the provisions of H.R. 3838, if enacted. As a result, the bonds may not be subject to H.R. 3838.

The school district intends to designate the bonds as bonds which are part of an issue which is eligible for the special exception from the provisions in H.R. 3838 requiring the pro rata disallowance of interest expense of financial institutions with respect to tax-exempt obligations. That designation, and compliance with the requirements of those provisions, will allow financial institutions located in the state of Kansas to treat the bonds as if acquired prior to January 1, 1986, for purposes of the pro rata disallowance. The school district will covenant to comply with those provisions if H.R. 3838 is enacted and applicable to the bonds.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 1985 for the computation of limits upon bonded indebtedness is \$26,582,637. The total general obligation bonded indebtedness of the school district as of this date, including this \$150,000 proposed issue of bonds, is \$7,315,000.

Official Information

Additional copies of this notice of bond sale, the official bid form, or further information may be obtained from Kenneth Tewell, Superintendent of Schools, 215 Cedar St., P.O. Box 435, Bonner Springs, KS 66012 (913/681-2866).

Dated March 3, 1986.

UNIFIED SCHOOL DISTRICT NO. 204
WYANDOTTE COUNTY, KANSAS
By C.M. Glendening
Clerk, Board of Education

Doc. No. 003983

(Published in the KANSAS REGISTER, March 6, 1986.)

NOTICE OF BOND SALE
\$2,500,000
GENERAL OBLIGATION BONDS
OF
UNIFIED SCHOOL DISTRICT NO. 461
WILSON COUNTY, KANSAS
(NEODESHA)

Unified School District No. 461, Wilson County, Kansas (Neodesha) will receive sealed bids at the Office of the Board of Education, 522 Wisconsin St., Neodesha, Kansas, until 7 p.m. C.S.T., Monday, March 10, 1986, for \$2,500,000 par value general obligation bonds of the district, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

Bond Details

The Series A, 1986 Bonds will be dated as of April 1, 1986, and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds will consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in each year. Interest will be payable semi-annually, commencing April 1, 1987, and each October 1 and April 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the paying agent and bond registrar), to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the district.

The bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$ 85,000	October 1, 1988
90,000	October 1, 1989
100,000	October 1, 1990
110,000	October 1, 1991
120,000	October 1, 1992
130,000	October 1, 1993
140,000	October 1, 1994
155,000	October 1, 1995
170,000	October 1, 1996
185,000	October 1, 1997
200,000	October 1, 1998
220,000	October 1, 1999
240,000	October 1, 2000
265,000	October 1, 2001
290,000	October 1, 2002

Redemption

(a) **Optional Redemption.** Bonds maturing in the years 1988 to 1996, inclusive, shall become due without option of prior payment. At the option of the district, bonds maturing in the years 1997 and thereafter may be called for redemption and payment prior

to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the district in such equitable manner as it may determine) on October 1, 1996, or on any interest payment date thereafter at the redemption price of 101 percent (expressed as a percentage of the par value of the principal amount thereof) plus accrued interest to the redemption date.

(b) **Special Mandatory Redemption.** In the event the provisions of the "Bill" (as hereinafter defined) apply to the bonds, and only to the extent necessary to preserve the exemption from federal income taxation of the interest on the bonds, the bonds are subject to mandatory redemption and payment prior to maturity in whole or in part on April 1, 1989 at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption in inverse order of maturity (selection of bonds within the same maturity to be by lot by the district in such equitable manner as it may determine) from funds in the improvement fund not expended for costs of the improvements by February 1, 1989.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the bond registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 2.5 percent. 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 Credit Markets in New York, New York on the Monday next preceding the day on which the bonds are sold (March 3, 1986), plus 2 percent, 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.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the district, and shall be addressed to the office of the Board of Education, at 522 Wisconsin St., Neodesha, KS 66757, Attention: Betty L. Krause, Board Clerk, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the district will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the

bid, and shall be payable to Unified School District No. 461, Wilson County, Kansas (Neodesha). 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 district as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the best bidder. The district reserves the right to reject any and all of the bids, and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the district; the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. In the event more than one bid is received at the same net interest cost, the successful bidder will be selected by lot.

Delivery of the Bonds

The bonds, duly printed, executed, and registered, will be furnished and paid for by the district, and the bonds will be sold subject to the unqualified approving opinion of Gaar & Bell, Bond Counsel, of Wichita, Kansas. The number, denomination of bonds, and name of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than April 1, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before April 17, 1986, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the district. Delivery elsewhere will be made at the expense of the purchaser.

Pending Federal Legislation Concerning

Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The district has covenanted in the closing certificate to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing com-

pliance by the district with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form. In addition, for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the district will be able to comply with such requirements. The failure or inability of the district to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reserve side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the district. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the district, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the district; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. The opinion shall also state that based on continuing compliance with the covenant of the district to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form. In addition, for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Purpose of Issue

The bonds are being issued pursuant to a favorable vote of the electors of the district, for the purpose of constructing, furnishing and equipping a new high school building and remodeling the existing high school gymnasium in the district, to be used in conjunction with estimated proceeds of the building fund levy in the amount of \$1,500,000, the total cost of the project estimated to be \$4,000,000.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on said bonds. All expenses in relation to printing of

(continued)

CUSIP numbers on said bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the district.

Assessed Valuation

Assessed valuation figures for Unified School District No. 461, Wilson County, Kansas (Neodesha), for the year 1985, are as follows:

Equalized assessed valuation of taxable tangible property	\$14,933,892
Tangible valuation of motor vehicles	\$ 1,923,230
Equalized assessed tangible valuation for computation of bonded debt limitations	\$16,857,122

Bonded Indebtedness

The total bonded indebtedness of the district at the date hereof, including this \$2,500,000 proposed issue of bonds, is \$3,050,000.

Municipal Bond Insurance

AMBAC Indemnity Corporation ("AMBAC") has issued a commitment for municipal bond insurance covering the bonds. All bids may be conditioned upon the issuance effective as of the date on which the bonds are issued, of a policy of insurance by AMBAC Indemnity, guaranteeing the payment of principal and interest on the bonds. Each bond will bear a legend referring to the insurance. The purchaser, holder, or owner is not authorized to make any statement concerning the insurance beyond those set out here and in the bond legend without the approval of AMBAC Indemnity.

Bond Rating

Standard & Poor's has assigned its municipal bond rating of "AAA" to this issue of bonds on the understanding that upon delivery of the bonds a policy insuring the timely payment of the principal of and interest on the bonds will be issued by AMBAC Indemnity. The premium for the municipal bond insurance policy will be paid by the district from the proceeds of the bonds.

Official Statement

Additional copies of this notice of bond sale, copies of the district's official statement relating to the bonds, or further information may be received from the office of the Board of Education, 522 Wisconsin St., Neodesha, KS 66757, or First Securities Company of Kansas, Inc., Suite 200, One Main Place, Wichita, KS 67202 (316/262-4411), the district's financial consultants.

Dated February 18, 1986.

UNIFIED SCHOOL DISTRICT NO. 461
WILSON COUNTY, KANSAS (NEODESHA)
By Betty L. Krause, Board Clerk

Doc. No. 003965

State of Kansas

STATE CORPORATION COMMISSION

**NOTICE OF
MOTOR CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for March 27, 1986

**Application for Abandonment of Contract
Carrier Permit:**

Norris Grain & Transportation, Inc.)	Docket No. 111,125 M
302 Village Road)	
El Dorado, KS 67042)	MC ID No. 100164

Applicant's Attorney: None

**Application for Abandonment of Certificate of
Convenience and Necessity:**

Alvin E. Krause)	Docket No. 136,932 M
Route 2, Box 122)	
Burlingame, KS 66413)	MC ID No. 107469

Applicant's Attorney: None

Application for Contract Carrier Permit:

Fort Worth Carrier Corporation)	Docket No. 149,456 M
4501 N. Beach)	
Fort Worth, TX 76111)	MC ID No. 110282

Applicant's Attorney: Alex Lewandowski, Suite 600
Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105

General commodities (except classes A and B explosives and commodities in bulk),

Between all points and places in the state of Kansas.
Under contract with Dillard Department Stores.

Application for Abandonment of Certificate of Convenience and Necessity:

Bruce C. Bergmann, dba) Docket No. 140,732 M
 Bergmann's All Seasons)
 Salt Delivery Service)
 8401 S. Meridian)
 Route 6)
 Wichita, KS 67233) MC ID No. 118454
 Applicant's Attorney: None

Applications set for April 1, 1986

Application for Transfer of Certificate of Convenience and Necessity:

Glenn L. Moore, Sr., dba) Docket No. 104,111 M
 Moore's Mobile Home)
 Moving Service)
 632 S. 11th)
 Independence, KS 67301) MC ID No. 101517
 TO:

Jesse Ward, dba
 Complete Mobile Home
 Moving Service
 304 Fresno
 Coffeyville, KS 67337

Applicant's Attorney: None

Mobile homes,

To, from and between all points in Montgomery County, Kansas and the northern boundary of Montgomery County, Kansas, 10 miles due north into Wilson County, Kansas.

Mobile homes,

To points and places within Chautauqua County, Kansas, bounded on the west by the Cowley-Chautauqua county line, on the east by the Chautauqua-Montgomery county line, on the north by 10 miles from the Kansas-Oklahoma line, and on the south for a distance of 10 miles along the Kansas-Oklahoma line.

Application for Extension of Certificate of Convenience and Necessity to re-describe the authority:

Jesse Ward, dba) Docket No. 104,111 M
 Complete Mobile Home)
 Moving Service)
 304 Fresno)
 Coffeyville, KS 67337)

Applicant's Attorney: None

Manufactured housing units (mobile homes, house trailers and pre-fab homes),

Between all points and places in Chautauqua, Montgomery and Wilson counties, Kansas.

Application for Certificate of Convenience and Necessity:

Deatherage Trucking, Inc.) Docket No. 149,454 M
 Route 1, Box 5)
 Russell, KS 67665)

Applicant's Attorney: John Jandera, 641 Harrison, Topeka, KS 66603

Livestock, grain, feed and feed ingredients, building materials, farm machinery, hay, dry fertilizer, salt and seed,

Between points in the Kansas counties of Norton, Phillips, Smith, Jewell, Graham, Rooks, Osborne, Mitchell, Cloud, Ottawa, Lincoln, Saline, Ellsworth, Russell, Ellis, Trego, Ness, Rush, Barton, Rice, McPherson, Reno, Stafford, Edwards, Pawnee and Hodgeman.

Also,

Between points in the above designated Kansas counties, on the one hand, and on the other, points in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Scott J. Anderson, dba) Docket No. 141,230 M
 Anderson Body Shop)
 Route 1)
 Clay Center, KS 67432) MC ID No. 118109

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers and farm equipment,

Between all points and places in Clay, Cloud, Washington, Riley, Dickinson and Pottawatomie counties, on the one hand, and on the other, all points and places in the state of Kansas.

Applications set for April 3, 1986

Application for Certificate of Convenience and Necessity:

Tow Service, Inc.) Docket No. 149,458 M
 3760 S. Broadway)
 Wichita, KS 67216)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Sedgwick County, Kansas.

Also,

Between all points and places in Sedgwick County, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

(continued)

**Application for Certificate of Convenience
and Necessity:**

Charles Robison,) Docket No. 149,459 M
Delton Robison)
and Doyle Robison, dba)
Robison Farms)
Route 1)
Scandia, KS 66966) MC ID No. 124021

Applicant's Attorney: None

*Livestock, unmanufactured agricultural
commodities, feeds, salt and fertilizer in bulk,*
Between all points and places in the state of Kansas.

**Application for Certificate of Convenience
and Necessity:**

Nebraska Salt and Grain) Docket No. 149,452 M
Co.)
Route 2, Box 1)
Gothenburg, NE 69138)

Applicant's Attorney: None

Grain,
Between all points and places in the state of Kansas.

**Application for Certificate of Convenience
and Necessity:**

Leroy George, dba) Docket No. 149,453 M
George's Trucking)
Route 2)
Lawrence, KS 66044)

Applicant's Attorney: Don Hults, P.O. Box 225, Law-
rence National Bank Building, Lawrence, KS 66044

*Dry farm produce, including but not limited to grain,
feed, fertilizer and fertilizer ingredients
and farm machinery,*

Between all points and places in Kansas.

Livestock,

Between all points and places on and east of Kansas
Highway 81.

Also,

Between all points and places on and east of Kansas
Highway 81, on the one hand, and on the other, all
points and places in Kansas.

**Application for Transfer of Certificate of
Convenience and Necessity:**

Dennis Garrett, dba) Docket No. 134,720 M
Garrett Trucking &)
Brokerage)
P.O. Box 866)
McCook, NE 69001) MC ID No. 103707
TO:
Garrett Trucking, Inc.
P.O. Box 866
McCook, NE 69001

Applicant's Attorney: None

Dry feed, dry feed ingredients and grain,
Between all points and places in Kansas.
Restricted, however, to originate at or destined to
grain, to or from Sedgwick, Cowley or Sumner coun-
ties.

**Application for Extension of Certificate of
Convenience and Necessity to eliminate
the restriction:**

Garrett Trucking, Inc.) Docket No. 134,720 M
P.O. Box 866)
McCook, NE 69001) MC ID No. 103707

Applicant's Attorney: None

Dry feed, dry feed ingredients and grain,
Between all points and places in Kansas.

**Application for Transfer of Certificate of
Convenience and Necessity:**

Robert E. Gardner) Docket No. 86,514 M
P.O. Box 5)
Caldwell, KS 67022) MC ID No. 100945
TO:

Gerald A. Harrington, dba
Harrington Trucking
Route 1, Box 144
Conway Springs, KS 67031

Applicant's Attorney: Clyde Christey, Southwest
Plaza Building, Suite 202, 3601 W. 29th, Topeka,
KS 66614

Grain,

Between Conway Springs, Clearwater, Anson,
Haysville, Schulte, Argonia and Norwich, on the one
hand, and points and places in the state of Kansas, on
the other hand.

Soybeans,

From points and places on and east of U.S. Highway
81 to Wichita, Kansas.

Processed mill feeds,

Between all points and places within a 50-mile
radius of Kingman, Kansas.

Grain, unprocessed farm feeds, feed and seed,

Between all points and places within a 50-mile
radius of Kingman, Kansas, on the one hand.

Also,

Between all points and places within said radius to
all points and places within the state of Kansas, on the
other.

Farm feeds, mill feeds and grain,

Between Dodge City, Kansas and points and places
within a 40-mile radius, on the one hand, and points
and places within the state of Kansas, on the other.

Farm machinery, new and used, set-up,

Between Kingman and Wichita, Kansas, on the one

hand, and farms located within a 50-mile radius of Kingman, Kansas, on the other.

Also,

Between Dodge City, Kansas, on the one hand, and points and places within a 75-mile radius thereof, on the other, when moving from town to farm to town.

Emigrant farm movables,

Between points and places within a 40-mile radius of Dodge City, Kansas, and between all points and places within said 40-mile radius, on the one hand, and points and places within the state of Kansas, on the other.

Also,

Between points and places within a 50-mile radius of Kingman, Kansas, and between points and places within said radius, on the one hand, and points and places within the state of Kansas, on the other, when moving farm to farm, farm to town or town to farm.

Application for Extension of Certificate of Convenience and Necessity to eliminate the radius and re-describe the authority:

Gerald A. Harrington,) Docket No. 86,514 M
 dba)
 Harrington Trucking)
 Route 1, Box 144)
 Conway Springs, KS 67031) MC ID No. 100945

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Hay, grain, feed, feed ingredients, dry fertilizer and seeds,

Between points and places in Hodgeman, Edwards, Gray, Ford, Kiowa, Meade, Clark, Rice, Harvey, Stafford, Reno, Pratt, Sedgwick, Kingman, Barber, Harper, Sumner, Butler, Cowley, Comanche, Finney, Ness and Pawnee counties.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Livestock,

Between points and places in Marion, Chase, Harvey, Sedgwick, Butler, Greenwood, Elk, Sumner, Cowley and Chautauqua counties.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Applications set for April 8, 1986

Application for Certificate of Convenience and Necessity:

Special Express) Docket No. 149,455 M
 Corporation, dba)
 Special Dispatch of K.C.)
 1400 Iron St.)
 P.O. Box 34662)
 Kansas City, MO 64116)

Applicant's Attorney: Alex Lewandowski, 6th Floor Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105-1961

General commodities (except classes A and B explosives, household goods and commodities in bulk),

Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Flexfleet Couriers, Inc.) Docket No. 131,847 M
 647 W. 39th)
 Kansas City, MO 64111)

Applicant's Attorney: Alex Lewandowski, 6th Floor Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105-1961

General commodities (except classes A and B explosives, household goods and commodities in bulk),

Between all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

El Dorado Tank Truck) Docket No. 56,572 M
 Service, Inc.)
 Box 1095)
 El Dorado, KS 67042) MC ID No. 100530

TO:
 El Dorado Crude Purchasing, Inc.
 Box 66
 El Dorado, KS 67042

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between all points and places in Butler, Sedgwick, Greenwood, Marion, Cowley, Harvey, Chase, Sumner and Elk counties, Kansas.

(continued)

Application for Transfer of Certificate of Convenience and Necessity:

Steve Hake, dba) Docket No. 145,508 M
 Kansas Trucking Co.)
 P.O. Box 23, Main St.)
 Tipton, KS 67485) MC ID No. 121593
 TO:
 Stover Truck Line, Inc.
 12 Gill Creek Drive
 Beloit, KS 67420

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Feeds, feed ingredients, fertilizer, commercial salt and salt products and phosphates, in bulk and grain,
 Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

R. B. Webster, dba) Docket No. 149,457 M
 R. B. Webster Trucking)
 Company)
 615 Glenview)
 Joplin, MO 64801)

Applicant's Attorney: None

Asphalt, grain, coal, salt, coke and scrap metal,
 Between points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Richard L. Turner) Docket No. 39,748 M
 508 N. Poplar)
 Route 2, Box 38)
 Solomon, KS 67480) MC ID No. 100416

Applicant's Attorney: None

General commodities (except ammonia and classes A and B explosives),
 Between all points and places in the state of Kansas.

Applications set for April 10, 1986

Application for Transfer of Certificate of Convenience and Necessity:

Dallas Bless) Docket No. 39,786 M
 Box 590)
 Lakin, KS 67860) MC ID No. 100417
 TO:
 Bless Trucking, Inc.
 517 O'Laughlin St.
 P.O. Box 590
 Lakin, KS 67860

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock, grain, dry feed and dry feed ingredients (except salt) and hay,

Between all points and places in Grant, Stanton, Stevens and Morton counties, Kansas.

Also,

Between all points and places in Grant, Stanton, Stevens and Morton counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Bless Trucking, Inc.) Docket No. 39,786 M
 517 O'Laughlin St.)
 P.O. Box 590)
 Lakin, KS 67860) MC ID No. 100417

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Hay, grain, feed, feed ingredients, dry fertilizer, farm machinery and lumber,

Between points and places in Kansas west of U.S. Highway 183.

Also,

Between points and places in Kansas west of U.S. Highway 183, on the one hand, and points and places in the state of Kansas, on the other hand.

WILLIAM E. GREEN
 Administrator
 Transportation Division

Doc. No. 003979

State of Kansas

**BOARD OF AGRICULTURE
 DIVISION OF WEIGHTS
 AND MEASURES**

**PERMANENT ADMINISTRATIVE
 REGULATIONS
 (Effective May 1, 1986)**

**Article 25.—TECHNICAL REQUIREMENTS FOR
 WEIGHING AND MEASURING DEVICES**

99-25-1. Adoption by reference. Except for the codes pertaining to lubricating oil bottles and grain moisture meters, all of the specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted by the national conference on weights and measures and as published by the national bureau of standards, Washington, D.C. 20304, in the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as amended and supplemented on January 1, 1986, is hereby adopted by reference and shall apply to weighing and measuring devices in the state.

Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, section 7; effective May 1, 1979; amended May 1, 1981; amended May 1, 1986.)

99-25-2. Retroactive and nonretroactive provisions. Notwithstanding the designation of various provisions of the fourth edition of national bureau of standards handbook 44 as amended and supplemented on January 1, 1986, as "retroactive" or "nonretroactive," all provisions of such handbook adopted by K.A.R. 99-25-1 shall become effective upon the adoption of this regulation. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, section 7; effective May 12, 1979; amended May 1, 1986.)

99-25-3. Certificate of conformance. (a) No person shall use any weight or measure or any weighing or measuring instrument or device, for commercial or law enforcement purposes within the state of Kansas, unless a certificate of conformance has been obtained for the weight or measure or weighing or measuring instrument or device prior to its use for commercial or law enforcement purposes within the state of Kansas.

(b) For the purposes of this regulation, a "certificate of conformance" means a document issued by the National Bureau of Standards or other authorized laboratory establishing that the weight or measure or weighing or measuring instrument or device meets the requirements of the National Bureau of Standard's Handbook 44 as adopted by reference in K.A.R. 99-25-1.

(c) This regulation shall not apply to terminal meters and pipeline meters manufactured prior to May 1, 1986. (Authorized by and implementing L. 1985, Ch. 345, section 7; effective May 1, 1986.)

Article 30.—LARGE CAPACITY SCALES TESTING AND SERVICE

99-30-2. Registration form. Each application for issuance or renewal of a large scale testing and service company license shall provide the following information:

- (a) the name and business address of the applicant;
- (b) the name, home address, social security number and birthday of all technical representatives who repair or test scales for the applicant;
- (c) the signature and title of the applicant or representative;
- (d) the date of submission of the application;
- (e) a certification that the applicant is fully qualified to install, service, repair or recondition large capacity scales; and

(f) a certification that the applicant has in its possession or available for use sufficient standards and equipment adequate to test large capacity scales. (Authorized by L. 1985, Ch. 343, section 3; implementing L. 1985, Ch. 343, section 2; effective May 1, 1986.)

99-30-3. Conformance with handbook 44. Each large scale testing and service company shall conduct each test and make each repair to large capacity scales in conformance with the requirements of the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing L. 1985, Ch. 343, section 3; effective May 1, 1986.)

99-30-4. Minimum required equipment. Each large scale testing and service company shall have at each place of business sufficient standards and equipment to adequately test large capacity scales as set forth in the notes section of the general code and scale code contained in the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. (Authorized by and implementing L. 1985, Ch. 343, section 3; effective May 1, 1986.)

99-30-5. Removal of rejection tags. (a) For testing or repairing the large capacity scale, each licensed large scale testing and service company shall be authorized to remove an official rejection tag or other mark placed on a large capacity scale by authority of the state sealer.

(b) After the test is conducted, and necessary repairs are completed, the large scale testing and service company shall place the large capacity scale in service. Where the large capacity scale is not repaired properly, the large scale testing and service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the state sealer.

(c) This regulation shall apply to new and used large capacity scales. (Authorized by and implementing L. 1985, Ch. 343, section 3; effective May 1, 1986.)

99-30-6. Placed in service report. Each large scale testing and service company shall submit to the state sealer a placed in service report within 15 days after a large capacity scale has been restored to service or placed in service. The placed in service report shall be executed in triplicate. The original report, and each official rejection tag removed from the device, shall be mailed to the state sealer. A duplicate copy of the report shall be delivered to the owner or operator of the device. The large scale testing and service company shall retain the third copy of the report. (Authorized by and implementing L. 1985, Ch. 343, section 3; effective May 1, 1986.)

Article 31.—MOTOR VEHICLE FUEL MEASURING DEVICES

99-31-1. Definition. "Motor-vehicle fuel measuring device" means any motor-vehicle fuel or liquid fuel dispensing pumps, meters or other similar mea-

(continued)

asuring devices and vehicle tanks used in the transportation of motor-vehicle and liquid fuels. (Authorized by and implementing L. 1985, Ch. 344, section 3; effective May 1, 1986.)

99-31-2. Registration form. Each application for issuance or renewal of a testing service company license shall provide the following information:

- (a) the name and business address of the applicant;
- (b) the name, home address, social security number and birthday of all technical representatives who repair or test motor-vehicle fuel measuring devices for the applicant;
- (c) the signature and title of the applicant or representative;
- (d) the date of submission of the application;
- (e) a certification that the applicant is fully qualified to install, service, repair or recondition motor-vehicle fuel measuring devices; and
- (f) a certification that the applicant has in its possession or available for use sufficient standards and equipment adequate to test motor-vehicle fuel measuring devices. (Authorized by L. 1985, Ch. 344, section 3; implementing L. 1985, Ch. 344, section 2; effective May 1, 1986.)

99-31-3. Conformance with handbook 44. Each testing service company shall conduct each test and make each repair to motor-vehicle fuel measuring devices in conformance with the requirements of the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing L. 1985, Ch. 344, section 3; effective May 1, 1986.)

99-31-4. Minimum required equipment. Each testing service company shall have at each place of business sufficient standards and equipment to adequately test motor-vehicle fuel measuring devices as set forth in the notes section of the general code, liquid-measuring device code, vehicle-tank meter code and LPG liquid measuring device code contained in the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. (Authorized by and implementing L. 1985, Ch. 344, section 3; effective May 1, 1986.)

99-31-5. Removal of rejection tags. (a) For testing or repairing the motor-vehicle fuel measuring device, each licensed testing service company shall be authorized to remove an official rejection tag or other mark placed on a motor-vehicle fuel measuring device by authority of the state sealer.

(b) After the test is conducted, and necessary repairs are completed, the testing service company shall place the motor-vehicle fuel measuring device in service until examination by the state sealer or a deputy sealer. Where the motor-vehicle fuel measuring de-

vice is not repaired properly, the testing service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the state sealer.

(c) This regulation shall apply to new and used motor-vehicle fuel measuring devices. (Authorized by and implementing L. 1985, Ch. 344, section 3; effective May 1, 1986.)

99-31-6. Placed in service report. Each testing service company shall submit to the state sealer a placed in service report within 15 days after a motor-vehicle fuel measuring device has been restored to service or placed in service. The placed in service report shall be executed in triplicate. The original report and each official rejection tag removed from the device shall be mailed to the state sealer. A duplicate copy of the report shall be delivered to the owner or operator of the device. The testing service company shall retain the third copy of the report. (Authorized by and implementing L. 1985, Ch. 344, section 3; effective May 1, 1986.)

Article 32.—SMALL CAPACITY SCALES TESTING AND SERVICE

99-32-1. Definition. "Small scale testing and service company" means any business which tests and repairs any scale which is not a large capacity scale as defined by section 1 of chapter 343 of the 1985 session laws of Kansas. (Authorized by and implementing L. 1985, Ch. 345, section 6; effective May 1, 1986.)

99-32-2. Registration form. Each application for issuance or renewal of a small scale testing and service company registration shall provide the following information:

- (a) the name and business address of the applicant;
- (b) the name, home address, social security number and birthday of all employees who repair or test scales for the applicant;
- (c) the signature and title of the applicant or representative;
- (d) the date of submission of the application;
- (e) a certification that the applicant is fully qualified to install, service, repair or recondition large capacity scales; and
- (f) a certification that the applicant has in its possession or available for use sufficient standards and equipment adequate to test small capacity scales. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, section 6; effective May 1, 1986.)

99-32-3. Conformance with handbook 44. Each registered small scale testing and service company shall conduct each test and make each repair to small capacity scales in conformance with the requirements of the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agricul-

ture, Topeka, Kansas. (Authorized by and implementing L. 1985, Ch. 345, section 7; effective May 1, 1986.)

99-32-4. Minimum required equipment. Each small scale testing and service company shall have at each place of business sufficient standards and equipment to adequately test small capacity scales as set forth in the notes section of the general code and scale code contained in the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, section 6; effective May 1, 1986.)

99-32-5. Removal of rejection tags. (a) For testing or repairing the small capacity scale, each registered small scale testing and service company shall be authorized to remove an official rejection tag or other mark placed on a small capacity scale by authority of the state sealer.

(b) After the test is conducted, and necessary repairs are completed, the small scale testing and service company shall place the small capacity scale in service. Where the small capacity scale has not been repaired properly, the small scale testing and service company shall replace the rejection tag or other mark removed with a substitute rejection tag or other mark supplied by the state sealer.

(c) This regulation applies to new and used small capacity scales. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, sections 6, 15 and 19; effective May 1, 1986.)

99-32-6. Placed in service report. Each small scale testing and service company shall submit to the state sealer a placed in service report within 15 days after a small capacity scale has been restored to service or placed in service. The placed in service report shall be executed in triplicate. The original of the report and each official rejection tag removed from the device shall be mailed to the state sealer. A duplicate copy of the report shall be delivered to the owner or operator of the device. The small scale testing and service company shall retain the third copy of the report. (Authorized by L. 1985, Ch. 345, section 7; implementing L. 1985, Ch. 345, sections 6, 15 and 19; effective May 1, 1986.)

HARLAND E. PRIDDLE
Secretary of Agriculture

Doc. No. 003961

State of Kansas

STATE CORPORATION COMMISSION MINED-LAND CONSERVATION AND RECLAMATION BOARD

PERMANENT ADMINISTRATIVE REGULATIONS (Effective May 1, 1986)

Article 1.—GENERAL

47-1-4. Sessions. Unless rescheduled pursuant to the notice requirements of K.A.R. 47-1-10, the mined-land conservation and reclamation board shall meet bimonthly, the second Thursday of February, April, June, August, October, and December, in such place in the state of Kansas as may be designated. Special meetings will be at the call of the chairman of the board or upon petition of 3 or more board members. Operators with communications and documents to be presented for board approval or discussion shall be provided notification of the meetings, such meetings to be open to the operators and the public. (Authorized by and implementing K.S.A. 49-405; effective, E-71-4, Nov. 20, 1970; effective Jan. 1, 1972; amended May 1, 1980; amended May 1, 1986.)

Article 2.—MEANING OF TERMS

47-2-7. (Authorized by K.S.A. 1979 Supp. 49-405, 49-406; effective May 1, 1980; revoked May 1, 1986.)

47-2-17. (Authorized by K.S.A. 1979 Supp. 49-405, 49-406; effective May 1, 1980; revoked May 1, 1986.)

47-2-44. (Authorized by K.S.A. 1979 Supp. 49-405, 49-406; effective May 1, 1980; revoked May 1, 1986.)

47-2-53. "Regulatory authority" or "state regulatory authority" defined. "Regulatory authority" or "state regulatory authority" means the mined-land conservation and reclamation board or its authorized representative. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405 and K.S.A. 1984 Supp. 49-406; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986.)

47-2-53a. "Regulatory program" defined. "Regulatory program" means the state act and the rules and regulations approved by the office of surface mining. (Authorized by and implementing K.S.A. 49-405; effective May 1, 1986.)

47-2-75. Definitions; incorporation by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board, with exceptions as indicated. The incorporation by reference shall cover the parts and sections as they existed on October 1, 1985:

(a) Definitions, 30 CFR 700.5, except:

(1) "Regulatory authority" and "state regulatory authority" are defined in K.A.R. 47-2-53;

(continued)

(2) "Surface coal mining operations" is defined in K.S.A. 49-403(s); and

(3) "Surface coal mining and reclamation operations" is defined in K.S.A. 49-403(r).

(4) The following shall be deleted from the definition of "anthracite":

Notices of changes made to this publication will be periodically published by the office of surface mining in the federal register. This ASTM standard is on file and available for inspection at the OSM office, U.S. Department of the Interior, South Interior Building, Washington, D.C. 20240, at each OSM regional office, district office and field office, and at the central office of the applicable state regulatory authority, if any. Copies of this publication may also be obtained by writing to the above locations. A copy of this publication will also be on file for public inspection at the federal register library, 1100 L. St., N.W. Washington, D.C. Incorporation by reference provisions approved by the director of the federal register February 7, 1979. The director's approval of this incorporation by reference expires on July 1, 1981.

(5) "Regulatory program" is defined in K.A.R. 47-2-53a.

(b) Definitions, 30 CFR 701.5, except:

(1) "Affected area" is defined in K.S.A. 49-403(c);

(2) "Imminent danger to the health and safety of the public" is defined in K.S.A. 49-403(n);

(3) "Operator" is defined in K.S.A. 49-403(d);

(4) "Permit" is defined in K.S.A. 49-403(o);

(5) "Permit area" is defined in K.S.A. 49-403(p);

(6) "Significant, imminent environmental harm to land, air or water resources" is defined in K.A.R. 47-2-58; and

(7) The following federal definitions are deleted entirely:

(A) "Agricultural activities or farming";

(B) "Alluvial valley floors";

(C) "Arid and semiarid area";

(D) "Essential hydrologic functions";

(E) "Flood irrigation";

(F) "Materially damage the quality and quantity of water";

(G) "Rangeland";

(H) "Special bituminous coal mines";

(I) "Subirrigation";

(J) "Undeveloped rangeland"; and

(K) "Upland areas."

(c) Definitions, 30 CFR 705.5, except:

(1) "Employee" is defined in K.A.R. 47-2-21; and

(2) "State regulatory authority" is defined in K.A.R. 47-2-53. (Authorized by K.S.A. 49-404, 49-405; implementing K.S.A. 49-401 *et seq.*; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986.)

Article 3.—APPLICATION FOR MINING PERMIT

47-3-2. Application for mining permit; incorporation by reference. (a) Permit applications submitted with a request for variances from applicable regulations shall contain an outline of the proposed

variances, indexed in reference to the regulations, which shall be placed at or near the front of the application submission.

(b) The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985, except as otherwise indicated:

(1) Format and contents, 30 CFR 777.11;

(2) Reporting of technical data, 30 CFR 777.13;

(3) Maps and plans; general requirements, 30 CFR 777.14. The phrase "in accordance with § 710.12 of this chapter" shall be deleted; and

(4) Completeness, 30 CFR 777.15.

(c) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

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

(2) "Parts 778, 779, and 780 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(1) to (35), inclusive."

(3) "Part 785 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(36) to (40), inclusive."

(4) "Parts 778, 783, and 784 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(1) to (8), inclusive, and K.A.R. 47-10-1." (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406; effective May 1, 1980; amended May 1, 1986.)

47-3-3. (Authorized by K.S.A. 1980 Supp. 49-405, 49-406; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; revoked May 1, 1986.)

47-3-3a. Application for mining permit; maps. (a) Maps, plans, and cross sections included in a permit application as required in this section shall be certified by a qualified licensed engineer and shall be updated as required by the board or its authorized representative.

(b) Any proposed change in a facility or feature to be caused by the proposed mining operations shall be shown in the maps and plans accompanying the permit application.

(1) A color code or other method approved by the board or its authorized representative shall be used to indicate critical features of the permit area as follows:

(A) green shall indicate areas for coal removal;

(B) red shall indicate the boundary of the land affected, including access roads and haulageways;

(C) brown shall indicate access roads and haulageways; and

(D) blue shall indicate watercourses, impoundments, drainageways, and other water areas.

(2) A color code or other method approved by the board or its authorized representative shall be used to indicate critical features of any reclamation plan as follows:

(A) green shall indicate areas of proposed grassland;

(B) red shall indicate the boundaries of the permit;

(C) brown shall indicate any roads to be left through the disturbed area;

(D) blue shall indicate proposed water impoundment and drainage;

(E) yellow shall indicate proposed cropland; and

(F) orange shall indicate proposed woodland. (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406, K.S.A. 49-410; effective May 1, 1986.)

47-3-4. (Authorized by K.S.A. 1980 Supp. 49-405, 49-406; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; revoked May 1, 1986.)

47-3-21. (Authorized by K.S.A. 1979 Supp. 49-405, 49-406; effective May 1, 1980; revoked May 1, 1986.)

47-3-40. (Authorized by K.S.A. 1980 Supp. 49-405, 49-406; effective May 1, 1980; amended, E-81-80, Oct. 8, 1980; amended May 1, 1981; revoked May 1, 1986.)

47-3-42. Application for mining permit; incorporation by reference. (a) The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board. Except as otherwise indicated, the incorporation by reference shall cover the parts and sections as they existed on July 1, 1985:

(1) Identification of interests, 30 CFR 778.13;
 (2) violation information, 30 CFR 778.14;
 (3) right of entry and operation information, 30 CFR 778.15;

(4) status of unsuitability claims, 30 CFR 778.16;

(5) permit term information, 30 CFR 778.17(a);

(6) insurance, 30 CFR 778.18;

(7) proof of publication, 30 CFR 778.21;

(8) facilities or structures used in common, 30 CFR 778.22;

(9) responsibilities, 30 CFR 779.4. The phrase "this part" shall be replaced by "K.A.R. 47-3-42(a)(9) to (18), inclusive";

(10) general requirements, 30 CFR 779.11;

(11) general environmental resources information, 30 CFR 779.12;

(12) climatological information, 30 CFR 779.18;

(13) vegetation information, 30 CFR 779.19;

(14) fish and wildlife resources information, 30 CFR 779.20. Reference to "mine plan" shall be deleted and replaced by "permit";

(15) soil resources information, 30 CFR 779.21;

(16) land-use information, 30 CFR 779.22; The phrase "this part" shall be replaced by "K.A.R. 47-3-42(a)(9) to (18), inclusive";

(17) maps: general information, 30 CFR 779.24;

(18) cross sections, maps, and plans, 30 CFR 779.25;

(19) operation plan: general requirements, 30 CFR 780.11;

(20) operation plan: existing structures, 30 CFR 780.12;

(21) operation plan: blasting, 30 CFR 780.13;

(22) operation plan: maps and plans, 30 CFR 780.14;

(23) air pollution control plan, 30 CFR 780.15;

(24) fish and wildlife plan, 30 CFR 780.16;

(25) reclamation plan: general requirements, 30 CFR 780.18;

(26) hydrologic information, 30 CFR 780.21;

(27) geologic information, 30 CFR 780.22;

(28) reclamation plan: postmining land uses, 30 CFR 780.23;

(29) reclamation plan: ponds, impoundments, banks, dams, and embankments, 30 CFR 780.25;

(30) reclamation plan: surface mining near underground mining, 30 CFR 780.27;

(31) diversions, 30 CFR 780.29;

(32) protection of public parks and historic places, 30 CFR 780.31;

(33) relocation or use of public roads, 30 CFR 780.33;

(34) disposal of excess spoil, 30 CFR 780.35;

(35) transportation facilities, 30 CFR 780.37;

(36) experimental practices mining, 30 CFR 785.13;

(37) prime farmlands, 30 CFR 785.17. The last sentence in 30 CFR 785.17(c)(1)(i) shall be deleted;

(38) variances for delay in contemporaneous reclamation requirement in combined surface and underground mining operations, 30 CFR 785.18;

(39) augering, 30 CFR 785.20;

(40) coal preparation plants not located within the permit area of a specified mine, 30 CFR 785.21. This section shall be incorporated by reference as it existed on October 1, 1985;

(41) in situ processing activities, 30 CFR 785.22;

(42) public participation in permit processing, 30 CFR 773.13. The phrase "with section 503(a)(6) or section 504(h) of the act or" shall be deleted;

(43) review of permit applications, 30 CFR 773.15;

(44) permit issuance and right of renewal, 30 CFR 773.19. The phrase "unless the requirements of § 778.17 of this chapter are met" shall be deleted;

(45) applicability, 30 CFR 701.11(e), deleting subsections (a), (b), (c), (d) and (f); and

(46) regulatory coordination with requirements under other laws, 30 CFR 773.12.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

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

(2) "This chapter," "this subchapter" or "subchapter g of this chapter" shall be replaced by "these rules and regulations."

(3) "Act" shall be replaced by "state act."

(4) "Section 515," "section 515(b)," or "section 515(b)(22)" shall be replaced by "K.S.A. 49-405a, 49-408 to 49-413, inclusive, and 49-429."

(5) "Subchapter j of this chapter" or "part 800 of this chapter" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations."

(continued)

(6) "Section 502" and "section 508" shall be replaced by "K.S.A. 1984 Supp. 49-406."

(7) "Section 515(b)(16)" or "section 516" shall be replaced by "K.S.A. 49-429."

(8) "Subchapter r of this chapter" shall be replaced by "the office."

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

(10) "Part 775 of this chapter" shall be replaced by "K.S.A. 49-407(d), 49-416a, 49-422a, and article 4 of chapter 47 of the Kansas administrative rules and regulations."

(11) "Parts 762, 764, and 769 of this chapter" or "parts 764 and 769 of this chapter" shall be replaced by "K.A.R. 47-12-4."

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

(13) "§ 775.13" shall be replaced by "K.S.A. 49-422a."

(14) "§ 775.11" shall be replaced by "K.S.A. 49-407(d), 49-416a, and article 4 of chapter 47 of the Kansas administrative rules and regulations."

(15) "Part 785 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(36) to (40), inclusive." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-407, 49-427, K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981, amended May 1, 1985; amended May 1, 1986.)

Article 4.—PUBLIC HEARINGS

47-4-14. Incorporation by reference of certain rules of the state corporation commission; burden of proof in administrative hearing. (a) Subject to the provisions contained in subsection (b) and to the further exceptions as noted, the following rules and regulations of the state corporation commission as they existed on May 1, 1985, are hereby incorporated by reference as rules and regulations of the board:

(1) Definitions, K.A.R. 82-1-204, deleting subsections (a), (f), (h), and (j);

(2) ex parte communications, K.A.R. 82-1-207;

(3) dockets, K.A.R. 82-1-212;

(4) commencement of a proceeding; responsive pleadings, K.A.R. 82-1-214, except that "Answers to formal complaints shall be filed as prescribed by rule 82-1-220" shall be deleted from K.A.R. 82-1-214(b). This subsection shall be incorporated by reference as it existed on May 8, 1980;

(5) copies of pleadings, K.A.R. 82-1-215, except that "Except as otherwise provided in rule 82-1-231 and K.A.R. 82-4-27, 82-4-28, 82-4-29, 82-4-30 and 82-4-65," shall be deleted. This subsection shall be incorporated by reference as it existed on May 8, 1980;

(6) service of pleadings, K.A.R. 82-1-216;

(7) computation and extension of time, K.A.R. 82-1-217;

(8) form and contents of pleadings, K.A.R. 82-1-218, deleting subsections (b), and (e), and the second sentence of K.A.R. 82-1-218(a) shall be deleted;

(9) general rules relating to pleadings and other papers, K.A.R. 82-1-219;

(10) exhibits and documentary evidence, K.A.R. 82-1-221;

(11) prehearing conferences; procedure, K.A.R. 82-1-222;

(12) conduct of prehearing conferences, K.A.R. 82-1-223;

(13) joinder of proceedings and parties, K.A.R. 82-1-224, deleting subsection (d);

(14) intervention, K.A.R. 82-1-225;

(15) continuances and adjournment, K.A.R. 82-1-226;

(16) subpoenas, K.A.R. 82-1-227;

(17) hearings, K.A.R. 82-1-228. This subsection shall be incorporated by reference as it existed on May 8, 1980;

(18) use of prepared testimony, K.A.R. 82-1-229;

(19) hearings; evidence and procedure, K.A.R. 82-1-230;

(20) orders of the commission, K.A.R. 82-1-232, deleting subsection (f). The phrase "public utility," shall be deleted from K.A.R. 82-1-232(b);

(21) discovery, K.A.R. 82-1-234a;

(22) rehearings before the commission; compliance with orders, K.A.R. 82-1-235;

(23) general regulations governing commission activities, K.A.R. 82-1-237(a), deleting subsection (b). The phrase "public utility, common carrier" shall be replaced by "coal company"; and

(24) transcripts, K.A.R. 82-1-238.

(b) The rules and regulations of the state corporation commission incorporated by reference in subsection (a) are subject to the following exceptions:

(1) The following terms shall be replaced with the indicated terms wherever they appear in the text of rules and regulations incorporated by reference under this section.

(A) "Commission" shall be replaced by "board."

(B) "Commissioner" or "commissioners" shall be replaced by "board member" or "board members";

(C) "Secretary" shall be replaced by "executive director";

(D) "State corporation commission" shall be replaced by "mined-land conservation and reclamation board"; and

(E) "Topeka" shall be replaced by "Pittsburg."

(2) The following terms shall be deleted entirely from the text of the rules and regulations incorporated by reference under this section:

(A) "Complaint," "complaints" or "complainant";

(B) "Protest" or "protestant";

(C) "Formal complaint," "supplemental complaint" or "amended complaint";

(D) "Defendant"; and

(E) "Public utility." (Authorized by K.S.A. 49-404, 49-405; implementing K.S.A. 49-404, 49-405, 49-407, 49-416a; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986.)

47-4-15. Administrative hearings; discovery; incorporation by reference. (a) The following parts and sections of the federal rules and regulations of the office of hearings and appeals, department of the interior, as they existed on October 1, 1984, are hereby incorporated by reference as rules and regulations of the board except that wherever it appears in the text of

the incorporated material, the phrase "administrative law judge" shall be replaced by "presiding officer":

- (1) Discovery methods, 43 CFR 4.1130;
- (2) time for discovery, 43 CFR 4.1131;
- (3) scope of discovery, 43 CFR 4.1132;
- (4) sequence and timing of discovery, 43 CFR 4.1133;
- (5) supplementation of responses, 43 CFR 4.1134;
- (6) motion to compel discovery, 43 CFR 4.1135;
- (7) failure to comply with orders compelling discovery, 43 CFR 4.1136; and
- (8) depositions upon oral examination or upon written questions, 43 CFR 4.1137;
- (9) use of depositions, 43 CFR 4.1138;
- (10) written interrogatories to parties, 43 CFR 4.1139;
- (11) production of documents and things and entry upon land for inspection and other purposes, 43 CFR 4.1140; and
- (12) admissions, 43 CFR 4.1141.

(b) The burden of proof at administrative hearings of the board shall be on the party seeking to reverse the decision of the board or its designated hearing examiner.

(c) This regulation is subject to the requirements of K.A.R. 47-4-14(a)(21). (Authorized by and implementing K.S.A. 49-405; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986.)

Article 6.—PERMIT REVIEW

47-6-3. Permit renewals; incorporation by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985, except as otherwise indicated:

(a) Permit renewals, 30 CFR 774.15, except subsection (c)(3) shall be deleted.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) "Subchapter j of this chapter" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations."

(2) "This chapter" shall be replaced by "these rules and regulations."

(3) "Act" shall be replaced by "state act."

(4) "Part 775 of this chapter" shall be replaced by "K.S.A. 49-407(d), 49-416a, 49-422a, and article 4 of chapter 47 of the Kansas administrative rules and regulations."

(5) "§ 774.13" shall be replaced by "K.A.R. 47-6-2." (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986.)

47-6-4. Permit transfers, assignments and sales; incorporation by reference. (a) Any application for a

new permit required for a person succeeding by transfer, sale, or assignment of rights granted under a permit shall be filed with the board not later than 30 days after that succession is approved by the board.

(b) The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985:

(1) Transfer, assignment, or sale of permit rights: general requirements, 30 CFR 774.17;

(c) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

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

(2) "Part 778 of this chapter" shall be replaced by "K.A.R. 47-3-42(a)(1) to (8), inclusive."

(3) "Subchapter j of this chapter" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations." (Authorized by K.S.A. 49-405, implementing K.S.A. 1984 Supp. 49-406, K.S.A. 49-410; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986.)

47-6-5. (Authorized by K.S.A. 1980 Supp. 49-405; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; revoked May 1, 1986.)

47-6-6. Permit conditions; incorporated by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985, except as otherwise indicated:

(a) Permit conditions, 30 CFR 773.17;

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) "Subchapter j of this chapter" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations."

(2) "This chapter" shall be replaced by "these rules and regulations."

(3) "Act" shall be replaced by "state act."

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

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

(6) "Subchapter r of this chapter" or "that subchapter" shall be replaced by "the office." (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986.)

(continued)

Article 7.—COAL EXPLORATION

47-7-2. Coal exploration; incorporation by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985:

(a) Notice requirements for exploration removing 250 tons of coal or less, 30 CFR 772.11;

(b) permit requirements for exploration removing more than 250 tons of coal, 30 CFR 772.12;

(c) coal exploration compliance duties, 30 CFR 772.13;

(d) requirements for commercial sale, 30 CFR 772.14; and

(e) public availability of information, 30 CFR 772.15.

(f) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

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

(2) "This chapter" shall be replaced by "these rules and regulations."

(3) "Subchapter f of this chapter" shall be replaced by "article 12 of chapter 47 of the Kansas administrative rules and regulations."

(4) "Part 775" shall be replaced by "K.S.A. 49-407(d), 49-416a, 49-422a, and article 4 of chapter 47 of the Kansas administrative rules and regulations."

(5) "Section 518 of the act" shall be replaced by "K.S.A. 49-405c."

(6) "Subchapter 1" shall be replaced by "articles 5 and 15 of chapter 47 of the Kansas administrative rules and regulations."

(7) "Parts 773-785 of this chapter" shall be replaced by "articles 3, 4, 6, and 10 of chapter 47 of the Kansas administrative rules and regulations, K.S.A. 49-407(d), 49-416a, and 49-422a."

(8) "Section 518 of the act, and subchapter 1 of this chapter," shall be replaced by "K.S.A. 49-405c and article 5 of chapter 47 of the Kansas administrative rules and regulations."

(9) "This part" shall be replaced by "K.A.R. 47-7-2." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-427; effective, E-81-30, Oct. 8, 1980, effective May 1, 1981; amended May 1, 1986.)

Article 8.—BONDING PROCEDURES

47-8-2. (Authorized by K.S.A. 1979 Supp. 49-405, 49-406; effective May 1, 1980; revoked May 1, 1986.)

47-8-9. Bonding procedures; incorporation by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and

regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985:

(a) Regulatory responsibilities, 30 CFR 800.4;

(b) definitions, 30 CFR 800.5;

(c) requirement to file a bond, 30 CFR 800.11, deleting subsection (e);

(d) form of the performance bond, 30 CFR 800.12;

(e) period of liability, 30 CFR 800.13;

(f) determination of bond amount, 30 CFR 800.14;

(g) adjustment of amount, 30 CFR 800.15;

(h) general terms and conditions of bond, 30 CFR 800.16;

(i) bonding requirements for underground coal mines and long-term coal-related surface facilities and structures, 30 CFR 800.17;

(j) surety bonds, 30 CFR 800.20;

(k) collateral bonds, 30 CFR 800.21;

(l) self-bonding, 30 CFR 800.23;

(m) replacement of bonds, 30 CFR 800.30;

(n) requirement to release performance bonds, 30 CFR 800.40;

(o) forfeiture of bonds, 30 CFR 800.50;

(p) terms and conditions for liability insurance, 30 CFR 800.60, deleting subsection (d);

(q) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) "Act" shall be replaced by "state act";

(2) "(Under parts 780 and 784 of this chapter)" shall be replaced by "[under K.A.R. 47-3-42(a)(21) through (37), inclusive, and K.A.R. 47-10-1]";

(3) "This chapter" or "subchapter g of this chapter" shall be replaced by "these rules and regulations";

(4) "This subchapter" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations";

(5) "Section 515 of the act" or "section 515(b)(10)" shall be replaced by "K.S.A. 49-405a, K.S.A. 49-408 through K.S.A. 49-413, inclusive, K.S.A. 49-429, and the regulations promulgated thereunder";

(6) "Subchapter k of this chapter" shall be replaced by "article 9 of chapter 47 of the Kansas administrative rules and regulations";

(7) "Section 507(b)(16) of the act" shall be replaced by "K.S.A. 49-407(c)";

(8) "Part 823 of this chapter" shall be replaced by "K.A.R. 47-9-1(f)"; and

(9) "Section 513(b) of the act" shall be replaced by "K.S.A. 1984 Supp. 49-406(c) and the regulations promulgated thereunder." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-407, 49-429, K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986.)

47-8-9a. (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406, K.S.A. 49-415, 49-416a; effective May 1, 1985; revoked May 1, 1986.)

47-8-10. (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-406; effective May 1, 1983; revoked May 1, 1986.)

Article 9.—PERFORMANCE STANDARDS

47-9-1. Performance standards; incorporation by reference. The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board for the performance standards to be maintained by surface and underground coal mining and reclamation operations. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985, except as otherwise indicated:

(a) Permanent program performance standards—general provisions, 30 CFR 810.2, except “subchapter” shall be replaced by “K.A.R. 47-9-1(a)”;

(b) permanent program performance standards—coal exploration, 30 CFR Part 815;

(c) permanent program standards—surface mining activities, 30 CFR Part 816, except as follows:

(1) a subsection (g) shall be added to 30 CFR 816.11 which reads: “Increment boundary markers. As deemed appropriate by the board or its designated representative to ascertain increment boundaries, increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted as provided by K.S.A. 1984 Supp. 49-406(h)”;

(2) “subchapter” shall be replaced by “K.A.R. 47-9-1(c)”;

(d) permanent program performance standards—underground mining activities, 30 CFR Part 817, except as follows:

(1) a subsection g shall be added to 30 CFR 817.11 which reads: “Increment boundary markers. Increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted as provided by K.S.A. 1984 Supp. 49-406(h)”;

(2) “subchapter” shall be replaced by “K.A.R. 47-9-1(d)”;

(e) special permanent program performance standards—auger mining, 30 CFR Part 819;

(f) special permanent program performance standards—operations on prime farmland, 30 CFR Part 823;

(g) permanent program performance standards—coal preparation plants not located within the permit area of a mine, 30 CFR Part 827. This section shall be incorporated by reference as it existed on October 1, 1985; and

(h) special permanent program performance standards—in situ processing, 30 CFR Part 828.

(i) The following terms shall be replaced with the indicated terms wherever they appear in the text of rules and regulations incorporated by reference under this section:

(1) “Subchapter k” shall be replaced by “K.A.R. 47-9-1.”

(2) “Director” or “regional director” shall be replaced by “board.”

(3) “Subchapter g” shall be replaced by “these rules and regulations.”

(4) “Subchapter j” shall be replaced by “article 8 of chapter 47 of the Kansas administrative rules and regulations.”

(5) “Subchapter b of this chapter” shall be replaced by “K.A.R. 47-9-4.”

(6) “This part” or “30 CFR Parts 816 through 828” shall be replaced by “K.A.R. 47-9-1.”

(7) “This chapter” or “subchapter c” shall be replaced by “these rules and regulations.” (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-408, 49-409, 49-411, 49-413, 49-415, 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1985; amended May 1, 1986.)

47-9-3. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-408, 49-409, 49-411, 49-413, 49-415, 49-429; effective May 1, 1985; revoked May 1, 1986.)

47-9-4. Interim performance standards; incorporation by reference. (a) The following parts and sections of the federal rules and regulations of the office of surfacing mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated, as rules and regulations of the board, as they existed on July 1, 1985, except as indicated:

(1) Definitions, 30 CFR 710.5;

(2) applicability, 30 CFR 710.11(a);

(3) signs and markers, 30 CFR 715.12;

(4) postmining use of land, 30 CFR 715.13;

(5) backfilling and grading, 30 CFR 715.14;

(6) disposal of excess spoil, 30 CFR 715.15, deleting subsection (c);

(7) topsoil handling, 30 CFR 715.16;

(8) protection of the hydrologic system, 30 CFR 715.17;

(9) dams constructed of or impounding waste material, 30 CFR 715.18;

(10) revegetation, 30 CFR 715.20;

(11) interpretative rules related to general performance standards, 30 CFR 715.200; and

(12) prime farmland, 30 CFR 716.7.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) “This part,” “§ 716.2 of this chapter,” “part 715 of this chapter” or “this chapter” shall be replaced by “these rules and regulations.”

(c) An operator shall comply with the interim performance standards with regard to an interim permit area, unless the board or its authorized representative has approved in writing an operator’s request to adhere to an applicable permanent program performance standard or other applicable substantive rule and regulation. (Authorized by and implementing K.S.A. 49-405; effective May 1, 1986.)

Article 10.—UNDERGROUND MINING

47-10-1. Incorporation by reference; underground

(continued)

mining. (a) The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board for the operation of underground mining and reclamation operations in the state of Kansas. The incorporation by reference shall cover the parts and sections as they existed on July 1, 1985:

(1) Underground mining permit applications—minimum requirements for information on environmental resources, 30 CFR Part 783, deleting 30 CFR 783.1, 783.2, 783.4, and 783.10;

(2) underground mining permit applications—minimum requirements for reclamation and operation plans, 30 CFR Part 784, deleting 30 CFR 784.1, 784.2, 784.4, and 784.10; and

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporation by reference under this section:

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

(2) "Subchapter b of this chapter" or "subchapter b" shall be replaced by "K.A.R. 47-9-4."

(3) "Section 515 and 516 of the act" shall be replaced by "K.S.A. 49-405a, 49-408 to 49-413, inclusive, and 49-429."

(4) "Subchapter j of this chapter" or "subchapter j" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations."

(5) "This chapter" shall be replaced by "these rules and regulations."

(6) "30 CFR Parts 773 and 775" shall be replaced by "K.A.R. 47-3-42(a)(41) to (43), inclusive, K.A.R. 47-6-6, K.S.A. 49-407(d), 49-416a, 49-422a, and article 4 of chapter 47 of the Kansas administrative rules and regulations." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981; amended May 1, 1986.)

Article 11.—SMALL OPERATOR ASSISTANCE PROGRAM

47-11-8. Small operator assistance program; incorporation by reference. (a) The following parts and sections provisions of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board. The incorporation by reference shall cover the part and sections as they existed on July 1, 1985, except as otherwise indicated:

- (1) Definitions, 30 CFR 795.3;
- (2) eligibility for assistance, 30 CFR 795.6;
- (3) filing for assistance, 30 CFR 795.7;
- (4) application approval and notice, 30 CFR 795.8;
- (5) program services and data requirements, 30 CFR 795.9;
- (6) qualified laboratories, 30 CFR 795.10;

(7) assistance funding, 30 CFR 795.11; and

(8) applicant liability, 30 CFR 795.12.

(b) The following terms shall be replaced with the indicated terms, wherever they appear in the text of the rules and regulations incorporated by reference under this section:

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

(2) "This chapter" shall be replaced by "these rules and regulations."

(3) "This part" shall be replaced by "K.A.R. 47-11-8." (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986.)

Article 12.—LANDS UNSUITABLE FOR SURFACE MINING

47-12-4. Land unsuitable for surface mining; incorporation by reference. The following sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board. The incorporation by reference shall cover the sections as they existed on July 1, 1985:

(a) Definitions, 30 CFR 761.5;

(b) areas where mining is prohibited or limited, 30 CFR 761.11, deleting subsection (b);

(c) procedures, 30 CFR 761.12, deleting subsection (c);

(d) definitions, 30 CFR 762.5;

(e) criteria for designating lands as unsuitable, 30 CFR 762.11;

(f) land exempt from designation as unsuitable for surface coal mining operations, 30 CFR 762.13;

(g) exploration on land designated as unsuitable for surface coal mining operations, 30 CFR 762.14;

(h) petitions, 30 CFR 764.13;

(i) initial processing, recordkeeping, and notification requirements, 30 CFR 764.15;

(j) hearing requirements, 30 CFR 764.17;

(k) decision, 30 CFR 764.19;

(l) data base and inventory system requirements, 30 CFR 764.21;

(m) public information, 30 CFR 764.23;

(n) regulatory authority responsibility for implementation, 30 CFR 764.25; and

(o) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) "§§ 775.11 and 775.13 of this chapter" shall be replaced by "K.S.A. 49-407(d), 49-416a, 49-422a and article 4 of chapter 47 of the Kansas administrative rules and regulations."

(2) "Sections 522(a)(2) and (3)" shall be replaced by "K.S.A. 49-405b(a)(1) and (2)."

(3) "This chapter" shall be replaced by "these rules and regulations."

(4) "§ 526(e) of the act and § 775.13 of this chapter" shall be replaced by "K.S.A. 49-422a and K.S.A. 49-426."

- (5) "Section 522 of the act" or "section 522(e) of the act" shall be replaced by "K.S.A. 49-405b."
- (6) "Section 701(28) of the act" shall be replaced by "K.S.A. 49-403(s)."
- (7) "Part 762, 764 or 769 of this chapter" shall be replaced by "K.A.R. 47-12-4(d) to (o), inclusive."
- (8) "Part 761 of this chapter" shall be replaced by "K.A.R. 47-12-4(a), (b), (c) and (o)."
- (9) "Part 761, 762, or 764" shall be replaced by "K.A.R. 47-12-4."
- (10) "Part 722 of this chapter" shall be replaced by "K.A.R. 47-7-2."
- (11) "Act" shall be replaced by "state act."
- (12) "This part" of "this subchapter" shall be replaced by "K.A.R. 47-12-4." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405b, 49-422a ad 49-426; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1986.)

Article 15.—INSPECTIONS AND ENFORCEMENT

47-15-1a. Inspections and enforcement; incorporation by reference. (a) Subject to the provisions contained in subsection (b), the following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, as they existed on July 1, 1985, are hereby incorporated by reference as rules and regulations of the board, with exceptions as indicated:

- (1) Inspections by state regulatory authority, 30 CFR 840.11;
- (2) availability of records, 30 CFR 840.14;
- (3) definitions, 30 CFR 843.5;
- (4) right of entry, 30 CFR 840.12;
- (5) review of adequacy and completeness of inspections, 30 CFR 842.14;
- (6) review of decision not to inspect or enforce, 30 CFR 842.15, except that the phrase in subsection (b) of 30 CFR 842.15, "or disclosure is required under the freedom of information act or other federal law," shall be deleted;
- (7) cessation orders, 30 CFR 843.11;
- (8) notices of violations, 30 CFR 843.12, except that the phrase in subsection (a) of 30 CFR 843.12, "carried out during the enforcement of a federal program or federal lands program or during federal enforcement of a state program under sections 504(b) or 521(b) of the act and part 733 of this chapter" shall be deleted. Paragraph (a)(2) of 30 CFR 843.12 shall be deleted;
- (9) suspension or revocation of permits, 30 CFR 843.13, except that the phrase in paragraph (a)(4)(i)(A) of 30 CFR 843.13, "or a federal lands program," and paragraphs (a)(4)(i)(B) and (C) of 30 CFR 843.13 shall be deleted;
- (10) informal public hearings, 30 CFR 843.15;
- (11) formal review of citations, 30 CFR 843.16);
- (12) compliance conference, 30 CFR 843.20; and
- (13) compliance conference, 30 CFR 840.16.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

- (1) "Act" shall be replaced by "state act."
- (2) "This chapter" shall be replaced by "these rules and regulations."
- (3) "Federal" shall be replaced by "state."
- (4) "Secretary" shall be replaced by "board."
- (5) "Office" shall be replaced by "board or its authorized representative."
- (6) "Regional director" shall be replaced by "board."
- (7) "43 CFR Part 4" shall be replaced by "K.S.A. 49-416a."
- (8) "Office of hearings and appeals" shall be replaced by "board."
- (9) "30 CFR Part 845" shall be replaced by "article 5 of chapter 47 of the Kansas administrative rules and regulations."
- (10) "43 CFR 4.1281" shall be replaced by "K.S.A. 49-416a(a)."
- (11) "Section 521(a)(5)" shall be replaced by "K.S.A. 49-405(m)(4)."
- (12) "Section 521(a)(2)" shall be replaced by "K.S.A. 49-405(m)(1)."
- (13) "Section 517" shall be replaced by "K.S.A. 49-404, 49-405, and 49-405d."
- (14) "Section 518" shall be replaced by "K.S.A. 49-405c."
- (15) "Section 521" shall be replaced by "K.S.A. 49-405(m)."
- (16) "Section 518(b), 521(a)(4), or 525" shall be replaced by "K.S.A. 49-405c(b), 49-405(m)(3), or 49-416a."
- (17) "30 CFR 842.12" or "§ 842.12" shall be replaced by "K.A.R. 47-15-7 and K.A.R. 47-15-8."
- (18) "Section 520" shall be replaced by "K.S.A. 49-426."
- (19) "Section 525" shall be replaced by "K.S.A. 49-416a."
- (20) "30 CFR 842.11" or "§ 842.11" shall be replaced by "K.A.R. 47-15-1a(a)(1)." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-404, 49-405, 49-405c, 49-405d, 49-416, 49-416a, 49-427, K.S.A. 1984 Supp. 49-406; effective May 1, 1985; amended May 1, 1986.)

JOYCE STOVER
Executive Director

Doc. No. 003950

State of Kansas

STATE CORPORATION COMMISSION

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1986)

Article 1.—RULES OF PRACTICE
AND PROCEDURE

82-1-214. Commencement of a proceeding; responsive pleadings. (a) A proceeding shall be commenced either by the filing of an application, a complaint, or a petition, or by an order of the commission initiating a proceeding on its own motion; except that an application filed by any investor owned utility for permission to make changes in its rates and tariffs shall not commence a proceeding under this section unless the commission shall have received written notification of the intent to file the application no less than 30 nor more than 90 days prior to the application filing date.

(b) Any party may file and serve a protest, motion or other proper pleading within 10 days after service upon him of any application, petition, notice, formal complaint, supplemental complaint or amended complaint. Answers to formal complaints shall be filed as prescribed by rule 82-1-220.

(Authorized by K.S.A. 55-604, 55-704, 66-106; implementing K.S.A. 1984 Supp. 55-605, K.S.A. 55-706, 66-110, as amended by L. 1985, Ch. 225, Sec. 25, 66-111, as amended by L. 1985, Ch. 225, Sec. 31, 66-117; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1981; amended May 1, 1986.)

Article 3.—PRODUCTION AND
CONSERVATION OF OIL AND GAS

82-3-101. Definitions. (a) As used in these regulations:

(1) "Acreage factor" means the quotient obtained by dividing the acreage attributable to a well by the basic acreage unit. The basic acreage unit shall be defined by the commission and promulgated in the basic proration order for the common source of supply in which the well is located.

(2) "Allowable" means the amount of oil or gas authorized to be produced by order of the commission.

(3) "Allowable period" means the time in which the allowable may be produced.

(4) "Alternative cementing materials" are materials used in lieu of Portland cement blends, as prescribed by commission order, dated March 29, 1985, Docket No. 34,780-C (C-1825).

(5) "Assessment" means any charge against the parties involved in any hearing, application, investigation, or the enforcement of an order, and the assessment on natural gas and oil produced to pay the costs associated with the administration of the oil or gas conservation act.

(6) "Attributable acreage" means the acreage assigned to a well in accordance with the well spacing program adopted for each of the prorated fields.

(7) "Casing" means tubular goods used to line a well bore.

(8) "Casing-head gas" means gas produced that was in solution with oil in its original state in the reservoir.

(9) "Cement" means Portland cement or a blend of Portland cement used in the oil and gas industry to support and protect casing and to prevent the migration of subsurface fluids by the formation of an impermeable barrier.

(10) "Combination well" means a well that produces both oil and gas, excluding casing-head gas, from the same common source of supply.

(11) "Commingling" means the mixing of production from more than one common source of supply.

(12) "Commission" means the state corporation commission.

(13) "Common source of supply" means each geographic area or horizon definitely separated from any other area or horizon which contains, or appears to contain, a common accumulation of oil, gas or both.

(14) "Conservation division" means the division of the commission in charge of the administration of the oil and gas conservation acts, well plugging, salt water disposal, and enhanced recovery.

(15) "Correlative rights" means that each owner or producer in a common source of supply is privileged to produce from that supply only in a manner or amount that will not:

(A) injure the reservoir to the detriment of others;

(B) take an undue proportion of the obtainable oil or gas; or

(C) cause undue drainage between developed leases.

(16) "Day" means a period of 24 consecutive hours.

(17) "Deliverability" means the amount of natural gas, expressed in Mcf per day, which a well is capable of producing into a pipeline, while maintaining a back-pressure against the well head. The amount of back-pressure to be maintained and the test procedure shall be specified by the commission in the basic proration order for the common source of supply in which the well is located.

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

(19) "Discovery well" means the first well completed in a common source of supply which is not in communication with any other common source of supply.

(20) "Disposal well" means a well which injects, for purposes other than enhanced recovery, those fluids brought to the surface in connection with oil and natural gas production.

(21) "Division order" means a dated, written statement, duly signed by the owners and delivered to the purchasers, certifying and guaranteeing the interests of ownership of production and directing payment according to those interests.

(22) "Drilling time log" is the chronological tabulation or plotting of the rate of penetration of subsurface rocks by the rotary bit.

(23) "Enhanced recovery" means any process involving the injection of fluids into a pool to increase the recovery of oil or gas.

(24) "Enhanced recovery injection well" means a well which injects fluids to increase the recovery of hydrocarbons.

(25) "Field" means a geographic area containing one or more pools.

(26) "First purchaser" means the person holding the division order and issuing checks to pay any working or royalty interest.

(27) "Fluid" means a material or substance which flows or moves in a semi-solid, liquid, sludge, or gas state.

(28) "Freshwater" means water containing not more than 1,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 1,000 parts of salt per million or 500 parts of chlorides per million.

(29) "Gas" means the gas obtained from gas or combination wells, regardless of its chemical analysis.

(30) "Gas" (cubic foot) means the volume of gas contained in one cubic foot of space at a standard pressure base and at a standard temperature base. The standard pressure base shall be 14.65 pounds per square inch absolute, and the standard temperature base shall be 60 degrees Fahrenheit. Whenever the conditions of pressure and temperature differ from the above standard, conversion of the volume from these conditions to the standard conditions shall be made in accordance with the ideal gas laws as corrected for deviation.

(31) "Gas-oil ratio" means the ratio of gas produced, in cubic feet, to one barrel of oil produced during the concurrent period.

(32) "Gas" (sour) means any natural gas containing more than 1½ grains of hydrogen sulphide per 100 cubic feet or more than 30 grains of total sulphur per 100 cubic feet, or gas which, in its natural state, is found by the commission to be unfit for use in generating electricity or fuel for domestic purposes.

(33) "Gas well" means a well that:

(A) produces gas not associated with oil at the time of production from the reservoir; or

(B) produces more than 15,000 standard cubic feet of gas to each stock tank barrel of oil from the same common source of supply, as measured by the gas-oil ratio test prescribed by and reported on conservation division form No. C-5.

(34) "Hardship well" means a well authorized by commission order to produce at a specified rate because reasonable cause exists to expect that production below the specified rate would damage the well and cause waste.

(35) "Illegal production" means any production in violation of the statutes, rules, regulations or orders of the commission.

(36) "Minimum well" means any oil well which has a productivity of 25 barrels or less per day.

(37) "Mousehole" means a service hole drilled at a slight angle and normally about 30 feet deep on those wells drilled by rotary tools.

(38) "Mud-laden fluid," as the term is commonly used in the industry, means any commission-approved mixture of water and clay or other material, which will effectively seal a formation to which it is applied.

(39) "Oil" (crude) means any petroleum hydrocarbon which is produced from a well in liquid phase and which existed in a liquid phase in the reservoir.

(40) "Oil, (pipeline)" means oil free from water and basic sediment to the degree that it is acceptable for pipeline transportation and refinery use.

(41) "Oil well" means a well that produced one stock tank barrel or more of crude oil to each 15,000 standard cubic feet of gas, as measured by the gas-oil ratio test prescribed by and reported on conservation division form No. C-5.

(42) "Open flow" means the volume of gas which a gas well is capable of producing at the wellhead during a period of 24 hours against atmospheric pressure, computed according to the standard procedure approved by the commission.

(43) "Operator" means any person who is in charge of the development of a lease, or the operation of a producing well.

(44) "Overage" or "overproduction" means the oil or gas produced in excess of the allowable.

(45) "Person" means any natural person, corporation, association, partnership, governmental or political subdivision, receiver, trustee, guardian, executor, administrator, fiduciary, or any other legal entity.

(46) "Pipeline" means any pipes above or below the ground used or to be used for the transportation of oil, gas, liquids, or gases.

(47) "Pool" means a common source of supply as officially named.

(48) "Producer" means any person who owns, in whole or in part, a well capable of producing oil or gas or both.

(49) "Production" means produced oil, gas, condensate, or casing-head gas.

(50) "Productivity of a well" means the daily capacity of a well to produce oil or gas.

(51) "Productivity of a pool" means the sum of the productivities of the wells completed in the pool.

(52) "Proration" means the regulation of the amount of allowed production to prevent waste, undue drainage between developed leases, unratable taking, or unreasonable discrimination between operators, producers and royalty owners who are within a common source of supply, that would favor any one pool as compared to any other pool in this state.

(53) "Purchaser" means any person who purchases production from a well, lease or common source of supply.

(54) "Rathole" means the service hole drilled at a slight angle and normally about 40 feet deep on those wells drilled by rotary tools.

(55) "Reasonable market demand" means the amount of crude petroleum or natural gas which must be produced to satisfy current rates of consumption.

(56) "Service well" means a well drilled for:

(A) The injection of fluids in enhanced recovery projects;

(B) The supply of fluids for enhanced recovery projects; or

(C) The disposal of salt water.

(57) "Shortage" means the amount by which the oil

(continued)

or gas legally produced and sold or removed from the premise is less than the allowable.

(58) "Storage oil" means produced oil confined in tanks, reservoirs, or containers.

(59) "Storage oil-lease" means produced oil in tanks, reservoirs, or containers on the lease where it was produced.

(60) "Storage well" means a well used to inject or extract natural gas for storage purposes.

(61) "Stratigraphic hole" means a hole, normally of small diameter, drilled through subsurface strata for exploratory purposes, with no intent to produce hydrocarbons through the hole being drilled.

(62) "Surface casing" is the first casing put in a well which is cemented into place. It serves to shut out shallow water formations. It also acts as a foundation or anchor for all subsequent drilling activity. For purposes of compliance with K.A.R. 82-3-106(c)(2), additional strings of casing, which are set and cemented in a well bore below the lowest fresh and usable water strata, shall be deemed to be surface casing.

(63) "Undue drainage" means the uncompensated migration of either oil or gas between developed leases within the same common source of supply caused by the unratable production of some well or wells located there.

(64) "Usable water" means water containing not more than 10,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 10,000 parts of salt per million or 5,000 parts of chlorides per million.

(65) "Waste oil" means any tank bottom, basic sediment, cut oil, reclaimed oil from pits, ponds or streams, dead oil, emulsions, or other types of oil not defined as pipeline oil.

(66) "Well completion, (oil)" occurs when the first new oil is produced through permanent wellhead equipment into lease tanks from the producing interval after the production casing has been run.

(67) "Well completion, (gas)" occurs when the well is capable of producing gas through permanent wellhead equipment from the producing zone after the production casing has been run.

(68) "Well completion, (dry hole)" occurs when all provisions of plugging are complied with as set out in these regulations.

(69) "Wellhead working pressure" means the static pressure in the annulus while flowing through the tubing, or static pressure in the tubing while flowing through the annulus, except in cases where the casinghead is not in open communication with the producing formation because of the presence of a packer or other obstruction in the annular space between casing and tubing. In these cases, the wellhead working pressure shall be determined by adjusting the observed tubing pressure for the effect of friction caused by flow through the tubing, or by using a bottom-hole pressure bomb and correcting back to wellhead conditions.

(70) "Well log" means the written record progressively describing the well's down-hole development.

(71) "Well history" means the chronological record of the development and completion of a well.

(b) All terms not defined in this definitional section shall be interpreted to be consistent with their common use in the industry. (Authorized by and implementing K.S.A. 55-152, 55-602, 55-604, 55-704, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-84-19, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

82-3-106. Cementing-in surface casing. (a) Beginning of drilling operations. Drilling shall not begin until the operator has received the approved notice of intent to drill from the conservation division, pursuant to K.A.R. 82-3-103. The notice of intent to drill shall indicate the amount of surface casing that must be set.

(b) Depth. The depth of the required surface casing shall be determined in the following manner:

(1) The operator shall set a minimum of 50 feet of surface casing in the well, except as otherwise provided by paragraph (b)(2).

(2) Table 1, dated October 15, 1985, shall be used to determine the required depth of the surface casing and the cementing requirements for the protection of fresh and usable water. Upon submission of additional information, adjustments to the required depth of the surface casing may be made by the commission and the department. These adjustments shall be indicated on the drilling permit.

(A) Operators who drill wells in areas referenced in commission order, dated January 27, 1985, Docket No. 133,891-C, may set surface casing at the minimum depth set forth in that Docket.

(B) The commission may grant an exception to the requirements set forth in Table 1, dated October 15, 1985, after notice is provided and a hearing held. Notice of the hearing shall be mailed or delivered at least 15 days prior to the hearing to the landowner on whose land the well is located. Notice of the hearing shall also be provided pursuant to K.A.R. 82-3-135.

(c) Time requirements. Protection of fresh and usable water shall be accomplished by one of the two following alternatives.

(1) Alternate I. The surface casing shall be cemented to the surface with a Portland cement blend. The surface casing shall be set and cemented below all fresh and usable water strata, according to the requirements made pursuant to subsection (b). An operator shall not drill to any depth necessary to test for oil or gas without having set and cemented a continuous string of casing.

(2) Alternate II. Surface casing shall be set and cemented in the following manner:

(A) The first string of casing shall be set through all unconsolidated material plus 20 feet into the underlying formation. The surface casing shall be cemented to the surface with a Portland cement blend. An operator shall not drill to any depth necessary to test for oil or gas, without having set and cemented this string of casing.

(B)(i) All additional casing which is next to the borehole shall be cemented from 50 feet below the lowest usable water, according to the requirements made pursuant to subsection (b), to the surface with a Portland cement blend except as provided by subparagraph (d)(3).

(ii) The operator shall notify the appropriate district office prior to the cementing of the additional casing. If a time period is specified by Table I, dated October 15, 1985, the additional cementing shall be completed within the time period specified. If a time period is not specified in Table I, dated October 15, 1985, the additional cementing shall be completed within a time period sufficient to allow compliance with K.A.R. 82-3-106(e). Extensions of the time period within which the additional cementing must be completed may be granted with the approval of the commission and the department.

(d) Methods and materials to be used in setting and cementing of surface casing.

(1) In setting surface casing the surface hole diameter shall be sufficiently larger than the surface casing to permit circulation of the cement.

(2) The annular space between the surface casing and the borehole shall be filled with a Portland cement blend. The cement shall be maintained at surface level.

(3) The use of any material other than a Portland cement blend is prohibited except for the alternative cementing materials as defined by KCC order, dated March 29, 1985, Docket No. 34,780-C (C-1825).

(4) The cemented casing string shall stand and further operations shall not begin until the cement has been in place for at least eight hours or until the cement has reached a compressive strength of 300 pounds per square inch. This requirement may be modified by specific order of the commission.

(e) Affidavit. Each operator shall file a sworn affidavit with the conservation division setting out the type, amount, and method of cementing used on all casing strings in a well bore. The affidavit shall be filed on the form provided by the conservation division within 120 days of the spud date of the well or as otherwise required by K.A.R. 82-3-130(b). Legible documentation of the cementing operations across fresh and usable water strata shall be attached to the affidavit. Such documentation may consist of: invoices, job logs, job descriptions, or other such service company reports. Falsification or the failure to file the affidavit is punishable by a \$5,000 penalty, and the well shall be shut-in until compliance with requirements of this regulation are achieved. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152, 55-156, 55-157, 55-159, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-1, January 13, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

82-3-108. Well location. (a) Except as provided by subsection (b) or (c), each well shall not be drilled nearer than 330 feet to any lease or unit boundary line.

(b) Each oil well which is drilled to a total depth of less than 2,000 feet, and which is drilled in one of the following counties, shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line: Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Douglas, Elk, Franklin, Greenwood, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neo-

sho, Osage, Shawnee, Wilson, Woodson, and Wyandotte. Each oil well which is drilled in Chautauqua County, and which is drilled to a total depth of less than 2,500 feet, shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line.

(c) After notice and hearing, an exception may be granted to permit drilling within shorter distances than provided in subsection (a) or (b), whichever is applicable, and to the acreage attributable and assigned allowables, when such exceptions are necessary either to prevent waste or to protect correlative rights. In granting the exception, the acreage attributable to the well and the assigned allowables shall be considered.

(d) When an exception to this rule is desired pursuant to subsection (c), an application shall be submitted to the conservation division. The application shall contain:

(1) A brief explanation of the exception or exceptions requested;

(2) the proposed location of the well, including the distance to the nearest lease or unit boundary line;

(3) a list of the following:

(A) Each offset operator whose lease line is located less than the required distance from the proposed location;

(B) each unleased offset mineral owner whose property boundary is located less than minimum distance required by subsection (a) or (b) from the proposed locations; and

(C) the applicant's lessor or lessors, if the applicant operates any lease which will be situated less than minimum distance required by subsection (a) or (b) from the proposed well location:

(4) the acreage attributable to the well;

(5) the allowable requested; and

(6) the bonus allowable requested (if applicable).

(e) Each application submitted under subsection (d) shall be accompanied by the proposed notice of the intention to drill and a plat, drawn to the scale of one inch equalling 1,320 feet, that accurately shows:

(1) the property on which the well is sought to be drilled;

(2) all other completed, partially drilled, or permitted wells on the property; and

(3) all adjoining surrounding properties and wells.

(f) Each applicant shall provide notice of hearing not less than 10 days prior to the hearing date. The notice shall be sent to:

(1) Each offset operator whose lease line is less than the required distance from the proposed location;

(2) Each unleased mineral owner whose property boundary is located less than the minimum distance required by subsection (a) or (b) from the proposed location;

(3) the applicant's lessor or lessors, if the applicant owns or operates any lease which will be situated less than the minimum distance required by subsection (a) or (b) from the proposed well location.

(g) Each applicant requesting an exception pursuant to subsection (f) shall also publish notice pursuant to K.A.R. 82-3-135.

(continued)

(h) 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 either of the following conditions:

(1) If a protest has not been filed after 30 days notice has been given by the applicant to:

(A) each offset operator whose lease line is less than the required distance from the proposed location;

(B) each unleased mineral owner whose property boundary is located less than the minimum distance required by section (a) or (b) from the proposed location; and

(C) the applicant's lessor or lessors, if the applicant owns or operates any lease which will be situated less than the minimum distance required by subsection (a) or (b) from the proposed well location; or

(2) When an application is accompanied by waivers of objection signed by each operator, unleased mineral owner or lessor entitled to notice under paragraph (1) of this subsection.

(i) Each waiver of objection shall be on a form prescribed by the commission.

(j) Each well location exception 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 for extension. The commission shall grant only one six-month extension. 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.

(k) Wells drilled nearer than the minimum distance required by subsection (a) or (b) from 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.

(l) 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).

(m) 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. 1984 Supp. 55-605, 55-706, 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; amended May 1, 1985; amended May 1, 1986.)

82-3-111. Temporarily abandoned wells. (a) Within 90 days after operations cease on any well drilled for the purpose of exploration, discovery, service or production of oil, gas or other minerals cease; the owner or operator of that well shall:

(1) plug the well; or

(2) give notice of the temporary abandonment to the conservation division on forms prescribed and furnished by the conservation division.

(b) If necessary to prevent the pollution of any freshwater strata or supply, the well shall be plugged or repaired according to the direction of the conservation division and in accordance with its rules and regulations. If the operations on any such temporarily abandoned well or other inactive well are not resumed within a period of one year after the notice has been given, the well shall be deemed a permanently abandoned well, and the owner or operator of the well shall comply with rules and regulations of the commission relating to the abandonment of wells. Upon application to the conservation division prior to the expiration of the one-year period, and for good cause shown, the conservation division may extend the period for one year. The conservation division may grant additional one-year extensions in the same manner. (Authorized by and implementing K.S.A. 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, May 1, 1985; amended May 1, 1986.)

82-3-114. Plugging methods and procedure. The methods and procedure for plugging a well drilled for discovery of oil or gas, for disposal of salt water, or for enhanced recovery, shall be as follows.

(a) For productive or past productive oil or gas formations, a cement plug not less than 50 feet in length or a bridge capped with cement shall be placed above each such formation.

(b) Cement plugs of 50 feet or more in length shall be placed both above and below any fresh or usable water horizons. The lower plug shall extend at least 50 feet below the base of the water zones and the upper plug shall extend at least 50 feet above the top of the water zones.

(c) In each well plugged, a cement plug shall be placed near the surface of the ground in a manner designed not to interfere with soil cultivation.

(d) Each rathole and each mousehole shall be plugged by displacing any mud or water with cement from the bottom of the hole to near the surface in a manner that will not interfere with soil cultivation.

(e) When the wellbore has penetrated both a highly permeable formation and an overlying major salt formation, a cement plug of 50 feet or more in length shall be set above the highly permeable formation. Additionally, cement plugs 50 feet or more in length shall be set in the first formation compatible with cement above and below the salt formation.

(f) If a well to be plugged is located the minimum distance or less from the lease or unit boundary, all zones which are perforated or open in that well and which are being produced on the lease adjacent to that boundary shall be plugged. This requirement shall be waived for all zones which are not producing within ½ mile of the well to be plugged.

(g) The interval between all plugs shall be filled with an approved heavy mud-laden fluid of not less than 36 viscosity (A.P.I. full funnel method) and a

weight of not less than nine pounds per gallon, or a bridge shall be set at all plugging intervals.

(h) If the above procedures cannot be followed due to conditions in the casing or wellbore, a representative of the commission may authorize alternative plug placement while assuring the protection of fresh and usable water.

(i) The operator, with the approval of the representative of the commission, may place cement in the well by dump bailer, pumping through tubing, pump and plugs, or other method approved by the commission.

(j) The commission may tag plugs pursuant to the cooperative government/industry quality control program under guidelines acceptable to the director of the conservation division. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152, 55-156, 55-157, 55-159; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

82-3-130. Completion report. (a) Within 120 days of the spud date of a well, the operator shall file an original and two copies of an affidavit of completion with the conservation division except as provided by subsection (b).

(b) If the time requirement for cementing the additional casing, pursuant to K.A.R. 82-3-106 (c)(2)(B), is greater than 120 days, the time for filing the affidavit of completion and two copies, shall be extended accordingly.

(c) The affidavit of completion shall be filed regardless of the manner in which the well is completed. The affidavit of completion shall be on forms furnished by the commission. The affidavit shall be accompanied by wireline logs of the well, if run. (Authorized by and implementing K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

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 and the Kansas Register. 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. 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, K.S.A. 1984 Supp. 55-704; implementing K.S.A. 1984 Supp. 55-605, 55-706, effective, T-85-51, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

82-3-139. Proposed orders. (a) Unless a transcript is requested at the close of a conservation division hearing, the applicant shall submit a proposed order to the conservation division within 20 days after the close of the hearing. If a transcript is requested at the close of a conservation division hearing, the applicant shall submit a proposed order to the conservation division within 20 days after receipt of the transcript.

(b) Upon a request made at the close of a conserva-

(continued)

tion division hearing, the commission or its designated hearing examiner may extend the time within which a proposed order shall be submitted or may entirely waive the requirement.

(c) Any party of record may submit a proposed order within the same time period required of an applicant in a conservation division hearing. (Authorized by and implementing K.S.A. 55-152, 55-602, 55-604, 55-704; effective, May 1, 1986.)

82-3-200. Prevention of waste, protection of correlative rights, and prevention of discrimination between pools. (a) Any person having the right to drill, complete and operate wells from which oil from any common source of supply (pool) is produced may produce on a monthly basis no more than that amount of crude oil from any well or lease than the allowable specified by the commission.

(b) The crude oil allowable shall be that amount of oil which may be produced currently from any pool without causing waste or injury to correlative rights, and without discriminating between pools. In determining allowables, the commission shall consider the statistical status of each well or lease, as of the first day of the preceding proration period. Any applicable overages and shortages for each well or lease shall be used in determining the statistical status of that well or lease.

(c) The provisions of this regulation shall be construed in conjunction with K.A.R. 82-3-202 through K.A.R. 82-3-208. (Authorized by K.S.A. 55-602, 55-604; implementing K.S.A. 55-603; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

82-3-201. Underage. Whenever wells fail to produce their allowables, these shortages or underages shall be carried forward upon the records of the commission. These wells shall be permitted to produce the underage in addition to their normal allowables. If the commission determines, however, that a proration unit is incapable of producing its allowable, the accrued underages shall be canceled. Whenever shortages are attributable to the lack of transportation facilities, these shortages shall not be accrued for more than 60 days from the date of the initial productivity test, except as otherwise ordered by the commission. (Authorized by and implementing K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

82-3-202. Productivities, methods of determining, when required. The productivity of all wells in prorated pools in this state shall be determined in accordance with the following rules.

(a) Type of test. The productivity of a well shall be determined by a physical test. This physical test shall be conducted in the manner in which the well is normally produced. The initial physical test shall be conducted within 30 days of the filing of the affidavit of completion for the well.

(b) Supervision. All tests shall be conducted under the supervision of the commission.

(c) Notice and witnesses. The operator of a well on which a test is to be conducted shall notify the com-

mission's agent at least 12 hours before the beginning of a test. Offset operators may witness the test.

(d) Temporary allowable of a well. Upon filing of an affidavit of completion, a temporary allowable for the well shall be established. This temporary allowable shall be effective for 30 days.

(e) Production considered. Only pipeline oil produced during the test shall be considered in determining a well's productivity.

(f) Pool tests. Pool tests shall be taken on an annual basis. Whenever, due to some act or omission of the operator, more than 15 months have lapsed since the last productivity test for a well was conducted, the well shall not be entitled to an allowable until tested. A well that was tested less than three months before the date of a scheduled pool test shall not be required to take the pool test. Operators shall be notified 10 days before the start of a pool test.

(g) Good cause shown. The commission may, on its own motion and for good cause shown, direct the taking of a productivity test of any well or any pool. (Authorized by and implementing K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

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

(a) Oil market demand. The commission may hold a monthly hearing to determine the total statewide oil allowable. The statewide oil allowable shall be 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 allocate the total statewide allowable 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) Well allowables for non-prorated pools. Allowables shall be assigned on an individual well basis. The maximum lease allowable shall be the sum of the individual well productivities or allowables, whichever is less. The allowables for each well in non-prorated pools shall be set by the following range depth schedule:

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

(c) Discovery oil allowable.

(1) An oil discovery allowable may be granted to wells completed in a newly discovered pool. The oil discovery allowable shall be equal to 1½ times the current daily allowable which would be assigned to the well had it not been completed in a newly discovered pool. The current daily allowable shall be deter-

mined by using the allowables set pursuant to subsection (b) 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 for one of the three following periods of time, whichever first occurs:

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

(B) in the absence of a state-supervised test, for a period of 18 months from the date of completion of the discovery well; or

(C) until development has connected the pool with another known common source of supply producing from the same geological formation (reservoir).

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

(A) A newly discovered pool shall be recognized only upon the filing of an application and notice, a hearing before the commission, and approval by the commission. The application shall contain the information required under subsection (d). The applicant shall provide notice of the hearing not less than 10 days prior to the hearing date. The notice shall be provided 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.

(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) 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 may be reduced temporarily to reflect 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 in such a manner 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 the 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 wells 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. 1984 Supp. 55-605, K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

82-3-204. Reports by purchasers and producers.

(a) Each purchaser or taker of any oil, including waste oil, shall file each month a verified statement of all oil purchased or taken from any well, lease or pool in this state during the preceding month. The verified statement shall be filed with the commission on a form prescribed by the commission. The statement shall be filed on or before the 15th day of each month succeeding the month in which the purchasing or taking occurs.

(b) The producer or operator of each well in prorated pools, including minimum wells, shall file each month a verified statement showing the amount of crude petroleum actually produced by each well and lease. The verified statement shall be filed with the commission on or before the 15th day of each

(continued)

month succeeding the month in which the production occurred. The filing of production reports by producers shall be necessary for the purpose of obtaining allowables. (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

82-3-205. Overage. Within any given proration period, no producer shall produce more than 15 percent in excess of the net allowable established for any well or lease. All overproduction from wells or leases which have produced in excess of their allowable for any allowable period shall be equalized by deductions from future allowables established for the wells or the leases. Whenever a well or lease accumulates an overproduction in excess of two times its monthly allowable, the well or lease shall have its production restricted to 25 percent of its monthly allowable until the overproduction is equalized. If a protest is filed within 15 days of the date on which an operator is notified that the well or lease will have its production restricted to 25 percent of its monthly allowable, notice shall be given and a hearing shall be held. The commission may also, on its own motion, order such a well or lease to be shut-in, after notice and hearing. (Authorized by and implementing K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

82-3-206. Assessment. An oil conservation assessment to pay the conservation division expenses, and administration costs not otherwise provided for shall be made as follows:

(a) A charge, as established by the commission, on each barrel of crude oil or petroleum marketed or used each month shall be assessed to each producer. The charge and assessment shall only apply to the first purchase of oil from the producer.

(b) The first purchaser of the production shall deduct the assessment per barrel of oil marketed or used from the lease each month before paying for production. The first purchaser shall remit the assessment to the conservation division when making regular oil payments.

(c) The assessment shall be remitted each month in a single check. The purchaser shall account for the deductions under this order on the regular payment statements to producers and royalty owners or other interested persons. (Authorized by K.S.A. 55-604; implementing K.S.A. 55-131, 55-609; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

82-3-207. Oil drilling unit. In the absence of special orders issued by the commission, the following provisions shall apply to all oil wells.

(a) Standard drilling unit. A standard drilling unit shall be 10 acres. Except as otherwise provided by K.A.R. 82-3-108(b) or (c), the well for that unit shall be located at least 330 feet from any lease or unit boundary.

(b) Acreage-attribution unit. Unless an exception is granted, any oil well that is drilled nearer than the minimum distance required by subsection (a) or (b) or

K.A.R. 82-3-108, whichever is applicable, from any lease or unit boundary line shall have its attributable acreage determined by the establishment of an acreage-attribution unit. The width of the acreage-attribution unit shall be twice the distance from the well to the nearest lease or unit boundary line. The length of the unit shall be the same as the width.

(c) Acreage attributable. When the acreage attributable to any well is less than 10 acres, the well's allowable shall be reduced in the same proportion that the acreage attributable to the well bears to 10 acres. A bonus allowable shall not be granted except as ordered by the commission. (Authorized by and implementing K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

82-3-208. Venting or flaring of gas. (a) The commission may, without hearing, permit venting or flaring of natural gas, other than sour gas, produced in connection with the production of oil. The operator shall file an affidavit with the conservation division. The affidavit shall state:

(1) That the well has 25 Mcfd or less of natural gas available for sale as established by a state-supervised test; and

(2) The natural gas volume is uneconomic to market because a pipeline connection is not feasible, or the price received would not allow reasonable recovery of the investment required to market such gas and the direct expense attributable thereto.

(b) The affidavit shall also include the following statement: "The operator has made a diligent effort to obtain a market for the gas and the volume of natural gas produced from this well will not economically justify a pipeline connection."

(c) If the total volume produced and available for sale from a well is in excess of 25 Mcfd, the commission may, upon application and after notice and hearing, permit the venting or flaring of a specified amount of natural gas produced in connection with the production of oil. In making such a determination, the commission shall consider:

(1) the availability of a market or of pipeline facilities;

(2) probable recoverable gas reserves;

(3) the necessity for maintenance of gas pressure in the formation to protect the nonwasteful production of oil;

(4) the feasibility of reinjection of such gas;

(5) a reasonable testing period;

(6) any anticipated change in the gas/oil ratio; and

(7) any other fact or circumstance having bearing on the reasonableness of the request.

(d) Upon the filing of an application under paragraph (c) of this regulation, the commission may administratively grant temporary approval to vent or flare natural gas. The temporary approval shall be subject to all conditions specified by the commission. The temporary approval shall continue until modified by the further order of the commission.

(e) When required by the commission, all natural gas vented or flared under this rule shall be metered

and the charts or records retained for a period of two years. Such information shall be reported to the commission semiannually or as designated by the commission. The commission shall have continuing jurisdiction with authority to terminate the venting or flaring of natural gas when necessary. (Authorized by K.S.A. 55-604, 55-704; and implementing K.S.A. 55-102, 55-604, 55-702, 55-704; effective May 1, 1984; amended May 1, 1986.)

82-3-304. Tests and completion reports. (a) Each well shall have a completion report filed with the commission within 30 days of completion on forms prescribed by the commission. Initial certified tests run in conformance with these rules shall be filed with the commission within 60 days of first gas sales. In prorated fields, all gas produced into a pipeline shall be counted against the allowables.

(b) In the absence of special orders issued by the commission, an annual test shall be run in accordance with these rules. The test shall be effective during the next succeeding year. Additional tests may be required by the commission at any time. The test shall become effective the first day of the month following receipt by the conservation division.

(c) Each operator of a gas well shall be responsible for conducting all tests required to obtain an allowable for the well. Each operator shall submit one copy of the test required under subsection (b) to the conservation division and one copy to the purchaser to confirm the allowable as determined by these rules.

(d) Any gas produced and sold without the required test shall be considered to be illegal production. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703, as amended by L. 1985, Ch. 183, Sec. 1; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

82-3-312. Gas allowables. In the absence of any orders which provide otherwise and are issued by the commission, the following provisions shall apply to all gas wells.

(a) Standard daily allowable. The standard daily allowable for a well is limited to 25 percent of the well's actual open flow potential, provided that all wells shall be entitled to a minimum daily allowable of 65 Mcf. The well's actual open flow potential shall be measured pursuant to these rules.

(b) Acreage—attribution unit. Any gas well which is drilled to a depth of less than 2,000 feet and which is located nearer than 330 feet to any lease or unit boundary line shall have acreage attributed to it by the establishment of an acreage-attribution unit. This unit's width shall be defined as being twice the distance from the well to the nearest lease or unit boundary line. The length of the unit shall be defined to be the same as the width.

(c) Acreage attributable. When any gas well is drilled to a depth of less than 2,000 feet and is located nearer than 330 feet to any lease or unit boundary line, the standard daily allowable or minimum allowable shall be reduced in the same proportion that the acreage attributed to the well bears to 10 acres.

(d) The commission may grant exceptions and ad-

just the allowable to protect correlative rights and prevent waste and to give the full allowable where:

(1) location exceptions have been granted for man-made structures or topographic features;

(2) no interference with drainage of adjacent wells can be shown by competent evidence; or

(3) actual interference is less than the reduced allowable. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703, as amended by L. 1985, Ch. 183, Sec. 1; effective May 1, 1985; amended May 1, 1986.)

82-3-313. Priority gas schedule. (a) Production schedule. Whenever the available production of natural gas is in excess of the market demand for such natural gas, the following production priority schedule shall be followed:

(1) Priority one shall be gas produced either from wells in an enhanced recovery project or from hard-ship wells;

(2) Priority two shall be casinghead gas produced from oil wells;

(3) Priority three shall be gas produced from wells which are completed and located in combination reservoirs, as established by special field rules adopted by the commission;

(4) Priority four shall be gas produced from all other gas wells.

(b) Except as provided in subsection (e), terms used in the priority schedule shall be defined as contained in 82-3-101.

(c) Initial well classifications. A well shall be classified by the commission, before the well is determined to be in priorities one, two and three of the production schedule. An initial classification of a well may be based upon additional considerations, as determined by the commission, after notice has been given and a hearing has been held.

(d) Subsequent well classifications. Once a well has been classified by the commission, the classification shall remain in effect until the commission determines otherwise. A well classification may be changed by the commission, after notice has been given and a hearing has been held.

(e) Exceptions. The commission shall grant exceptions to the above classification rules for wells which are completed in pools in which oil wells and gas wells are defined by special field rules. (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 55-602, 55-603, 55-703, as amended by L. 1985, Ch. 183, Sec. 1; effective May 1, 1986.)

82-3-400. Application, approval, place of injection or disposal, and records. (a) Enhanced recovery fluids injection or disposal operations shall be permitted only upon application to and approval by the commission and the department. Before any formations are approved for use, determinations shall be made that they are separated from fresh and usable water formations by impervious beds to give adequate protection to the fresh and usable water formations.

(b) The commission, in reviewing applications for injection or disposal wells, shall consider the protection of hydrocarbons and water resources and advisory

(continued)

committee recommendations concerning safe depths for injection or disposal for all producing areas in the state. If no additional information, including well logs, formation tests, water quality data, or water well data, is made available by the operator, Table II, dated April 26, 1971, shall be used by the commission and the department in determining the minimum depth for the injection of salt water.

(c) All injection and disposal well applications filed on and after the effective date of this rule which require wellhead pressure to inject fluids shall be required to inject the fluids through tubing under a packer set immediately above the uppermost perforation or open hole zone, except as provided in 82-3-404. The packer shall be set opposite an interval of casing protected by cement.

(d) Each owner or operator of an injection or disposal well that is injecting fluid into a subsurface formation shall:

(1) keep a current and accurate record of the amount and kind of fluid injected into the well. That record shall be preserved for a period of five years; and

(2) at the end of each calendar year, submit a report to the commission showing the amount and kind of fluid injected or disposed of into each well and any other information that may be required.

(e) Emergency authority to inject or dispose of fluids at an alternate location, in the event a facility is shut-in for maintenance, testing, repairs or by order of the commission, may be granted by the commission. (Authorized by K.S.A. 55-152, 55-901, K.S.A. 1984 Supp. 65-171d; implementing, K.S.A. 55-151, 55-153, 55-901, 55-1003, K.S.A. 1984 Supp. 65-171d; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

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 procedures. The commission may grant an exception to this requirement for good cause.

(b) Each application shall be verified and filed 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, 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)(3) 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)(1) Approval of the design of a proposed well may be obtained prior to actual construction of the well. Each applicant desiring design approval shall place the words "design approval" at the top of the application for enhanced recovery or disposal operations. The design approval application shall be subject to the requirements set forth in subsections (b), (g) and (j) of this regulation.

(2) Both the commission and the department shall notify each applicant of their approval of the well design provided:

(A) all requirements set forth in subsections (b), (g) and (j) of this regulation have been met;

(B) the design of the proposed well will protect fresh and usable water; and

(C) no objections or complaints have been filed pursuant to subsection (h) of this regulation.

(3) Upon completion of the well construction, a copy of the standard well completion report, form ACO-1, shall be submitted to the commission and to the department. The application for the injection of fluid into the proposed well for enhanced recovery or disposal purposes shall be approved, if there are no significant differences between actual construction and the approved designed construction of the proposed well and the mechanical integrity of the well has been tested pursuant to K.A.R. 82-3-405.

(d) 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.

(e) 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 applicant shall provide the requested information for each well included in the application.

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

(g) Each 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, to each operator of a producing or drilling well and to each 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.

(h) 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.

(i) 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.

(j) 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 applicant shall provide notice of the hearing not less than 15 days prior to the hearing date. The notice shall be provided to the landowner on whose land the well is located, to each operator of a producing or drilling well and to 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. 1984 Supp. 55-605, 55-706, 55-152, 55-1003; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

82-3-410. Assessment of costs. Within 30 days after notice has been provided by the commission, the applicant shall pay a charge established by the commission for the purpose of defraying the cost of processing the injection or disposal application. (Authorized by K.S.A. 55-152, 55-901; implementing K.S.A. 55-131, 55-152, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986.)

Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

82-4-19a. Drivers exempt from daily log requirements. (a) Drivers, when operating motor vehicles whose registered gross weight does not exceed 12,000 pounds, are exempt from the daily log requirement contained in K.A.R. 82-4-3,(6).

(b) This exemption shall not apply if the vehicle is used to transport passengers, or explosives, or other dangerous articles of the type and in quantities that require the vehicle to be specifically marked or placarded under the hazardous materials regulations

contained in K.A.R. 82-4-20, or when operated without cargo under conditions which require the vehicle to be marked or placarded under the hazardous materials regulations contained in K.A.R. 82-4-20. (Authorized by and implementing K.S.A. 1984 Supp. 66-1,129, as amended by L. 1985, Ch. 227, Sec. 1; effective May 1, 1986.)

82-4-27c. Applications for transfer for purposes of incorporation and dissolution of corporation. (a) Any application to transfer a certificate of convenience and necessity issued to a common motor carrier and any permit issued to a contract carrier shall be considered by the commission without a hearing pursuant to K.S.A. 66-1,115a when the transfer is required because of:

(1) incorporation of the proprietorship or partnership holding the certificate or permit to be transferred; or

(2) the dissolution of the corporation holding the certificate or permit and the formation of a partnership by the entities comprising the former corporation.

(b) The application for transfer shall contain all applicable information required by K.A.R. 82-4-27a and a signed affidavit from the transferor stating that the transfer is for the incorporation of the present proprietorship or partnership, or the dissolution of a corporation to form a partnership, and that the management, operations and equipment of the corporate transferee or the partnership transferee will be the same as that of the transferor. (Authorized by K.S.A. 1984 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117; implementing K.S.A. 1984 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1984 Supp. 66-1,114, K.S.A. 66-1,115, 66-1,115a, 66-1,117; effective May 1, 1985; amended May 1, 1986.)

82-4-27d. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117 implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,114 and K.S.A. 66-1,115; effective May 1, 1985; revoked May 1, 1986.)

82-4-27e. Application to merge or consolidate intrastate common or contract authority; or to acquire control or management of an intrastate common or contract motor carrier operation. (a) Individuals, partnerships or corporations who intend to merge or consolidate motor carrier operations, or to acquire control or management of a motor carrier operation by, but not limited to, a stock acquisition, transfer of a partnership interest, or conditional sales contract, shall file an application with the commission. Each application shall meet the requirements contained in K.A.R. 82-4-27a (a) through (h) at the time the application is filed, as well as provide any pertinent information deemed necessary by the applicant or required by the commission.

(b) In addition to the requirements contained in (a) above, each application shall also provide the following information:

(1) With respect to a partnership transaction, the

(continued)

percentage of the partnership being transferred, and the percentage of each partner as a result of the transaction, and

(2) with respect to a stock transaction, the total number of shares outstanding, the total number of shares being transferred and to whom, and the total number of shares any transferee held prior to the stock transaction.

(c) All applications filed under this regulation shall be noticed to the public and set for hearing as required by K.S.A. 1984 Supp. 66-1,114 and 66-1,112b. (Authorized by K.S.A. 1984 Supp. 66-1,112 and K.S.A. 66-1,112a; implementing K.S.A. 66-1,112a, 66-1,112c, K.S.A. 1984 Supp. 66-1,114 and K.S.A. 66-1,118; effective May 1, 1986.)

82-4-27f. Application for temporary operating authority. (a) Each application for temporary authority to operate as a common or contract motor carrier shall meet the following requirements prior to consideration by the commission:

(1) Formal application for permanent authority shall be filed with the commission.

(2) Formal application for temporary authority shall be filed with the commission. The application for temporary authority shall include:

(A) The name and address of the principal office or place of business, and the address of the residence of the applicant;

(B) a complete balance sheet and income statement;

(C) a description of the commodities which the applicant intends to transport;

(D) a description of the territory proposed to be served;

(E) a tariff schedule;

(F) proof of sufficient liability and cargo insurance, as required by K.A.R. 84-4-21 through 84-4-25a;

(G) the name and mailing address of a resident agent, if the applicant is a non-resident; and

(H) a copy of the articles of incorporation or partnership agreement, if applicable to the applicant's business.

(b) Upon receipt of the completed application for temporary authority, the commission shall set the date, time and place of the hearing on the application.

(c) The rules of procedure at the hearing shall be those which govern all proceedings before the commission, as stated in the rules of practice and procedures of the commission.

(d) In order to be granted temporary authority, the applicant shall make a satisfactory showing that an immediate and urgent transportation need constituting an emergency exists and that there is no carrier within the requested territory which is capable of meeting that immediate need. The showing shall be demonstrated by sworn testimony of a person or persons other than the applicant.

(e) A written order either granting or denying temporary authority shall be issued and served upon the applicant as soon as practicable after the hearing. At the request of the applicant, the commission may issue a letter or telegraphic wire authorizing the com-

mencement of the operation approved. Any application for temporary authority shall not be granted until after a hearing and until the applicant has filed with the commission all of the information required under paragraph (a)(2) of this regulation.

(f) The order granting temporary authority shall specify the length of time for which the authority is valid, subject to any extension or renewal which the commission may authorize. Temporary authority shall not exceed the date on which an order granting or denying permanent authority becomes final. (Authorized by K.S.A. 1984 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117; implementing K.S.A. 1984 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1984 Supp. 66-1,114 and K.S.A. 66-1,115; effective May 1, 1986.)

82-4-46. Uniform system of accounts and annual reports. All Kansas intrastate motor common carriers of property or passengers shall maintain a uniform system of accounts, as formulated and compiled by the state corporation commission and shall file annual financial reports on forms prescribed or approved by the commission. The annual financial reports for the preceding calendar year shall be filed on or after January 1, but not later than May 1, of each year. (Authorized by K.S.A. 1984 Supp. 66-1,112; implementing K.S.A. 66-123 and K.S.A. 1984 Supp. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1986.)

82-4-49a. (Authorized by and implementing K.S.A. 1983 Supp. 66-1,112; effective May 1, 1981; amended May 1, 1984; revoked May 1, 1986.)

82-4-49b. Applicability of C.O.D. regulations. The rules and regulations in this part apply to the transportation by motor vehicle of c.o.d. shipments by all common carriers of property, except transportation which is auxiliary to or supplemental of transportation by railroad and performed on railroad bills of lading. (Authorized by and implementing K.S.A. 1984 Supp. 66-1,112, effective May 1, 1986.)

82-4-49c. Tariff requirements for C.O.D. shipments. Any intrastate common carrier of property shall not render any c.o.d. service unless the carrier has published, posted and filed tariffs which contain the rates, charges and rules governing the service. Rules shall conform to the regulations contained in K.A.R. 82-4-49d and 82-4-49e. (Authorized by and implementing K.S.A. 1984 Supp. 66-1,112; effective May 1, 1986.)

82-4-49d. Remittance of C.O.D. payments. (a) Each intrastate common carrier of property shall remit each c.o.d. collection directly to the consignor or other person designated by the consignor as payee promptly and within 10 days after delivery of the c.o.d. shipment to the consignee.

(b) If the delivering carrier is unable to make collection when the shipment is tendered for delivery, or if for some reason the shipment cannot be delivered, the delivering carrier shall immediately notify the consignor. If the consignor does not, within 10 days, give the carrier holding the shipment instructions

regarding disposition of the shipment, the carrier shall immediately return the shipment to the consignor and notify any other carriers involved. If the c.o.d. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the c.o.d. collection to the consignor or payee, notify the originating carrier of the remittance. (Authorized by and implementing K.S.A. 1984 Supp. 66-1,112; effective May 1, 1986.)

82-4-49e. Records of C.O.D. shipments and payments. Each intrastate common carrier handling c.o.d. shipments as a delivering carrier shall maintain a record of each c.o.d. shipment received for delivery in a manner and form that will plainly and readily show the following information for each shipment: (a) Number and date of freight bill;

(b) name and address of shipper or other person designated as payee;

(c) name and address of consignee;

(d) date shipment delivered;

(e) amount of c.o.d.;

(f) date collected by delivering carrier;

(g) date remitted to payee; and

(h) check number or other identification of remittance to payee. (Authorized by and implementing K.S.A. 1984 Supp. 66-1,112; effective May 1, 1986.)

Article 9.—RAILROAD RATES

82-9-6. Reasonableness. (a) Except for nonferrous recyclables, the reasonableness of a rate shall be evaluated by the commission only after market dominance has been established. In determining whether a rate is reasonable, evidence of the following shall be considered:

(1) The amount of traffic that is transported at revenues which do not contribute to going concern value and the efforts made to minimize that traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on the traffic can be changed to maximize the revenues from the traffic; and

(3) the carrier's mix of rail traffic, to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.

(b) Any rate on nonferrous recyclable material shall be presumed to be unreasonable when it is set at a revenue to variable cost ratio greater than 146%.

(c) Revenue adequacy standards as set out in Standards for Railroad Revenue Adequacy, 364 I.C.C. 803 (1981) shall be established by the commission.

(d) Intrastate rates in existence on October 1, 1980 shall be conclusively presumed reasonable unless a complaint that was filed under § 229 of the Staggers Rail Act of 1980 with the interstate commerce commission not later than March 31, 1981 was submitted to the commission for disposition.

(1) In determining the adjusted base rate, the commission will adopt the cost adjustment factor determined by the interstate commerce commission on a quarterly basis.

(2) The commission will not investigate, suspend or accept complaints on adjustments to the base rate which cover inflation.

(3) The commission will not suspend increases within the zone and will only investigate the increases if they produce ratios exceeding the year's market dominance threshold plus 20%, or 190%, whichever is less. In deciding whether to investigate, the commission shall consider the following:

(A) The amount of traffic below going concern value and efforts to minimize it;

(B) amount of traffic contributing marginally to fixed costs;

(C) traffic impact on revenue adequacy and energy; and

(D) cross subsidization of traffic.

(e) The protestant shall have the burden of justifying an investigation. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

MICHAEL LENNEN
Chairman

Doc. No. 003951

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$47.50 ea.
TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.) _____

Zip code must be included

THIS SPACE FOR REGISTER OFFICE
USE ONLY, PLEASE

CODE _____ REC. NO. _____
EXPIRES _____ ENTERED BY _____

Mail order, WITH PAYMENT, to: Kansas Register; Secretary of State; State Capitol; Topeka, KS 66612-1594.

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

MAIL TO. Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594