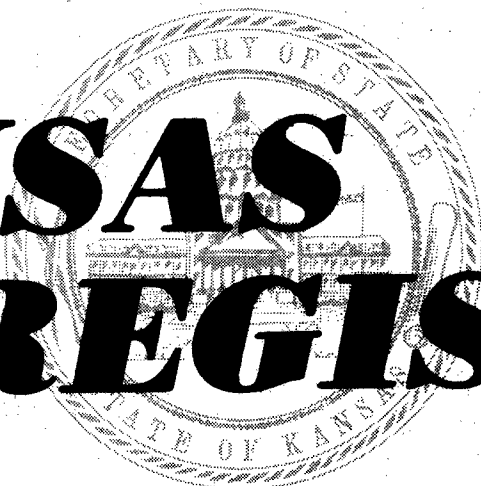


KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 5

January 29, 1987

Pages 97-128

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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 January 15-21:

HB 2055, by Representative Jenkins: An act concerning certain water districts; relating to the powers and duties thereof; amending K.S.A. 79-201a, 80-1616, 80-1617 and 80-1618 and repealing the existing sections.

HB 2056, by Representative Jenkins: An act concerning townships; relating to township fire departments; amending K.S.A. 80-1921 and repealing the existing section.

HB 2057, by Representatives Teagarden and Dyck, Adam, Baker, Blumenthal, Bowden, Brady, Branson, Brown, K. Campbell, Charlton, Cribbs, Douville, Duncan, Fox, Grotewiel, Harder, Hassler, Heinemann, Hensley, Hoy, Justice, Kennard, Knopp, Larkin, Mainey, Reardon, Roper, Roy, Sawyer, Sebelius, Sughrue, Sutter, Wagnon, Webb, Wells, Whiteman and Williams: An act concerning crimes and punishments and procedures relating thereto; providing for mandatory sentences of life imprisonment for persons convicted of premeditated murder under certain circumstances; amending K.S.A. 1986 Supp. 21-4603 and 22-3717 and repealing the existing sections.

HB 2058, by Representatives Spaniol, Acheson, Adam, Amos, Apt, Aylward, Baker, Barkis, Barr, Beauchamp, Bideau, Bowden, Braden, Brown, Buehler, Bunten, C. Campbell, K. Campbell, Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dean, Dillon, Douville, Duncan, Dyck, Eckert, Empson, Foster, Fox, Francisco, Freeman, Fry, Fuller, Gatlin, Gjerstad, Goossen, Graeber, Green, Grotewiel, Hamm, Harder, Hassler, Heinemann, Helgeson, Hensley, Holmes, Hoy, Jenkins, Johnson, King, Kline, Knopp, Lacey, Laird, Larkin, Long, Lowther, Mainey, D. Miller, R. D. Miller, Neufeld, O'Neal, Ott, Patrick, Peterson, Pottorff, Reardon, Rezac, Roe, Rolfs, Roper, Rosenau, Sallee, Sawyer, Schauf, Sebelius, Shallenburger, Shore, Sifers, Snowbarger, Solbach, Sughrue, Sutter, Turnquist, Vancrum, Wagnon, Webb, Whiteman, Williams and Wisdom: An act relating to fish and game; providing for the issuance of migratory waterfowl habitat stamps; providing for unlawful acts and prescribing penalties therefor.

HB 2059, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the Kansas water authority; amending K.S.A. 74-7271 and repealing the existing section.

HB 2060, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the office of secretary of revenue and the department of revenue; amending K.S.A. 74-7258 and repealing the existing section.

HB 2061, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the office of director of the Kansas water office and the Kansas water office; amending K.S.A. 74-7272 and repealing the existing section.

HB 2062, by Representatives Graeber, Jenkins, Acheson, Apt, Aylward, Bideau, Braden, Bryant, Buehler, Bunten, C. Campbell, Crumbaker, Dillon, Eckert, Empson, Francisco, Freeman, Gatlin, Green, Gross, Harper, Jenkins, Johnson, King, Lacey, Laird, Long, Mead, Neufeld, O'Neal, Ott, Patrick, Peterson, Rezac, Roe, Roenbaugh, Rolfs, Sallee, Schauf, Shallenburger, Shore, Spaniol, Vancrum, Wilbert and Wisdom: An act concerning crimes and punishments and procedures relating thereto; providing for a sentence of death for certain crimes under certain circumstances; concerning the procedure for carrying out a sentence of death; amending K.S.A. 22-4002, 22-4003, 22-4004, 22-4005, 22-4006, 22-4009, 22-4011, 22-4012, 22-4013 and 22-4014 and K.S.A. 1986 Supp. 21-4501, 21-4603, 21-4604 and 22-4505 and repealing the existing sections; also repealing K.S.A. 22-4001, 22-4007, 22-4008 and 22-4010.

HB 2063, by Representative Douville: An act concerning zoning; relating to group homes.

HB 2064, by Committee on Appropriations: An act concerning the secretary of the department of human resources; relating to the powers and duties thereof; authorizing certain contracts.

HB 2065, by Committee on Appropriations: An act imposing certain limitations on transfers of moneys from the state general fund during the fiscal years ending June 30, 1987, and June 30, 1988; amending K.S.A. 79-2959, 79-2964, 79-3425e and 79-34,147 and repealing the existing sections.

HB 2066, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to licenses; amending K.S.A. 32-104b and repealing the existing section.

HB 2067, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to lifetime hunting and fishing licenses; amending K.S.A. 32-104m and repealing the existing section.

HB 2068, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to safety and handling of firearms; amending K.S.A. 32-401 and repealing the existing section.

HB 2069, by Representatives Branson, Adam, Barkis, K. Campbell, Charlton, Cribbs, Dean, Dillon, Francisco, Gross, Grotewiel, Harder, Hensley, Justice, Kennard, Laird, Larkin, Love, Reardon, Roper, Russell, Sader, Sebelius, Solbach, Sughrue, Sutter, Wagnon, Webb, Wells and Whiteman: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of social and rehabilitation services; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2070, by Representative Foster: An act relating to hospitals; concerning liens upon personal injury damages recovered by patients thereof; amending K.S.A. 65-406 and repealing the existing section.

HB 2071, by Committee on Federal and State Affairs: An act relating to state officers and employees and candidates for state office; concerning conflicts of interest; amending K.S.A. 46-229 and repealing the existing section.

HB 2072, by Committee on Rules and Journal: An act relating to the committee on ways and means of the house of representatives; concerning the changing of the name of such committee; amending K.S.A. 46-134a, 46-137b, 46-912, 46-915, 46-925, 46-1004, 46-1202, 46-1208, 46-1701, 46-1702, 75-435, 75-3214, 75-3708, 75-3709, 75-3715, 75-3718a, 75-3739 and K.S.A. 1986 Supp. 75-129 and 75-3717 and repealing the existing sections.

SB 47, by Committee on Ways and Means: An act relating to the state legislature; concerning compensation and expense allowances of members of the legislature; amending K.S.A. 46-137a and repealing the existing section.

SB 48, by Senator Ehrlich: An act relating to income taxation; requiring the submission of mineral production payment reports; requiring the withholding of mineral production payments in certain cases and prescribing procedures therefor.

SB 49, by Senator Burke: An act concerning the crime of hazing; amending K.S.A. 1986 Supp. 21-3434 and repealing the existing section.

SB 50, by Senator F. Kerr: An act creating the Kansas fish and game commission private fund and donations fund; providing for investment of moneys therein.

SB 51, by Committee on Energy and Natural Resources: An act concerning conservation districts; relating to conservation structures; amending K.S.A. 1986 Supp. 2-1915 and repealing the existing section.

SB 52, by Senator Johnston: An act concerning wage garnishment; amending K.S.A. 1986 Supp. 60-2310 and repealing the existing section.

SB 53, by Committee on Judiciary: An act relating to civil procedure; amending K.S.A. 60-205, 60-230, 60-231 and 60-232 and K.S.A. 1986 Supp. 60-256 and repealing the existing sections.

SB 54, by Committee on Financial Institutions and Insurance: An act relating to penalties for failure to list property for taxation; providing for abatements thereof upon repossession by secured creditors; amending K.S.A. 79-332a and K.S.A. 1986 Supp. 79-1422 and 79-1427a and repealing the existing sections.

SB 55, by Senator Winter: An act concerning county treasurers; relating to the power to waive penalties for late vehicle registration.

Resolutions

SCR 1603, by Senators Talkington, Burke and Johnston: A concurrent resolution relating to the 1987 regular session of the legislature; providing for an adjournment of the Senate and the House of Representatives and the consent of both houses thereto.

SR 1805, by Senator Montgomery: A resolution congratulating and commending the Frankfort High-School girls' volleyball team and its coach, Skip McMillen, on winning the 1986 Class IA State Volleyball Tournament in Kansas.

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BILL GRAVES
Secretary of State
2nd Floor, State Capitol
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Phone: (913) 296-3489

State of Kansas

ATTORNEY GENERAL**Opinion No. 87-7**

Elections—Independent and Other Nomination Certificates; Terms of Office; Filling Vacancies—Collection of Signatures for Petition. Bill Graves, Secretary of State, Topeka, January 16, 1987.

K.S.A. 25-302a requires that the circulator of a petition circulated pursuant to that statute be a registered voter of the county in which the petition is circulated. The statute requires additionally that petitions circulated under K.S.A. 25-302a be examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 *et seq.* K.S.A. 25-3602(c) states that the circulator of a petition shall be a resident of the political or taxing subdivision in which the election is sought to be held. In that a person may have only one residence under Kansas law, an individual in Kansas is prohibited from claiming simultaneous residence in one county, and voter registration (and thus residence) in another county. Accordingly, in light of these statutory provisions, the circulator of a petition may not collect signatures from residents of other counties even if they sign the petition while in the circulator's county. Cited herein: K.S.A. 25-302a; 25-407; 25-3602; K.S.A. 1986 Supp. 77-201. BPA

Opinion No. 87-8

Constitution of the State of Kansas—Constitutional Amendment and Revision—Proposals by Legislature; Approval by Electors; Reclassification.

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Statewide Reappraisal of Real Property. Senator Phil Martin, 13th District, Pittsburg, January 16, 1987.

Pursuant to Article 14, Section 1 of the Kansas Constitution, the legislature submitted a constitutional amendment to a vote of the electors of Kansas by means of a concurrent resolution passed by both houses. The constitutional amendment passed and requires that classification be implemented on January 1, 1989. Regardless of the interrelationship between the ongoing reappraisal process and the implementation date of the classification scheme, there is no legal basis to delay the classification amendment date. Cited herein: K.S.A. 1986 Supp. 79-1476; L. 1985, ch. 364; Kansas Constitution, Art. 14, § 1. GE

Opinion No. 87-9

Fire Protection—Fire Safety and Prevention—School Buildings. Elsbeth D. Schafer, Assistant City Attorney, Topeka, January 16, 1987.

While a city may not condition the grant of a building permit to a school upon compliance with its building codes, it may require a school district to obtain a building permit and to comply with city inspection requirements. The permit and inspection requirements may be imposed only to enforce compliance with building codes prescribed by K.S.A. 31-

150. Cited herein: K.S.A. 31-150; Kan. Const., Art. 12, § 5. TRH

Opinion No. 87-10

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Authorized Subjects for Discussion in Executive Session; Personnel Matters. Dale W. Bell, City Attorney, Emporia, January 16, 1987.

The "personnel matters" exception to the open meetings law, K.S.A. 75-4319(b)(1), pertains to employees of public agencies. Persons appointed to public boards and committees are not employees, they are public officers. Therefore, discussions concerning the qualifications of candidates for such appointed positions cannot take place in an executive session but must be held in an open meeting. Cited herein: K.S.A. 75-4317; K.S.A. 1986 Supp. 75-4318; K.S.A. 75-4319. RLN

Opinion No. 87-11

Insurance—General Provisions Relative to Casualty, Surety and Fidelity Companies—Bail Bonding Companies. Fletcher Bell, Commissioner of Insurance, Topeka, January 20, 1987.

There are generally two types of bonds accepted by courts in criminal proceedings. Insurance bail bonds are issued by a licensed surety under the authority of K.S.A. 40-1102. Non-insurance company bail bonds (commonly referred to as "pocket bonds") are issued under the authority of K.S.A. 22-2806. Only a natural person may write "pocket bonds" under the authority and regulation of K.S.A. 22-2806. A company may not write "pocket bonds" under the purported authority of K.S.A. 22-2806 as such action would be in violation of K.S.A. 40-214 and the Uniform Unauthorized Insurers Act, K.S.A. 40-2701 *et seq.* Cited herein: K.S.A. 22-2806; 40-201; 40-214; 40-1101; 40-1102; 40-2701 *et seq.* TL

Opinion No. 87-12

Public Health—Solid and Hazardous Waste; Regulation of PCB Disposal Facilities—Applicability of K.S.A. 1986 Supp. 65-3480 *et seq.* Barbara J. Sabol, Secretary, Department of Health and Environment, Topeka, January 20, 1987.

A person operating a PCB facility which is in operation or which is under construction on or before May 8, 1986 does not need a permit to modify the facility after May 8, 1986. K.S.A. 1986 Supp. 65-3480 *et seq.* does not apply to these facilities. Cited herein: K.S.A. 1986 Supp. 65-3482; 65-3489; 77-201; L. 1986, ch. 226; L. 1986, ch. 226. TL

ROBERT T. STEPHAN
Attorney General

Doc. No. 005003

State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed January 12 through January 22:

Secretary of Administration

H. Edward Flentje, 155 N. Quinton, Wichita 67208. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor.

Acting Secretary of Aging

Ron Harper, 810 W. 63rd, Kansas City, MO 64113. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Joyce V. Romero.

Secretary of Commerce

Harland E. Priddle, 3111 S.E. Pisces, Topeka 66605. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor.

Office of the Governor

Sue Bauman, 540 N.E. Edgewood Drive, Topeka 66617. Appointments Assistant to the Governor.

JoAnn Buntten, 1701 W. 30th, Topeka 66611. Secretary to the Governor.

John Conard, 421 Woodring, Route 1, LeCompton 66050. Legislative Liaison for the Governor.

Aline Hagelin, 1924 C Regency Parkway, Topeka 66604. Secretary to the Governor.

Donna Harrington, 2330 S.E. Croco Road, Topeka 66605. Operations Manager and Personal Secretary to the Governor.

Nila Hartman, 7 Pepper Tree Lane, Topeka 66611. Administrator of Cedar Crest for the Governor.

Lois Hedrick, 1556 S.W. 24th, Topeka 66611. Constituent Service Representative to the Governor.

Pam Lower, 2715 S.E. Downing Road, Topeka 66605. Secretary to the Governor.

Janet Martinek, 4821 N.W. Hoch, Silver Lake 66539. Press Aide to the Governor.

David Morris, 140 Fairlawn Road, Topeka 66606. Constituent Service Representative to the Governor.

LaVonne Mumert, 4726 S.E. Pawnee, Topeka 66609. Deputy Appointments Assistant to the Governor.

Ann Nemeč, 1956 Navajo, Topeka 66604. Special Events Coordinator and Administrative Secretary to the Governor.

Bruce Ney, 4134 W. 6th, Apt. 108, Topeka 66606. Deputy Press Secretary to the Governor.

John Petersen, 6001 W. 100th Terrace, Overland Park 66207. Chief Counsel to the Governor.

Kathy Peterson, 2301 S.W. 33rd, Topeka 66611. Press Secretary and Assistant to the Governor.

Susan Peterson, 1301 Harrison, Topeka 66612. Executive Assistant to the Governor.

Kathy Rethman, 1129 Prairie Road, Topeka 66604. Receptionist to the Governor.

Allen Rush, 1849 S.W. Hope, Topeka 66604. Legislative Liaison for the Governor.

Charlene Wilson, 4546 S.E. 89th, Berryton 66409. Scheduling Aide to the Governor.

State Grain Inspection Department

Gary M. Bothwell, Acting Director, 6336 S.W. 21st Terrace, Topeka 66614. Effective January 14, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Marvin R. Webb.

Acting Secretary of Health and Environment

Jack D. Walker, 10107 Hardy Drive, Overland Park 66212. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Barbara J. Sabol.

**Kansas Technology Enterprise Corporation
Board of Directors**

Senator Norma Daniels, 130 Miles Ave., Valley Center 67147. Effective January 14, 1987. Appointed by and serves at the pleasure of the Senate Minority Leader.

Harland E. Priddle, 3111 S.E. Pisces, Topeka 66605. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor.

Pooled Money Investment Board

Harland E. Priddle, 3111 S.E. Pisces, Topeka 66605. Effective January 12, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Charles J. Schwartz.

State Board of Regents

Norman W. Jeter, 310 W. 23rd, Hays 67601. Effective January 16, 1987. Subject to Senate confirmation. Term expires December 31, 1990. Succeeds Sandra L. McMullen.

Shirley Palmer, Route 5, Fort Scott 66701. Effective January 16, 1987. Subject to Senate confirmation. Term expires December 31, 1989. Succeeds John G. Montgomery, resigned.

Richard P. Senecal, 124 N. 2nd, Atchison 66002. Effective January 16, 1987. Subject to Senate confirmation. Term expires December 31, 1990. Succeeds Dr. William R. Roy.

Linwood Sexton, Route 2, Sedgwick 67135. Effective January 16, 1987. Subject to Senate confirmation. Term expires December 31, 1990. Succeeds Patricia W. Caruthers.

Securities Commissioner of Kansas

M. Douglas Mays, 1920 S.W. Damon Court, Topeka

66611. Effective February 2, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor.

Secretary of Transportation

Horace B. Edwards, 311 Rajah Road, Independence 67301. Effective February 1, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds John B. Kemp.

BILL GRAVES
Secretary of State

State of Kansas

BOARD OF REGENTS

REQUEST FOR BIDS FOR AN OIL AND GAS LEASE

Under authority of K.S.A. 76-164 through 76-168, the State Board of Regents has determined that certain lands in Stafford County, Kansas, owned by the University of Kansas (such tracts consisting of approximately 46 acres) are valuable for leasing for the purpose of the production of oil and gas, that the land can be leased for such purpose, and that the board intends to lease the lands described as:

The Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) and the South Six (6) acres of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) in Section Twenty-nine (29), Township Twenty-four (24) South, Range Eleven (11) West, Stafford County, Kansas.

The terms and conditions prescribed by the board of the leasing and the provisions for the competitive bids in accordance with law for the same and other matters incidental thereto are contained in a resolution passed by the board on January 16, 1987, which is open to public inspection in the office of the Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka 66603. Copies may be obtained by application to Dr. Stanley Z. Koplík, executive director of the Board of Regents.

Competitive bids for leasing of said land will be received by the board until 1 p.m. C.S.T. March 19 and considered by the board. Any lease or leases entered into by the board will be awarded to the highest, responsible bidder.

The board reserves the right to reject any and all bids. Bids should be addressed to the executive director of the Board of Regents plainly marked "bid on oil and gas lease." Only those bids in substantial conformity with the terms and provisions of the aforesaid resolution will be considered or accepted by the board.

STANLEY Z. KOPLIK
Executive Director

Doc. No. 005002

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T., February 19, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Atchison/Doniphan—7-106 K-3080-01—K-7, north city limits of Atchison north to the junction of K-20, 11.2 miles, overlay. (State Funds)

Atchison/Jackson/Nemaha—9-106 K-3081-01—K-9, east city limits of Wetmore east to the west junction of U.S. 159, 16.6 miles, overlay. (State Funds)

Brown—36-7 K-2714-01—U.S. 36, Nemaha-Brown county line east to the east junction of U.S. 36 and U.S. 75, 2.9 miles, pavement reconstruction. (State Funds)

Brown/Nemaha—106 K-3085-01—U.S. 36 in Brown County and K-236 in Nemaha County, 10.5 miles, overlay. (State Funds)

Jackson—75-43K-2918-01—U.S. 75, junction of U.S. 75 and K-16 then north, 7.7 miles, slurry seal. (State Funds)

Jefferson—44 K-3082-01—K-4 and U.S. 59 in Jefferson County, 21.3 miles, recycling. (State Funds)

Johnson—435-46 K-2699-01—I-435, west of the I-435 and U.S. 69 interchange east to the Kansas-Missouri state line, 5.7 miles, signing. (Federal Funds)

Marshall—58K-3079-01—U.S. 36, U.S. 77 and K-110 in Marshall County, 21.7 miles, overlay. (Federal Funds)

Marshall—36-58 M-1456-01—U.S. 36, Union Pacific Railroad east of Home City, east to K-87, 9.8 miles, patching. (State Funds)

Nemaha—36-66 K-2085-01—U.S. 36, North Fork Black Vermillion bridge 1, 1.1 miles east of the Marshall-Nemaha county line, bridge repair. (Federal Funds)

Nemaha—36-66 M-1468-01—U.S. 36, produce and stockpile hot mix material for KDOT mixing strip north of Seneca, stockpile material. (State Funds)

Riley—81 K-3083-01—U.S. 24 and K-113 in Riley County, 17.2 miles, overlay. (State Funds)

Riley—81 U-0831-03—Southern Arterial, K-18 east to U.S. 24 in Manhattan, 0.5 mile, grading and surfacing. (State Funds)

Wabaunsee—30-99 K-1806-01—K-30, from the I-70 junction north to Maple Hill, 2.0 miles, overlay. (State Funds)

Wyandotte—35-105 K-2909-01—I-35, 0.3 mile south of Johnson-Wyandotte county line northeast to K-12, lighting. (Federal Funds)

Wyandotte—105 U-0904-01—86th and Kansas Avenue in Kansas City, 0.3 mile, bridge replacement. (Federal Funds)

DISTRICT TWO—Northcentral

Clay—14 K-3066-01—K-15 and U.S. 24 in Clay County, 17.3 miles, overlay. (State Funds)

(continued)

Dickinson/Marion—106 K-3068-01—U.S. 56 and U.S. 56B in Dickinson and Marion counties, 13.7 miles, overlay. (State Funds)

Ellsworth—70-27 M-1449-01—I-70, Safety Rest Area in the eastbound lane 2.5 miles east of the east junction of K-14, lagoon system modification.

Geary—31 K-3069-01—K-57, K-244 and K-244S in Geary County, 10.2 miles, overlay. (Federal Funds)

Morris—57-64 K-2894-01—K-57, Main Street north to the north city limits of Dwight, 0.4 mile, grading and surfacing. (State Funds)

Republic—79 U-0994-01—M Street, 14th to 15th Street in Belleville, 0.1 mile, grading and bridge. (Federal Funds)

DISTRICT FOUR—Southeast

Chautauqua—10 K-3073-01—K-99 and U.S. 166 in Chautauqua County, 8.2 miles, overlay. (State Funds)

Chautauqua—166-10 K-0171-04—U.S. 166, bridges 11, 12, 13, 14, 15 and 23, bridge replacement. (State Funds)

Chautauqua—166-10 K-2806-01—U.S. 166, Lake Creek bridge 16, 10.3 miles east of the east junction of K-99, bridge repair. (State Funds)

Chautauqua/Montgomery—166-106 K-3074-01—U.S. 66, west city limits of Niotaze east to the junction of U.S. 75, 4.6 miles, overlay. (State Funds)

Cherokee—11 K-3071-01—K-26, K-66, U.S. 69, U.S. 69A and U.S. 166 in Cherokee County, 15.1 miles, overlay. (State Funds)

Crawford—126-19 X-1034-02—K-126, Burlington Northern Railroad crossing at K-126 south of Beulah, grading and surfacing. (Federal Funds)

Labette—96-50 X-0988-02—K-96, Burlington Northern Railroad crossing at K-96 west of Altamont, grading and surfacing. (Federal Funds)

Labette—160-50 K-2898-01—U.S. 160, Leawood Street east to the east city limits of Parsons, 0.2 mile, grading and surfacing. (State Funds)

Labette/Montgomery—106 K-3072-01—U.S. 166 in Labette County and U.S. 166 and U.S. 169 in Montgomery County, 11.0 miles, overlay. (State Funds)

Montgomery—75-63 K-2818-01—U.S. 75, under Missouri Pacific Railroad bridge 13, 1.8 miles south of the Wilson-Montgomery county line, 0.2 mile, grading and surfacing. (State Funds)

Montgomery—166-63 K-2757-01—U.S. 166, 4.3 miles east of Tyro east to the west city limits of Coffeyville, 3.6 miles, recycling. (State Funds)

DISTRICT FIVE—Southcentral

Barber—4 K-3065-01—K-2, K-8 and U.S. 281 in Barber County, 23.4 miles, conventional seal. (State Funds)

Butler—177-8 K-2244-01—U.S. 177, Butler-Chase county line then south, 13.5 miles, conventional seal. (State Funds)

Cowley—15-18 K-2779-01—K-15, junction of U.S. 77 west to the east city limits of Udall, 5.9 miles, overlay. (State Funds)

Cowley—15-18 K-3064-01—K-15, Oklahoma-Kansas state line north to the east junction of U.S. 166 and U.S. 160 east to K-38, 10.8 miles, overlay. (State Funds)

Cowley—55-18 X-0897-02—Crossing of Atchison, Topeka and Santa Fe Railroad and K-55 in Udall, grading and surfacing. (Federal Funds)

Cowley—15-18 M-1457-01—K-15, bridge approach for bridges 58, 59 and 61 west of the north junction of U.S. 77, surfacing. (State Funds)

Harper—39 K-3060-01—K-2 and U.S. 160 in Harper County, 8.5 miles, recycling. (State Funds)

Harper/Kingman—14-106 K-3061-01—K-14, north junction of U.S. 160 north to the junction of K-42, 12.5 miles, conventional seal. (State Funds)

Kingman—14-48 K-2791-01—K-14, junction of K-42 north to 0.5 mile north of the south city limits of Kingman, 12.7 miles, conventional seal. (State Funds)

Sedgwick—54-87 K-2899-01—U.S. 54, intersection of U.S. 54 (Kellogg Avenue) and Maize Road in Wichita, 0.2 mile, intersection improvement. (State Funds)

Sedgwick—87 U-0965-02—MacArthur Road, Oatville to West Street in Wichita, 0.6 mile, grading and surfacing. (Federal Funds)

Sumner—96 K-3063-01—K-49 and U.S. 160 in Sumner County, 9.5 miles, surfacing. (State Funds)

Sumner—55-96 K-2946-01—K-55, junction of U.S. 81 east to west city limits of Belle Plaine, 2.5 miles, overlay. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004987

State of Kansas
DEPARTMENT OF EDUCATION
PUBLIC NOTICE

Federal funds are available under Section 123(a)(1), 8% Education Coordination, of the Job Training Partnership Act (JTPA).

The Kansas Department of Human Resources and the Kansas State Department of Education/Vocational Education Section have transmitted "Request for Applications" through service delivery areas I, II, III, IV and V by local education agencies and community based organizations for literacy/employment competencies and training/equipment projects.

Solicitations for proposals are being accepted through February 28. For more information and a proposal application contact the Kansas State Department of Education, JTPA/Vocational Education, 120 E. 10th, Topeka 66612, (913) 296-2241.

DR. HAROLD BLACKBURN
 Commissioner of Education

Doc. No. 004992

(Published in the KANSAS REGISTER, January 29, 1987.)

**NOTICE OF REDEMPTION
 TO THE HOLDERS OF
 FORD COUNTY, KANSAS
 SINGLE FAMILY MORTGAGE
 REVENUE BONDS
 1979 SERIES A 7.50%
 (DUE SEPTEMBER 1, 2004)
 CUSIP #345267-AW-8**

Notice is hereby given that pursuant to section 3.01 of the indenture dated as of September 1, 1979, \$180,000 principal amount of bonds has been drawn by lot for redemption at par on March 1, 1987 as follows:

**Coupon Bonds, \$5,000 each
 1021**

Coupon bonds with the September, 1987 and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Illinois National
 Bank and Trust Company of Chicago
 Attn: Corporate Trust Operations
 30 N. LaSalle St., 16th Floor
 Chicago, IL 60697

Kansas State Bank & Trust Company
 Attn: Trust Department
 123 N. Market
 Wichita, KS 67202

In addition to the coupons bonds listed above, the following registered bonds have been called:

Bond No.	Present Amount of Bond	Amount Called
R163	\$ 35,000	\$ 5,000
R168	100,000	5,000
R169	100,000	20,000
R170	100,000	15,000

R172	100,000	15,000
R173	100,000	5,000
R175	55,000	5,000
R182	370,000	35,000
R587	500,000	45,000
R589	430,000	25,000

The registered bond should be presented to Continental Illinois National Bank and Trust Company of Chicago at the address given above.

When a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge.

Coupons for the March 1, 1987 interest should be detached and presented in the usual manner. Interest on the bonds or parts of bonds called for redemption will cease to accrue on March 1, 1987.

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 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: January 29, 1987.

FORD COUNTY, KANSAS
 By Continental Illinois National Bank
 and Trust Company of Chicago, as Trustee

Doc. No. 005001

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, FEBRUARY 9, 1987

#27130-B

Statewide—PRINTED PLASTIC BAGS FOR INFECTIOUS WASTE

#27536

University of Kansas Medical Center—TEMPERATURE PROBES AND MONITORS (CLASS 14)

#68098

Department of Social and Rehabilitation Services—HANDICAPPED VAN MODIFICATIONS

#68099

Kansas State University—VACUUM EQUIPMENT

(continued)

TUESDAY, FEBRUARY 10, 1987

#A-5567

Parsons State Hospital and Training Center—
REROOF SPRUCE, HICKORY AND ASPEN
COTTAGES

#27540

University of Kansas Medical Center—
MISCELLANEOUS REHABILITATION SUPPLIES

#68104

Kansas Fish and Game Commission—SALE OF
HOUSE, Woodson State Fishing Lake

#68108

Department of Transportation—TWO-WAY RADIO
EQUIPMENT, various locations

#68109

University of Kansas Medical Center—DNA
SYNTHESIZER

#68110

Kansas Neurological Institute and Kansas State
University—VEHICLES, Topeka and Parsons

#68111

Department of Transportation—BITUMINOUS
DISTRIBUTOR AND TRUCK, various locations

#68112

Department of Transportation—TRACTOR MOWER,
various locations

#68115

University of Kansas Medical Center—HPLC
SYSTEM

#68116

University of Kansas Medical Center—
MICROTOME**WEDNESDAY, FEBRUARY 11, 1987**

#A-5572

Topeka State Hospital—REPLACE CONDENSATE
PIPE FROM BRIGHAM BUILDING TO MAIN
CROSS TUNNEL

#27543

Statewide—RADIO TUBES, RECEIVING AND
RECTIFICATION

#67940-A

University of Kansas—
MICROCOMPUTER/PRINTER

#68113

University of Kansas Medical Center—SALE OF
USED FLUOROMETER

#68123

University of Kansas Medical Center—LABELS

#68124

Kansas Neurological Institute—PLAIN PAPER
COPIER

#68125

Kansas State University—PLASMA ARC CUTTING
INSTRUMENT

#68130

University of Kansas—HPLC SYSTEM

#68133

Department of Transportation—STANDBY POWER
SYSTEM, various locations

#68134

University of Kansas Medical Center—PLAIN
PAPER COPIER

#68137

Department of Human Resources—CONTINUOUS
MAILERS**THURSDAY, FEBRUARY 12, 1987**

#27542

Statewide—ROOM AIR CONDITIONERS

#68136

Department of Human Resources—SOFTWARE

#68141

Wichita State University—PRINTING OF 1987
COMMENCEMENT PROGRAMS

#68142

Kansas State Penitentiary—CONCRETE BLOCKS
AND FACE BRICK

#68143

Kansas State Penitentiary—FLOOR TILE

FRIDAY, FEBRUARY 13, 1987

#68145

Kansas Correctional Industries—COLD ROLLED
STEEL SHEETS

#68146

Kansas Fish and Game Commission—
EMBROIDERED EMBLEMS AND CAPS

#68149

Kansas State University—DIAGNOSTIC
EQUIPMENT**TUESDAY, FEBRUARY 17, 1987**

#A-5560

Parsons State Hospital and Training Center—
RENOVATION OF ASH COTTAGE

#27537

Statewide—EXECUTIVE SYSTEM
WORKSTATION**WEDNESDAY, FEBRUARY 18, 1987**

#A-5727

Department of Corrections—PROVIDE
WAREHOUSE EXPANSION, Toronto Honor Camp**THURSDAY, FEBRUARY 19, 1987**

#A-5594

Osawatomie State Hospital—REROUTE UTILITY
TUNNEL

#A-5618

State Board of Agriculture—SOLVENT STORAGE
BUILDING**FRIDAY, FEBRUARY 20, 1987**

#A-5726(b)

University of Kansas—ROOFING SYSTEM
REPLACEMENT, Hashinger Hall, on campus

#A-5726(a)

University of Kansas—REROOF—ROOFING
SYSTEMS REPLACEMENT, designated
areas—Gertrude Sellers Pearson Hall

#A-5726

University of Kansas—REROOFING—ROOFING
SYSTEMS REPLACE, Jayhawk Towers Complex,
Units A, B, D and E

#27539

Department of Administration—CONTINUOUS
WARRANTS (PAYROLL, CENPAY,
MISCELLANEOUS AND INCOME TAX)**MONDAY, MARCH 2, 1987**

#27535

Statewide—AUTOMOBILE LIABILITY
INSURANCENICHOLAS B. ROACH
Director of Purchases

Doc. No. 005004

State of Kansas

EMPLOYEE AWARD BOARD**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1987)

**Article 1.—EMPLOYEE SERVICE
AWARDS**

18-1-1. Definition. As used in these regulations, award board and board shall mean the employee award board. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-1-2. Service award. (a) All classified and unclassified employees shall be eligible for service awards for 10, 20, 30 and 40 years of service with the state. Recipients shall be actively employed on the state payroll at the time of the award, except that in the case of retired employees the board may make exceptions.

(b) Each agency shall be responsible for determining eligibility of its employees for service awards. The award board reserves the right to formally approve or disapprove an agency's determination of length of service.

(1) For classified employees, length of service shall be counted in the same manner as it is counted in determining length of service under K.A.R. 1-2-46, or in a manner that has been approved by the board.

(2) For unclassified employees, service shall be counted insofar as possible in the same manner as for classified employees.

(c) Each agency shall notify the award board of the number of each type of award to be given by the agency during the fiscal year which begins July 1. Such information shall be prepared on a schedule and in a form prescribed by the board.

(d) The board shall provide each agency with the service awards for their employees in accordance with procedures established by the award board.

(e) Each agency shall arrange for and conduct a presentation ceremony for the purpose of appropriately recognizing and acknowledging the eligible employees for their service dedication to Kansas state government.

(f) Nothing in this regulation shall prevent an agency from having a system of recognizing employees for length of service in addition to the system outlined in this regulation. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

**Article 2.—EMPLOYEE SUGGESTION
AWARDS**

18-2-1. Eligibility to receive award. (a) All state employees, including employees retired under provisions of K.S.A. 74-4901 *et seq.*, shall be eligible to receive cash awards except employees who are members of the award board and employees excluded under L. 1986, Chapter 320, Section 4.

(b) Except as provided in Subsection (a), the immediate supervisor of an employee to whom a cash award is made shall be awarded an additional amount subject to provisions of L. 1986, Chapter 320, Section 1(a). A supervisory cash award shall not be given when a cash award is approved for a retired employee. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-2. Acceptable suggestions. An acceptable suggestion shall:

(a) Reduce costs, duplication, time, waste, or accidents;

(b) increase productivity or job interest;

(c) improve services, job performance, public relations, or employee morale;

(d) simplify procedures, methods, forms, tools, or organizations; or

(e) conserve human resources, material, money, energy, or natural resources. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-3. Non-acceptable suggestions. (a) Suggestions related to the following subjects shall not be accepted for consideration:

(1) Suggestions which correct a condition that exists only because established procedures are not being followed;

(2) suggestions which have been considered or for which awards have been granted previously;

(3) suggestions which do not propose a method or way to make the improvement;

(4) suggestions which are developed as part of the duties of an employee's position. In determining suggestion acceptability, the employee's job description, assigned duties, and normal performance requirements of his or her position shall be considered in determining whether the suggestion is within or outside his or her job responsibilities;

(5) suggestions concerning routine maintenance of buildings, equipment or grounds which may be reported through regularly established channels. Where sustained complaints have not resulted in correction, the board may consider such a suggestion for an award;

(6) personal complaints or criticisms;

(7) suggestions requiring legislative action. However, if a suggestion which requires legislative action is judged as having merit, the board may forward it to the legislative coordinating council and inform the suggester of this action. If legislation is passed implementing the idea, the suggestion may be considered for an award by the board;

(8) suggestions which were under active consideration by management prior to having been made;

(9) anonymous suggestions; and

(10) suggestions for which the employee received a patent.

(b) Under special circumstances, the award board may authorize exceptions to the provisions of Subsection (a) in this regulation. (Authorized by and imple-

(continued)

menting L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-4. Suggestion submission; evaluation; approval. (a) All suggestions shall be submitted to the board in a form prescribed by the board.

(b)(1) Each acceptable suggestion shall be transmitted by the board to the head of the agency or the several agencies identified in the proposed suggestion as implementers of the suggestion and any other agencies as determined by the board. The suggester's name shall not be disclosed by the board while the suggestion is under evaluation.

(2) The agency shall evaluate the suggestion and submit to the board a report of the results of the evaluation. The report shall include a description of the effect of the suggestion on operations, estimated cost reduction or avoidance, whether the suggestion will be implemented by the agency and a recommendation as to the type and amount of any award. The report may include information about improvements in service, public relations or employee morale expected to result from implementation of the suggestion. The board may use the information in the report and any other information it deems appropriate in considering a suggestion.

(c)(1) A suggestion shall be considered adopted when approved by a majority of the board.

(2) An employee whose suggestion is not adopted may provide additional information and request the board to reconsider its decision. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-5. Types of award; payment of award. (a) An award for an adopted suggestion may consist of a certificate only, or a certificate plus a cash payment. The amount of a cash payment shall be limited by the provisions of L. 1986, Chapter 320, Section 5(b). The award board may also give medals or other appropriate insignia.

(b) If it can be determined that the first year's savings were underestimated, a supplemental award may be given to the suggester. It is the responsibility of the suggester to bring such instances to the attention of the board. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-6. Determination of cash awards for suggestions with intangible benefits. The type of award and the cash amount, if appropriate, shall be determined by the board for suggestions with intangible benefits when the monetary value of the suggestions cannot readily be determined within the limits prescribed by K.A.R. 18-2-5(a). Intangible benefits may be defined to include awards to promote the suggestion awards program. (Authorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

18-2-7. Suggestion property rights. (a) Once an award is granted and accepted, the suggestion shall be considered the property of the state of Kansas. (Au-

thorized by and implementing L. 1986, Ch. 320; effective, T-87-24, Oct. 1, 1986; amended May 1, 1987.)

DEBRA L. MILLER
Chairperson

Doc. No. 004997

State of Kansas

SECRETARY OF STATE

**PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)**

Article 30.—SESSION LAWS

7-30-1. Session Laws. The price for the current Session Laws of Kansas shall be as follows:

Clothbound copy, per volume \$20.00
Paperbound copy, per volume 19.00

(Authorized by and implementing K.S.A. 45-107; effective May 1, 1982; amended May 1, 1987.)

BILL GRAVES
Secretary of State

Doc. No. 004993

State of Kansas

**ALCOHOLIC BEVERAGE CONTROL
BOARD OF REVIEW**

**PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)**

Article 2.—APPEALS AND HEARINGS

13-2-3. Witnesses; cross examination. Any party to an appeal before the board may call witnesses on his or her own behalf. After a witness has testified in chief, the witness may be cross-examined by the adverse party or parties. (Authorized by K.S.A. 1985 Supp. 41-211, as amended by L. 1986, ch. 185, § 4; implementing K.S.A. 1985 Supp. 41-321, as amended by L. 1986, ch. 318, § 46; effective Jan. 1, 1966; amended May 1, 1987.)

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 004996

State of Kansas

ANIMAL HEALTH DEPARTMENT

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 2.—BOVINE BRUCELLOSIS

9-2-34. "F" branding of heifers. (a) All sexually intact female feeder cattle, 18 months of age or younger, originating in "b" and "c" states, must be branded with the letter "F" on the left jaw or the left tail head. All female feeder cattle shall be branded at the farm of origin or first point of concentration except those going to a licensed Kansas feedlot. The letter "F" shall be at least three inches by two inches in size. All female feeder cattle moving direct to Kansas licensed feedlots shall be exempt.

(b) All spayed female cattle from "b" and "c" states shall be individually identified with a metal eartag or be branded with an open spade brand on the left jaw.

(c) Replacement female cattle from "b" and "c" states must originate from a certified brucellosis free herd or enter the state upon approval from the Kansas livestock commissioner.

(d) All livestock from "b" and "c" states moving into Kansas shall have: (1) A valid certificate of veterinary inspection; and

(2) a permit from the animal health department. (Authorized by and implementing K.S.A. 47-608; 47-610; 47-623; 47-624; 47-657; effective May 1, 1987.)

A.T. KIMMELL, D.V.M.
Livestock Commissioner

Doc. No. 004995

State of Kansas

GRAIN INSPECTION DEPARTMENT

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 4.—FEES AND CHARGES

25-4-1. Fees. (a) Definitions.

(1) "Regular hours" means 7:00 a.m. to 4:30 p.m., Monday through Friday. Regular hours for samplers may be adjusted to elevator hours, not to exceed eight hours per day.

(2) "Overtime" means work performed during any hours other than the regular hours defined in paragraph (1) of this subsection.

(3) "Travel time" means time spent in roundtrip travel from portal to portal. If an employee performs inspections at several locations on one trip, travel time may be prorated.

(4) Holidays include New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Martin Luther King Day.

(5) "Call in" and "call back" means any work performed for which the employee is called in to work on

a regular day off or called back to work after a regular work schedule.

(b) This revised schedule supersedes all other schedules issued by this agency.

The following fees shall be charged for the services rendered by this department under the U. S. grain standards act (as amended):

	FEE
Official Inspection, includes grading and sampling EXCEPT WHERE INDICATED	
Hopper car	\$11.00/per inspection or reinspection
Extra sample secured at time of original	3.50/per request
New sample secured after original	5.00/per request
Boxcar—direct transfer	7.00/per inspection or reinspection
Extra sample secured at time of original	2.00/per request
New sample secured after original	3.00/per request
Truck or trailer	5.50/per inspection or reinspection
Extra sample secured at time of original	2.00/per request
Bin inspection	5.00/per bin plus sampler regular hourly rate
Submitted sample inspection	4.00/per sample
DHV Count	3.00
Warehouseman sample-lot inspection	6.00/per sample
Diverter-type(D/T) sample at points outside inspection point switching limits	6.00/plus sampler regular hourly rate and travel time hourly rate plus mileage
Barge inspection or reinspection	2.50/per 1,000 bushels or fraction thereof
All reinspections of above carriers based on file sample	4.00
Initial checktest, approval of country point diverter-type (D/T) samplers, and train elevator sampler	40.00/per D/T sampler plus regular hourly and travel time rate plus mileage
Diverter-type (D/T) review checktest visits at country points	regular hourly rate plus mileage
Checktesting diverter-type (D/T) samplers at inspection points	regular hourly rate (1 hour minimum charge)
Protein, initial or reinspection	2.75
Factor only analysis—class only	3.00
Factor only determination, moisture	1.25
Approved statements requested in addition to grade requirements	2.25
Duplicate certificate	1.00
Stowage examination, hopper or boxcar ..	2.25/ per request
Stowage examination, barge	5.50/per request
Report grades by telephone	CALL COLLECT

(c) Miscellaneous Fees

(1) The regular hourly rate shall be \$11.00. The number of regular hours shall be calculated in half hour increments.

(2) The overtime hourly rate shall be \$11.00 per hour. The number of overtime hours shall be calculated in half hour increments. For those inspections for which the fee is based on a per unit charge, the overtime hourly rate shall be applied in addition to that per unit fee. For those inspections for which fees are based on an hourly rate, the overtime hourly rate shall not be imposed in addition to the regular hourly rate.

(3) The holiday hourly rate shall be \$11.00 per hour. The number of holiday hours shall be calculated in half hour increments. For those inspections for which

(continued)

fees are based on a per unit charge, the holiday hourly rate shall be applied in addition to that per unit fee. For inspections for which fees are based on an hourly rate, the holiday rate shall not be applied in addition to the regular hourly rate.

(4) When an employee is called in or called back, a minimum of two hours at the overtime hourly rate shall be charged.

(5) Travel time. The travel time rate shall be \$11.00 per hour.

(6) Mileage expenses shall be charged, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto. If an employee performs inspections at several locations on one trip, the mileage expenses may be prorated.

(d) The following fees shall be charged for the services rendered by this department not under the U. S. grain standards act (as amended):

Edible Bean Inspection Service

Edible bean inspection (official warehouse lot)	15.00/per certificate
Edible bean inspection (official car sample)	15.00/per certificate
Edible bean inspection (official truck sample)	10.00/per certificate
Edible bean inspection (submitted sample)	7.00/per certificate
Edible bean inspection sampling fee, check weighing, or checkloading	11.00/per hour

Weights

Hopper car, boxcar or direct transfer	6.00
Barges, in or out	2.25/per 1,000 bushels or fraction thereof
Truck or trailer	6.00
House transfers	1.50/per 1,000 bushels or fraction thereof
Weigh-up, annual	1.00/per 1,000 bushels or fraction thereof
In-weighing, sacked cars	regular hourly rate
Out-weighing, sacked cars, with count	regular hourly rate
Out-weighing, sacked cars, with count and weight each sack	regular hourly rate

Miscellaneous Services

DHV count	3.00
Check testing large weights	75.00/per weight plus regular hourly rate
Hopper scale, first test at elevator	100.00
Hopper scale, each additional test at elevator	75.00/per scale
Hopper scale per F.G.I.S. test	100.00/plus regular hourly rate on site
Hopper scale at points where certified weights are not issued	100.00/plus mileage and subsistence
Mileage charge for special trips by the hopper testing scale truck, per mile driven45
Labor of scale inspector for repair work outside regular inspecting or adjusting of scale	11.00/per hour
Charge for weigher, by special arrangement, per man	11.00/per hour

(Authorized by K.S.A. 1985 Supp. 34-103a, as amended by 1986 HB 3115, 34-2,100, implementing K.S.A. 1985 Supp. 34-103a, 34-251, 34-2, 108, effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-7, Feb. 20, 1968; amended Jan. 1, 1969; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended, E-71-26, June 18, 1971; amended Jan. 1, 1972; amended, E-72-8, Feb. 26, 1972; amended Jan. 1, 1973; amended, E-74-27, June 26, 1974; amended,

E-74-61, Sept. 30, 1974; amended May 1, 1975; amended, E-78-10, March 24, 1977; modified, L. 1978, ch. 448, May 1, 1978; modified, L. 1980, ch. 345, May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-83-20, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-12, June 6, 1986; effective May 1, 1987.)

25-4-4. Fees and charges; warehouse division. (a)

The annual fee for a public warehouse license shall be computed as follows, based on the capacity of the public warehouse:

Capacity in Bushels	Annual Fee
1 to 100,000	\$250.00
100,001 to 150,000	275.00
150,001 to 250,000	300.00
250,001 to 300,000	325.00
300,001 to 350,000	350.00
350,001 to 400,000	375.00
400,001 to 450,000	400.00
450,001 to 500,000	425.00
500,001 to 600,000	450.00
600,001 to 700,000	475.00
700,001 to 800,000	500.00
800,001 to 900,000	525.00
900,001 to 1,000,000	550.00
1,000,001 to 1,750,000	725.00
1,750,001 to 2,500,000	850.00
2,500,001 to 5,000,000	1,100.00
5,000,001 to 7,500,000	1,350.00
7,500,001 to 10,000,000	1,550.00
10,000,001 to 12,500,000	1,700.00
12,500,001 to 15,000,000	1,850.00
15,000,001 to 17,500,000	2,000.00
17,500,001 to 20,000,000	2,150.00
Over 20,000,000 bushels	add \$150 for each 2,500,000 bushels or fraction

(b) The charge for amending a warehouse license shall be \$50.00.

(c) The charges for each special or requested examination of a warehouse shall be:

(1) \$20.00 per hour for each examiner. A minimum of four hours shall be charged;

(2) subsistence expenses for each examiner;

(3) mileage expenses. Mileage expenses shall be charged, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto. (Authorized by and implementing K.S.A. 1986 Supp. 34-228; effective, E-67-18, Sept. 13, 1967; effective Jan. 1, 1968; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

GARY BOTHWELL
Acting Director

Doc. No. 004998

State of Kansas

STATE FIRE MARSHAL

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)Article 7.—FLAMMABLE AND COMBUSTIBLE
LIQUIDS

22-7-2. Containers for petroleum products. (a) All containers for gasoline shall be red and the word "gasoline" shall be embossed or printed on the container.

(b) All plastic containers manufactured and sold for the storage of petroleum products shall meet the standards set forth in section 4-2.1 of national fire protection association pamphlet no. 30, 1984 edition. Each container shall bear a label verifying that the container meets this standard. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987.)

Article 8.—LIQUEFIED
PETROLEUM GASES

22-8-7. Regular inspections of certain vehicles. (a) Each LP gas-powered vehicle used for public transportation, or the transporting of school children, shall be inspected on a regular basis, and at least once every two years, in accordance with the state fire marshal's approved check-list of written procedures for inspection of an LP gas-powered motor vehicle.

(b) Each inspection shall be conducted by a person who holds a valid check-list certificate from the state fire marshal. The owner of each vehicle shall keep a record of the inspections and shall make those records available for inspection upon request.

(c) Each vehicle bearing a check-list seal issued prior to May 1, 1985 shall be inspected prior to August 15, 1987. Each vehicle bearing a check-list seal issued on or after May 1, 1985 shall be inspected not later than the date which is two years after the date of issuance of the check-list seal. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987.)

Article 10.—INSTALLATION AND
CERTIFICATION STANDARDS FOR
EXTINGUISHING DEVICES

22-10-16. Automatic extinguishing systems. In addition to the provisions of K.A.R. 22-10-15, each facility maintaining commercial cooking equipment shall have approved automatic extinguishers mounted in the ventilation canopies or directly above such equipment. All equipment shall bear the label of a nationally-recognized testing laboratory and shall contain an approved extinguishing agent. The state fire marshal may exempt a facility from the requirements of this regulation, if in the marshal's opinion, the exemption from this requirement would not present an immediate life safety hazard. (Authorized by

and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1985; amended May 1, 1987.)

22-10-17. Wet chemical extinguishing systems. The national fire protection association pamphlet no. 17A, chapters one through 4, including appendices a and b, 1986 edition, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 31-133, 31-133a; effective May 1, 1987.)

Article 11.—ADULT CARE HOMES,
HOSPITALS, RESIDENTIAL CARE
FACILITIES AND MATERNITY
CENTERS

22-11-8. Life safety code adopted; one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, one- to 15- bed community living programs and five- to 40- bed resident care facilities. (a) National fire protection association, life safety code, pamphlet no. 101, 1985 edition, chapter 21, pertaining to residential board and care occupancies, is hereby adopted by reference. The provisions of chapter 21 shall apply to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, one- to 15- bed community living programs and five- to 40- bed resident care facilities.

(b) A life safety code inspection of each home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137 upon request from the Kansas department of health and environment.

(c)(1) Ambulatory residents who are able to walk without the aid of another person, but who are unable to move from place to place without the use of a device such as a walker, crutches, wheel chair or wheeled platform, shall be housed on the ground level of a home, if handicap accommodations for exiting are present.

(2) Fully ambulatory residents who do not require the use of a device such as a walker, crutches, wheel chair or wheeled platform may be housed on any level of a home.

(3) Non-ambulatory persons shall not be allowed as residents.

(4) As used in this paragraph, "ambulatory" means physically and mentally capable of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. "Non-ambulatory" means physically or mentally incapable of getting in and out of bed and walking a normal path to safety without the aid of another person.

(d) Each home, program or facility subject to subsection (a) shall meet the following fundamental fire and life safety requirements, in addition to chapter 21 of the life safety code:

(1) Emergency lighting shall be provided to insure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors and fire extin-

(continued)

guishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequently as necessary, and at least once every three months, to insure orderly egress in case of an emergency.

(4) Each exit, and each route to each exit, shall be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) Each exit shall be arranged and maintained to provide free, unobstructed egress. Locks or fastening devices shall not be installed to prevent free escape from the inside of the building.

(6) Each building shall be constructed, arranged, equipped, maintained and operated to avoid danger to the lives and safety of its residents from fire, smoke, fumes and panic during emergency situations. (Authorized by and implementing K.S.A. 1985 Supp. 31-133 and K.S.A. 31-147; effective May 1, 1983, amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

EDWARD C. REDMON
State Fire Marshal

Doc. No. 004999

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 4.—MATERNAL AND
CHILD HEALTH

28-4-401. Responsibilities of individuals who apply for or who receive services. (a) Each applicant shall supply financial, insurance, and family information essential to the establishment of eligibility within 30 days of the request for service, on forms prescribed by the secretary.

(b) Each applicant shall give written permission, on forms prescribed by the secretary, for release of information needed to determine medical and financial eligibility.

(c) Each applicant or eligible person shall report changes in address, number of children living in the home, marital status, custody of children, insurance coverage, family income or cash assets of more than \$500.00 per year or other circumstances that affect the special health care needs of the applicant or eligible person, within 10 working days of the change.

(d) Each applicant or eligible person, enrolled in the department of social and rehabilitation's primary care network, shall report their medicaid number and the name of their primary care network physician at the time of application or subsequent enrollment in the primary care network and, within 10 working days of any changes.

(e) Each eligible person shall obtain prior authorization from the crippled and chronically ill children's program for services.

(f) Each eligible person shall:

(1) Apply for insurance benefits, title XIX medicaid program benefits, supplemental security income benefits, or benefits from other sources, when requested;

(2) assign the insurance benefits to hospitals and other providers of service for any medical treatment provided by the crippled and chronically ill children's program;

(3) apply the benefits of any non-assignable insurance by making payments to hospitals or other providers of service for items ordered by the attending physician; and

(4) reimburse the crippled and chronically ill children's program for any insurance proceeds sent directly to the recipient if the insurance payment is made for medical treatment provided by the crippled and chronically ill children's program. (Authorized by and implementing K.S.A. 65-5a08; effective, E-82-10, April 27, 1981; effective May 1, 1982; amended May 1, 1983; amended, T-85-41, Dec. 19, 1984; amended May 1, 1985; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended, T-87-47, Dec. 19, 1986.)

28-4-501. Definitions. (a) "Birth attendant" means the person assisting with an out of institution delivery of the infant, in the absence of a physician.

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

(c) "Galactosemia" means the disease of genetic origin due to galactose uridyl transferase enzyme deficiency in which the individual is completely or partially incapable of normal metabolism of galactose, which results in an abnormal increase in the concentration of galactose in the blood.

(d) "Hypothyroidism" means a congenital disease in which the individual is unable to secrete, produce or utilize thyroxine normally, which can be detected by an abnormally low level of thyroxine and an abnormally high level of thyroid stimulating hormone in the blood. For purposes of these regulations, this definition excludes diseases referred to as secondary hypothyroidism.

(e) "Institution" means a hospital or other organized agency providing obstetrical services.

(f) "Kit" means the multiple page laboratory requisition with the attached filter paper to be used for blood collection. Place for identifying infant, physician and sending agency data, explanations and results of the tests are found on the laboratory requisition portion of the kit. The kits are provided by the department.

(g) "Laboratory" means the laboratory services and research, department of health and environment.

(h) "Medical specialist" means a medical doctor with training in the treatment of a specific disease entity and who is on contract with the Kansas department of health and environment to serve as a consultant and provide diagnosis and treatment services.

(i) "Newborn screening coordinator" means the designee in the bureau of family health, department of health and environment providing the follow-up program activities.

(j) "Phenylketonuria" means any disease, usually

due to a single enzyme deficiency of genetic origin, in which the individual is completely or partially incapable of normal metabolism of phenylalanine, which results in an abnormal increase in the concentration of phenylalanine in the blood.

(k) "Presumptive positive" means a screening test result that indicates presence of the disease, requiring confirmation of the diagnosis.

(l) "Sending agency" means the agency or person identified on the kit to be the recipient of the report.

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

(n) "Specimen" means the saturated blood spots on the filter paper and the laboratory requisition with complete identifying data on infant, physician and sending agency. (Authorized by K.S.A. 65-1-1; implementing K.S.A. 65-181; effective T-87-48, Dec. 19, 1986.)

28-4-502. Responsibility to obtain specimen. (a) The administrative officer or other person in charge of each institution or the attending physician are responsible for obtaining an adequate initial specimen for newborn screening on infants born in that institution.

(b) The attending physician or other birth attendant is responsible for obtaining an adequate specimen for newborn screening on infants born outside of an institution.

(c) The attending physician or other birth attendant is responsible for obtaining repeat specimens when needed to complete the screening process. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-503. Timing of specimen collection. (a) Initial specimens, of healthy fullterm infants born in an institution shall be obtained prior to discharge or between three to five days of age if the infant is still hospitalized.

(b) Initial specimens, of sick or premature infants born in an institution shall be obtained between 7 and 10 days of age if the infant is still hospitalized or prior to discharge, if earlier than seven days.

(c) If the infant is transferred from the institution of birth to another institution, the receiving institution shall obtain the specimen.

(d) Specimens shall be obtained prior to blood transfusions regardless of the age of the infant.

(e) Initial specimens, on infants born outside of an institution shall be obtained not later than 21 days of age.

(f) Repeat screening or diagnostic test specimens of infants shall be obtained prior to 21 days of age.

(g) If an infant is less than 24 hours old when the initial specimen is taken, a repeat phenylketonuria specimen shall be obtained. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-504. Methods of specimen collection. (a) The specimen shall be collected on kits supplied by the department.

(b) The data requested on the kit shall be completed prior to collection of the blood specimen.

(c) The outlined circles on the filter paper portion of the kit shall be saturated with blood in the manner prescribed by the secretary.

(d) The specimen shall be mailed, first class, to the laboratory after the blood has dried and not later than 24 hours from time of collection or at the earliest opportunity. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-505. Unsatisfactory specimens. (a) Unsatisfactory specimens shall be returned untested to the attending physician with a request to submit another specimen. No follow-up shall be initiated by the department.

(b) One copy of the requisition portion of the unsatisfactory specimen shall be retained by the laboratory.

(c) Specimens shall be labeled unsatisfactory when:

(1) there is insufficient blood to accurately perform the full range of tests;

(2) identifying information is missing;

(3) the infant's age at the time of collection was greater than 30 days;

(4) more than ten days have elapsed since the date of collection; or

(5) the specimen is of unacceptable quality for analysis. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-506. Laboratory procedures. (a) Upon receipt in the laboratory, each specimen shall be stamped with a unique number on the form and the filter paper.

(b) Specimens shall be tested by the laboratory using established procedures designated by the secretary.

(c) Quality control practices shall be incorporated as part of each testing procedure.

(d) Test results shall be placed on the individual infants report and made available immediately upon test completion for reporting and follow-up activities.

(e) Laboratory results shall be maintained in either print or magnetic storage form for 21 years from date the data is reported. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-180; effective, T-87-48, Dec. 19, 1986.)

28-4-507. Reporting. (a) A copy of all normal results shall be mailed, by the laboratory, within three working days of test completion, to the sending agency and physician, when a mailing address is provided.

(b) A copy of all abnormal results shall be mailed by the laboratory, within three working days of test completion to the sending agency.

(c) All abnormal test results and identifying information shall be forwarded to the newborn screening coordinator for physician notification on the day the testing is completed.

(d) The newborn screening coordinator shall, by written notification, recommend follow-up to the physician for all infants with abnormal test results. The written notification shall be mailed within three working days of test completion.

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(e) If the test results are in the presumptive positive range of abnormal, a telephone call shall be made to the physician by the newborn screening coordinator the day the tests are completed. The telephone information shall include test results and recommendations including the availability of a medical specialist consultation and diagnostic clinics. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-508. Follow-up for abnormal test results. (a) The newborn screening coordinator shall enter into the computer tracking system identifying data for all infants with abnormal test results.

(b) Two weeks after the date the tests are reported a review shall be made to identify follow-up activities. If no documentation of follow-up activities is contained in the record, a written request for information shall be mailed to the physician.

(c) Records of children shall be closed when additional testing is normal or if there is no response from the physician within one month of request for information. The computer record shall be purged of all closed records, annually. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-181; effective, T-87-48, Dec. 19, 1986.)

28-4-509. Registry. (a) The registry shall be a computerized data system that includes the diagnosed individuals' name, birth-date, unique identification number, diagnosis, address including telephone number, parental names and addresses, guardian, nuclear family size and health status.

(b) Persons or guardians of minor children with a confirmed diagnosis of phenylketonuria, hypothyroidism or galactosemia shall forward to the newborn screening coordinator any address and health status changes within three months of the change. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-180; effective, T-87-48, Dec. 19, 1986.)

28-4-510. Treatment. (a) Persons with a confirmed diagnosis shall be eligible to receive treatment products and medical specialist monitoring upon an annual receipt of the person's current address, insurance data and documentation of continued medical need from a medical specialist. These treatment services are at no cost to the individual.

(b) Medical specialists for phenylketonuria, hypothyroidism and galactosemia shall: (1) provide consultation and diagnosis; and

(2) provide and coordinate ongoing treatment and control clinics. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-180; effective, T-87-48, Dec. 19, 1986.)

28-4-511. Test refusal. Refusal to take part in the testing procedure shall be documented in the child's record at the institution or physician's office or both. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-182; effective, T-87-48, Dec. 19, 1986.)

28-4-512. Parental education. (a) Providers of prenatal health care shall discuss and distribute written material describing the newborn screening pro-

gram as a component of the prenatal care to pregnant women.

(b) Prior to obtaining the specimen for newborn screening, the person responsible for obtaining the specimen shall inform the parent or parents about the newborn screening program, including how the test can be refused. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-182; effective, T-87-48, Dec. 19, 1986.)

28-4-513. Professional education. (a) Consultation with medical specialists shall be available without charge to primary care providers and others involved in the care of persons at risk for or diagnosed with phenylketonuria, congenital hypothyroidism or galactosemia.

(b) Notification letters and telephone calls reporting abnormal test results to the physicians shall contain information including interpretation of data and recommendations for follow-up.

(c) Upon request, workshops and other educational presentations concerning newborn screening shall be provided by the department at the time of program change and when a specific need is identified.

(d) The newborn screening coordinator and newborn screening section of the laboratory shall respond to telephone and written inquiries concerning specimens within five working days of receipt. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-180; effective, T-87-48, Dec. 19, 1986.)

Article 31.—HAZARDOUS WASTE MANAGEMENT STANDARDS AND REGULATIONS

28-31-10. Hazardous waste monitoring fees. (a) Hazardous waste storage facility. Each hazardous waste storage facility shall pay an annual monitoring fee of \$1,500. This fee shall be paid prior to March 1 of each year.

(b) Hazardous waste treatment facility. Each hazardous waste treatment facility shall pay an annual monitoring fee of \$2,500. This fee shall be paid prior to March 1 of each year.

(c) Hazardous waste disposal facility. Each hazardous waste disposal facility other than a landfill or underground injection well shall pay an annual monitoring fee of \$5,000. Each landfill and underground injection well facility shall pay \$10,000. If the landfill or underground injection well facility requires continuous on-site witnessing of operations, the monitoring fee shall be \$25,000. If on-site witnessing is conducted on a less than full-time basis, the secretary may establish an appropriate monitoring fee which is less than \$25,000 but greater than \$10,000. This fee shall be paid prior to March 1 of each year.

(d) Hazardous waste transporters. Each hazardous waste transporter shall pay an annual monitoring fee of \$250. This fee shall be paid at the time the transporter notifies the department, in accordance with K.A.R. 28-31-6, and prior to March 1 for each year thereafter.

(e) Hazardous waste generators.

(1) Each hazardous waste generator shall pay an

annual monitoring fee for all hazardous waste generated during the previous calendar year. This fee shall be paid prior to March 1 of each year. This fee shall be based upon the following schedule.

Total Yearly Quantity Generated:	Monitoring Fee:
Less than or equal to 2 tons	\$100
Greater than 2 tons and less than or equal to 10 tons	\$200
Greater than 10 tons and less than or equal to 100 tons	\$500
Greater than 100 tons and less than or equal to 500 tons	\$1000
Greater than 500 tons and less than or equal to 1000 tons	\$3000
Greater than 1000 tons	\$5000

(2) Each Kansas generator who treats or contracts for treatment of a hazardous waste to recover substantial amounts of either energy or materials shall not be subject to monitoring fees for that specific hazardous waste. (Authorized by and implementing K.S.A. 65-3431, as amended by L. 1986, ch. 240, sec. 1; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-2, January 13, 1984; amended May 1, 1984; amended, T-85-42, December 19, 1984; amended May 1, 1985; amended, T-86-32, September 24, 1985; amended May 1, 1986; amended, T-87-49, Dec. 19, 1986.)

Article 34.—HOSPITALS

28-34-32a. Construction standards. (a) General provisions. All hospital construction subsequent to the adoption of this regulation, including new buildings and additions or alterations to existing buildings, shall be in accordance with the standards set forth under sections 1.2 and 3.0 through 7.30 in the U.S. department of health and human services publication no. (HRS-M-HF) 84.1, July 1984, entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities" except for the following changes:

(1) Delete section 7.1.D entitled "provisions for handicapped."

(2) Delete all of section 7.27 G(2) that relates to earthquake design.

(3) Delete from section 7.29 C(1) the words, "as noted in ASHRAE handbook of fundamentals table for climatic conditions for the United States."

(4) Delete from section 7.29 D(1)(r) the words, "as defined by ASHRAE handbook of fundamentals."

(b) Codes and publications. The following codes and publications that are adopted or referenced in "Guidelines for Construction and Equipment of Hospital and Medical Facilities" shall be the revision indicated in parenthesis following the code or publication:

- (1) NFPA-56A (NFPA-56A 1978);
- (2) NFPA-56F (NFPA-56F 1977);
- (3) NFPA-70 (NFPA-70 1978);
- (4) NFPA-72A (NFPA-72A 1979);
- (5) NFPA-72E (NFPA-72E 1978);
- (6) NFPA-82 (NFPA-82 1977);
- (7) NFPA-90A (NFPA-90A 1981);
- (8) NFPA-96 (NFPA-96 1980);
- (9) NFPA-99 (NFPA-99 1984);
- (10) NFPA-101 (NFPA-101 1981);
- (11) NFPA-255 (NFPA-255 1979);

- (12) NFPA-258 (NFPA-258 1976);
- (13) NFPA-701 (NFPA-701 1977);
- (14) HEW FDA no. 78-2081 (HEW FDA no. 78-2081 1976);

(15) NCRP report no. 33 (NCRP report no. 33—4th reprint, November 1, 1977);

(16) NCRP report no. 49 (NCRP report no. 49—September 15, 1976);

(17) Underwriters lab publication no. 181 (underwriters lab publication no. 181, 6th edition, August 17, 1981);

(18) ASHRAE standards 52-76 (ASHRAE standards 52-76 effective May 1976); and

(19) PHCC national standard plumbing code (PHCC national standard plumbing code—1978).

(c) Provisions for handicapped. All construction shall be in compliance with the standards set forth in "American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," American national standard institute publication A117.1-1980.

(d) Construction plans and specifications.

(1) Plans and specifications for each new hospital and each alteration and addition to any existing hospital, other than minor alterations, shall be prepared by an architect licensed in Kansas and shall be submitted to the licensing agency prior to beginning construction. "Minor alterations" means those projects which:

(A) Do not affect the structural integrity of the building;

(B) do not change functional operation;

(C) do not affect fire safety; and

(D) do not add beds or facilities over those for which the hospital is licensed.

(2) Plans and specifications shall be submitted at the preliminary plan and outline specification stage and at the contract document stage.

(3) The preliminary plans shall include:

(A) Sketch plans of the basement, each floor, and the roof indicating the space assignment, size, and outline of fixed equipment;

(B) all elevations and typical sections;

(C) a plot plan showing roads and parking facilities; and

(D) areas and bed capacities by floors.

(4) The outline specifications shall consist of a general description of the construction, air conditioning, heating, and ventilation systems.

(5) Contract documents shall consist of working drawings that are complete and adequate for bidding, contract, and construction purposes. Specifications shall supplement the drawings to fully describe the types, sizes, capacities, workmanship, finishes, and other characteristics of all materials and equipment. The architect shall certify contract documents are in compliance with subsections (a), (b), and (c) of this regulation.

(e) Access. Representatives of the licensing agency shall, at all reasonable times, have access to work in preparation or progress and the contractor shall provide proper facilities for such access and inspection. A

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complete set of plans and specifications shall be available on the job site for use by licensing agency personnel. (Authorized by and implementing K.S.A. 65-431; effective May 1, 1986; amended, T-87-51, Dec. 19, 1986.)

28-34-62a. Construction standards. (a) General provisions. All ambulatory surgical center construction subsequent to the adoption of this regulation, including new buildings and additions or alterations to existing buildings, shall be in accordance with those standards set forth under sections 9.1, 9.2, and 9.5 in the U.S. department of health and human services publication no. (HSOM-HF) 84-1, July 1984, entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities."

(b) Codes and publications. The following codes and publications that are adopted or referenced in "Guidelines for Construction and Equipment of Hospital and Medical Facilities" shall be the revision indicated in parenthesis following the code or publication:

- (1) NFPA-70 (NFPA-70 1978);
- (2) NFPA-90A (NFPA-90A 1981);
- (3) NFPA-101 (NFPA-101 1981);
- (4) NFPA-225 (NFPA-225 1979);
- (5) NFPA-258 (NFPA-258 1976);
- (6) NFPA-701 (NFPA-701 1977);
- (7) Underwriters lab publication no. 181 (underwriters lab publication no. 181, 6th edition, August 17, 1981);

(8) ASHRAE standards 52-76 (ASHRAE standards 52-76 effective May 1976).

(c) Provisions for handicapped. All construction shall be in compliance with those standards set forth in "American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," American national standard institute publication A117.1-1980.

(d) Construction plans and specifications.

(1) Plans and specifications for each new ambulatory surgical center and each alteration and addition to any existing ambulatory surgical center, other than minor alterations, shall be prepared by an architect licensed in Kansas and shall be submitted to the licensing agency prior to beginning construction. "Minor alterations" means those projects which do not affect the structural integrity of the building, which do not change functional operation, and which do not affect fire safety.

(2) Plans and specifications shall be submitted at the preliminary plan and outline specification stage and at the contract document stage.

(3) The preliminary plans shall include:

(A) Sketch plans of the basement, each floor, and the roof indicating the space assignment, size, and outline of fixed equipment;

(B) all elevations and typical sections;

(C) a plot plan showing roads and parking facilities; and

(D) areas and bed capacities by floors.

(4) The outline specifications shall consist of a gen-

eral description of the construction, air conditioning, heating, and ventilation systems.

(5) Contract documents shall consist of working drawings that are complete and adequate for bidding, contract, and construction purposes. Specifications shall supplement the drawings to fully describe the types, sizes, capacities, workmanship, finishes, and other characteristics of all materials and equipment. The architect shall certify contract documents are in compliance with subsections (a), (b), and (c) of this regulation.

(e) Access. Representatives of the licensing agency shall, at all reasonable times, have access to work in preparation or progress and the contractor shall provide proper facilities for such access and inspection. A complete set of plans and specifications shall be available on the job site for use by licensing agency personnel. (Authorized by and implementing K.S.A. 65-431; effective May 1, 1986; amended T-87-51, Dec. 19, 1986.)

28-34-94. (Authorized by K.S.A. 1979 Supp. 65-431; effective January 1, 1974; amended, E-80-8, June 12, 1979; amended May 1, 1980; revoked, T-87-51, Dec. 19, 1986.)

28-34-94a. Construction standards. (a) General provisions. All recuperation center construction subsequent to the adoption of this regulation, including new buildings and additions or alterations to existing buildings, shall be in accordance with the standards set forth under sections 1.2 and 3.0 through 7.39 in the U.S. department of health and human services publication no. (HRS-M-HF) 84-1, July 1984, entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities" except for the following changes:

(1) Delete section 7.1.D entitled "provisions for handicapped."

(2) Delete all of section 7.27 C(2) that relates to earthquake design.

(3) Delete from section 7.29 C(1) the words, "as noted in ASHRAE handbook of fundamentals table for climatic conditions for the United States."

(4) Delete from section 7.29 D(1)(r) the words, "as defined by ASHRAE handbook of fundamentals."

(b) Codes and publications. The following codes and publications that are adopted or referenced in "Guidelines for Construction and Equipment of Hospital and Medical Facilities" shall be the revision indicated in parenthesis following the code or publication:

(1) NFPA-56A (NFPA-56A 1978);

(2) NFPA-56F (NFPA-56F 1977);

(3) NFPA-70 (NFPA-70 1978);

(4) NFPA-72A (NFPA-72A 1979);

(5) NFPA-72E (NFPA-72E 1978);

(6) NFPA-82 (NFPA-82 1977);

(7) NFPA-90A (NFPA-90A 1981);

(8) NFPA-96 (NFPA-96 1980);

(9) NFPA-99 (NFPA-99 1984);

(10) NFPA-101 (NFPA-101 1981);

(11) NFPA-255 (NFPA-255 1979);

(12) NFPA-258 (NFPA-258 1976);

- (13) NFPA-701 (NFPA-701 1977);
- (14) HEW FDA no. 78-2081 (HEW FDA no. 78-2081 1976);
- (15) NCRP report no. 33 (NCRP report no. 33—4th reprint, November 1, 1977);
- (16) NCRP report no. 49 (NCRP report no. 49—September 15, 1976);
- (17) Underwriters lab publication no. 181 (underwriters lab publication no. 181, 6th edition, August 17, 1981);
- (18) ASHRAE standards 52-76 (ASHRAE standards 52-76 effective May 1976).
- (19) PHCC national standard plumbing code (PHCC national standard plumbing code—1978).
- (c) Provisions for handicapped. All construction shall be in compliance with the standards set forth in "American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," American national standard institute publication A117.1-1980.
- (d) Construction plans and specifications.
- (1) Plans and specifications for each new recuperation center and each alteration and addition to any existing recuperation center, other than minor alterations, shall be prepared by an architect licensed in Kansas and shall be submitted to the licensing agency prior to beginning construction. "Minor alterations" means those projects which:
- (A) Do not affect the structural integrity of the building;
- (B) do not change functional operation;
- (C) do not affect fire safety; and
- (D) do not add beds or facilities over those for which the recuperation center is licensed.
- (2) Plans and specifications shall be submitted at the preliminary plan and outline specification stage and the contract document stage.
- (3) The preliminary plans shall include:
- (A) Sketch plans of the basement, each floor, and the roof indicating thereon the space assignment, size, and outline of fixed equipment;
- (B) all elevations and typical sections;
- (C) a plot plan showing roads and parking facilities; and
- (D) areas and bed capacities by floors.
- (4) The outline specifications shall consist of a general description of the construction, air conditioning, heating, and ventilation systems.
- (5) Contract documents shall consist of working drawings that are complete and adequate for bidding, contract, and construction purposes. Specifications shall supplement the drawings to fully describe the types, sizes, capacities, workmanship, finishes, and other characteristics of all materials and equipment. The architect shall certify contract documents are in compliance with subsections (a), (b), and (c) of this regulation.
- (e) Access. Representatives of the licensing agency shall, at all reasonable times, have access to work wherever it is in preparation or progress and the contractor shall provide proper facilities for such access and inspection. A complete set of plans and specifications shall be available on the job site for use

by licensing agency personnel. (Authorized by and implementing K.S.A. 65-431; effective T-87-51, Dec. 19, 1986.)

Article 39.—LICENSURE OF ADULT CARE HOMES

28-39-77. Licensing procedure; all adult care homes. (a) Initial license; site approval. The site for any proposed new skilled nursing home, intermediate nursing care home, intermediate nursing care home for the mentally retarded and intermediate personal care homes shall be approved by the licensing agency before design development or preliminary drawings for the facility are submitted.

(b) New intermediate nursing care homes for the mentally retarded shall not have more than one residential building, as defined in K.A.R. 28-39-225, located on one site or on contiguous sites. Residential buildings shall be dispersed geographically so as to achieve integration and harmony with the community or neighborhoods in which they are to be located.

(c) A written request for site evaluation shall be made to the licensing agency and shall include the following information:

(1) The street name and number or the legal description of the proposed site;

(2) the name and telephone number of the individual in the locale to be contacted by evaluation personnel;

(3) dimensions and boundaries of the site; and

(4) the name of the public utility or municipality that provides services to the site, including water, sewer, electricity, and natural gas.

(d) Initial license; new construction, conversion of an existing building, or modification of structure. When a facility is to be newly constructed and the site of the facility has been evaluated and approved by the licensing agency, or when an existing building is to be converted for use as an adult care home, or when a structure is to be modified or expanded, completed application forms as prescribed by the licensing agency shall be submitted.

(e) All skilled nursing homes, intermediate nursing care homes, intermediate nursing care homes for the mentally retarded with more than 15 beds, and intermediate personal care homes shall comply with the following provisions:

(1) The owner shall submit one copy of preliminary construction plans and outline specifications in compliance with K.A.R. 28-39-108 to K.A.R. 28-39-113, inclusive, with the initial application.

(2) The owner shall submit one copy of the final plans and specifications which are certified by a registered architect to be in compliance with K.A.R. 28-39-108 to K.A.R. 28-39-113, inclusive, to the licensing agency prior to commencing construction.

(3) All construction, including new work, addition, alteration, or remodeling which costs in excess of \$10,000 or involves primary structural elements of cost, shall be executed with construction documents and inspection of the work under the immediate su-

(continued)

pervision of a registered architect currently licensed to practice in the state of Kansas. All project documents, including design development drawings, working drawings, specifications, and the certificate of completion in accordance with the construction documents, shall bear the official seal or stamp of the responsible architect.

(4) If construction does not commence within one year of the date the plans and outline specifications are submitted to the licensing agency, they shall be resubmitted.

(5) The owner shall submit to the licensing agency any changes in the information in the initial application, plans, or specifications.

(6) When the architect determines that construction is 50 percent completed, the owner shall notify the licensing agency.

(7) The owner shall notify the licensing agency 30 days in advance of the estimated completion date of the facility.

(8) The licensing agency shall issue a license when:

(A) Construction is completed;

(B) The facility is found to meet all applicable requirements of law; and

(C) the applicant is found to qualify for a license.

(f) Renewal of license. Each licensee shall apply for renewal of an existing license not less than 120 days before the existing license expires. The application shall be submitted on forms prescribed by the licensing agency. The renewal of a license shall be contingent upon a finding by the licensing agency that the applicant meets all applicable requirements of law.

(g) Change in ownership. Each licensee shall notify the licensing agency of any anticipated change in ownership information from that which is on the current license application form. This notice shall be submitted 60 days in advance of the proposed effective date of the change. A change of ownership shall not take effect prior to the issuance of a license to the new owner by the licensing agency.

(h) Change of administrator. Each licensee of a skilled nursing home, intermediate nursing care home, intermediate nursing care home for the mentally retarded, and intermediate personal care home shall notify the licensing agency immediately when the designated administrator of the facility no longer is responsible for overall operation of the facility. The notice shall include the name, address, and current valid Kansas license number of the new administrator and shall be accompanied by a fee of \$15.00.

(i) Change of bed capacity. Any proposed change in bed capacity of any facility, whether an increase or a decrease, shall be approved by the licensing agency before the change is made.

(j) License fees. Each initial application for a license and each application for renewal of a license shall be accompanied by a license fee of \$50.00 plus \$7.00 for each bed.

If a license is issued for less than one year, the license fee shall be prorated from the month the license is effective. No refund of a license fee shall be made if a license application is denied.

(k) Application information. Each application sub-

mitted for change of ownership or initial license shall include:

(1) The completed application form prescribed by the licensing agency;

(2) Legal documents transferring ownership or control, including sales contracts, leases, management agreements, and any required approvals of other licensees or mortgagors;

(3) Curriculum vitae or resumes for all professional staff to be involved with operating or supervising the operation of the applicant's facility or facilities. This requirement shall apply to anyone an applicant will rely on to supervise operations of the facility or facilities and anyone who will be involved in conducting the business affairs of the applicant's facility or facilities; and

(4) A current balance sheet and statement of net worth prepared according to generally accepted accounting principles and certified by the applicant to be accurate. (Authorized by K.S.A. 39-932; implementing K.S.A. 1983 Supp. 39-927, 39-930, and K.S.A. 39-932; effective May 1, 1982; amended, T-84-17, July 26, 1983; amended May 1, 1984; amended, T-87-51, Dec. 19, 1986.)

28-39-111. Physical environment; new facilities and modifications; construction requirements standard. (a) The facility shall be constructed in a way which will insure the safety and comfort of residents and other occupants.

(b) Codes and standards. In addition to these regulations, a facility shall comply with building codes, ordinances, and regulations enforced by city, county, or state jurisdictions. Where codes, ordinances, and regulations are not in effect, the owner shall consult one of the national building codes which is consistent with the minimum requirements set forth here as determined by the licensing agency. New construction, modifications, and equipment shall conform with the following codes and standards:

(1) "American National Standards Institute Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," American National Standard Institute Publication A117.1-1980.

(2) "Food Service Sanitation Manual," Health, Education, and Welfare (HEW) Publication No. FDA 78-1082, as in effect on July 1, 1981.

(c) Freestanding buildings. Separate freestanding buildings housing the boiler plant, laundry, shops, or general storage may be of unprotected noncombustible construction, protected noncombustible construction, or fire-resistive construction.

(d) Elevators. Buildings which have residents' services or critical or treatment services located on other than the main entrance floor shall have electric or electrohydraulic elevators as prescribed below:

(1) The number of elevators shall be determined as follows:

(A) At least one hospital-type elevator shall be installed where one to 60 resident beds are located on floors other than the main entrance floor.

(B) At least two elevators, one of which shall be

hospital-type, shall be installed where 61 to 200 resident beds are located on floors other than the main entrance floor or where the major resident services are located on a floor other than those containing resident beds. Elevator service may be reduced for those floors which provide only partial resident services.

(C) At least three elevators, one of which shall be hospital-type, shall be installed where 201 to 350 resident beds are located on floors other than the main entrance floor or where the major resident services are located on a floor other than those containing resident beds. Elevator service may be reduced for those floors which provide only partial resident services.

(D) For facilities with more than 350 resident beds, the number of elevators shall be determined by the licensing agency from a study of the facility plan and the estimated vertical transportation requirements.

(2) Cars of hospital-type elevators shall have inside dimensions that will accommodate a resident bed and two attendants and shall be at least five feet (1.52 meters) wide by seven feet six inches (2.29 meters) deep. The car door shall have a clear opening of not less than three feet eight inches (1.12 meters).

(3) Elevators shall be equipped with an automatic leveling device. The device shall have a two-way automatic maintaining feature with an accuracy of ½ inch (1.3 centimeters).

(4) Each elevator, except freight elevators, shall be equipped with a two-way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

(5) Elevator controls, alarm buttons, and telephones shall be accessible to wheelchair occupants.

(6) Heat or smoke-activated elevator call buttons, controls, and door safety stops shall not be used.

(e) Inspections and tests. Inspections and tests shall be made and the owner shall be furnished written certification that the installation meets the requirements set forth in this section and all applicable safety regulations and codes. (Authorized by and implementing K.S.A. 39-932; effective May 1, 1982; amended, T-87-51, Dec. 19, 1986.)

Article 52.—MEDICAL CARE FACILITIES RISK MANAGEMENT PLANS

28-52-1. General requirements. (a) Each medical care facility shall establish a written plan for risk management and patient care quality assessment on a facility-wide basis.

(b) The plan shall be approved and reviewed annually by the facility's governing body.

(c) Findings, conclusions, recommendations, actions taken, and results of actions taken shall be documented and reported through procedures established within the risk management plan.

(d) All patient services including those services provided by outside contractors or consultants shall be periodically reviewed and evaluated in accordance with the plan.

(e) Plan format. Each submitted plan shall include the following:

(1) Section I—a description of the system imple-

mented by the facility for investigation and analysis of the frequency and causes of reportable incidents within the facility;

(2) Section II—a description of the measures used by the facility to minimize the occurrence of reportable incidents and the resulting injuries within the facility;

(3) Section III—a description of the facility's implementation of a reporting system based upon the duty of all health care providers staffing the facility and all agents and employees of the facility directly involved in the delivery of health care services to report reportable incidents to the chief of the medical staff, chief administrative officer, or risk manager of the facility;

(4) Section IV, organization—a description of the organizational elements of the plan including:

(A) Name and address of the facility;

(B) name and title of the facility's risk manager;

(C) description of involvement and organizational structure of medical staff as related to risk management program, including names and titles of medical staff members involved in investigation and review of reportable incidents;

(D) organizational chart indicating position of the facility's review committee as defined in K.S.A. 65-4923 and L. 1986, Ch. 229, New Section 4(a)(2); and

(E) mechanism for ensuring quarterly reporting of incident reports to proper licensing agency.

(5) Section V—a description of the facility's resources allocated to implement the plan; and

(6) Section VI—documentation that the plan as submitted has been approved by the facility's governing body.

(f) Plan submittal. On and after November 1, 1986, each medical care facility shall submit the plan to the department at least 60 days prior to the license renewal date. After an initial plan is approved, any amendments to the plan shall be submitted to the department.

(g) Departmental review. Upon review of the facility's risk management plan or any amendments, the department shall notify the facility in writing if the plan of amendments have been approved or disapproved. The written notification will specify the reason for disapproval.

(h) Revised plan. Within 60 days of the date the facility receives notification the plan has been disapproved, the facility shall submit a revised plan to the department.

(i) Plan publication. The plan shall be disseminated to personnel in accordance with the plan. (Authorized by and implementing L. 1986, Chapter 229, Sec. 3; effective T-87-50, Dec. 19, 1986.)

JACK D. WALKER, M.D.
Secretary of Health
and Environment

Doc. No. 004991

State of Kansas

STATE CORPORATION COMMISSION

TEMPORARY ADMINISTRATIVE
REGULATIONSArticle 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) "Burn pit" means a surface pond used for the temporary confinement of oil leakage at a lease site or of materials commonly known as tank bottoms, basic sediment, bottom sediment, bottom settlings, or paraffin, for the purpose of burning such contents.

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

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

(10) "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.

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

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

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

(14) "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.

(15) "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.

(16) "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.

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

(18) "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.

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

(20) "Director" means the director of the conservation division of the commission.

(21) "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.

(22) "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.

(23) "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.

(24) "Drilling pit" means a surface pond used to temporarily confine fluids or refuse resulting from oil and gas activities during the drilling or completion of any oil, gas, exploratory, service, or storage well.

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

(26) "Emergency pit" means a surface pond used to temporarily contain fluids resulting from oil and gas activities which were discharged as a result of unforeseen and unavoidable circumstances.

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

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

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

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

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

(32) "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.

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

(34) "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.

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

(36) "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 is found by the commission to be unfit for sale due to its hydrogen sulfide content.

(37) "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 the form prescribed and furnished by the commission.

(38) "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.

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

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

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

(42) "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.

(43) "Multiple completion" means the completion of any well so as to permit production from two or more common sources of supply with the common sources of supply completely segregated.

(44) "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.

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

(46) "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 the form prescribed and furnished by the commission.

(47) "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.

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

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

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

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

(52) "Pool" means a single and separate natural reservoir of oil or gas characterized by a single pressure system.

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

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

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

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

(57) "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.

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

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

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

(61) "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.

(62) "Shortage" means the amount by which the oil or gas legally produced and sold or removed from the premise is less than the allowable.

(63) "Spud date" means the date of commencement of drilling operations preparatory to the setting of surface casing.

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

(65) "Storage oil-lease" means produced oil in

(continued)

tanks, reservoirs, or containers on the lease where it was produced.

(66) "Storage pit" means a surface pond used for the storage, confinement or treatment of fluids resulting from oil and gas activities.

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

(68) "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.

(69) "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.

(70) "Surface pond" means any constructed, excavated or naturally occurring depression upon the surface of the earth.

(71) "Tertiary recovery process" means the process or processes described in K.S.A. 79-4217, as amended by L. 1986, Ch. 204, Sec. 1.

(72) "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.

(73) "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.

(74) "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.

(75) "Waterflood" means the process of injecting fluids into one or more wells to enhance the recovery of oil.

(76) "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.

(77) "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.

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

(79) "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.

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

(81) "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, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-602, 55-604, 55-704, 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5; 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; amended, T-87-46, Dec. 19, 1986.)

82-3-106. Cementing-in surface pipe 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 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. These adjustments shall be indicated on the drilling permit.

(A) Operators who drill wells in areas referenced in commission order, dated January 27, 1983, Docket No. 133,891-C, may set surface casing at the minimum depth set forth in that Docket.

(B) An exception to the requirements set forth in Table 1, dated October 15, 1985, may be granted by the commission 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 or landowners on whose land the well is located and to landowners whose property lies within a 1/2 mile radius of the well. Notice of the hearing shall also be provided pursuant to K.A.R. 82-3-135.

(c) Cementing and 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 surface 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.

(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 commission 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. The documentation may consist of invoices, job logs, job descriptions, or other such service company reports. Falsification of the documentation or the failure to complete Alternate II cementing 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, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 55-151, as amended by L. 1986, Ch. 201, Sec. 8 and Ch. 203, Sec. 2, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-156, 55-157, 55-159, as

amended by L. 1986, Ch. 201, Sec. 12, K.S.A. 55-164, as amended by L. 1986, Ch. 201, Sec. 16; 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; amended, T-87-46, Dec. 19, 1986.)

82-3-140. Tertiary recovery project certification.

(a) Each application for certification of a tertiary recovery project under the provisions of the Crude Oil Windfall Profit Tax Act of 1980, 26 U.S.C. § 4993, and for certification to the Kansas department of revenue shall be submitted to the commission and shall be accompanied by:

- (1) the project name and its legal description;
- (2) the type of tertiary recovery process to be implemented;
- (3) exhibits and evidence required to support the application for certification; and
- (4) any other information which may be required by the commission.

(b) The original and five copies of the application shall be filed with the secretary of the commission in Topeka, Kansas. An additional copy of the application shall be sent to the conservation division.

(c) The applicant shall publish notice of the hearing as is required by K.A.R. 82-3-135. (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 79-4217, as amended by L. 1986, Ch. 204, Sec. 1; effective, T-87-46, Dec. 19, 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. 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) In reviewing applications for injection or disposal wells, the protection of hydrocarbons and water resources and advisory committee recommendations concerning safe depths for injection or disposal for all producing areas in the state shall be considered by the commission. 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 December 8, 1982, which require well-head 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 K.A.R. 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:

(continued)

(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, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5; implementing, K.S.A. 55-151, as amended by L. 1986, Ch. 201, Sec. 8 and Ch. 203, Sec. 2, K.S.A. 55-153, 55-901, as amended by L. 1986, Ch. 201, Sec. 17, and Ch. 202, Sec. 5, K.S.A. 55-1003, as amended by L. 1986, Ch. 201, Sec. 20; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-46, Dec. 19, 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. An exception to this requirement may be granted by the commission 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 a ½ mile radius of the injection or disposal well;

(3) the name and address of each operator of a producing or drilling well within a ½ mile radius 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 with 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) Each applicant shall be notified by the commission of its approval of the well design provided:

(A) all requirements set forth in subsection (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 well completion report, on the form prescribed and furnished by the commission, shall be submitted to the commission. 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) When issuing an order approving injection or disposal, the following factors shall be considered by the commission:

(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 a ½ mile radius of the applicant's well, the disposal zone shall be below the oil-water contact or 50 feet below the base of the producing zone.

(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 ½ 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, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 1985 Supp. 55-605, 1985 Supp. 55-706, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; K.S.A. 55-1003, as amended by L. 1986, Ch. 201, Sec. 20, 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; amended, T-87-46, Dec. 19, 1986.)

82-3-404. Injection or disposal well tubing and packer requirements. (a) After December 8, 1982, each well shall be equipped to inject through tubing below a packer. A packer run on the tubing shall be set in casing opposite a cemented interval at a point immediately above the uppermost perforation or open-hole interval. The annulus between the tubing and the casing shall be filled with a corrosion-inhibiting fluid or hydrocarbon liquid. With the approval of the commission, packerless or tubingless completions may be authorized under the provisions of subsections (b) or (c) of this rule.

(b) Injection or disposal through tubing without a packer may be authorized by the commission if the following requirements are met:

(1) Surface wellhead injection pressure shall not exceed zero psig.

(2) The tubing shall be run to a depth equal to or below the uppermost perforation or open-hole of the injection interval.

(3) The annular space between the tubing and the casing shall be filled with a corrosion inhibiting fluid or hydrocarbon liquid that has a specific gravity less than 1.00, and that is displaced and maintained at a point within 50 feet of the bottom of the tubing.

(4) A positive annulus pressure shall be maintained and monitored, or an annulus fluid level shall be monitored monthly during the life of the well.

(5) Annulus pressure or annulus fluid level and injection surface pressure shall be recorded monthly and kept by the operator for five years.

(6) All pressure readings recorded shall be taken during actual injection or disposal operations.

(c) Injection or disposal without tubing may be authorized by the commission if all five of the following criteria are continuously met during the life of the well.

(1) The casing shall be cemented continuously from setting depth to surface.

(2) Surface wellhead injection pressure shall be recorded monthly and kept by the operator for five years.

(3) All pressure readings recorded shall be taken during actual injection or disposal operations.

(4) Mechanical integrity tests shall be performed every five years by running a retrievable plug to a depth no more than 50 feet above the uppermost perforation or open-hole of the injection or disposal zone or by another method acceptable to the commission.

(5) It shall be the sole responsibility of the operator of the tubingless completion to maintain the well so that the mechanical integrity tests can be performed as specified, or the well shall be immediately plugged and abandoned by displacing cement from the bottom of the well to the surface. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5; implementing, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5, K.S.A. 55-1003, as amended by L. 1986, Ch. 201, Sec. 20; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-46, Dec. 19, 1986.)

82-3-406. Duration of injection or disposal well orders. (a) Commission orders authorizing injection or disposal into wells shall remain valid for the life of the well, unless revoked by the commission for just cause.

(b) Any order granting injection or disposal may be modified, vacated, amended, or terminated by the commission during its term. Modifications or amendments of the order may be made at the request of any interested person, subject to commission approval, or on the commission's initiative. The party requesting an amendment shall give notice of the application to amend by mailing or delivering a copy of the application to the landowner on whose land the well is located, each operator of each producing and drilling well and each unleased mineral owner within a ½ mile radius of the injection or disposal well. Notice shall be mailed or delivered on or before the date the application to amend 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. All orders shall be approved by the commission.

(c) When an operator elects only to amend an authorized enhanced recovery, fluid injection, or dis-

(continued)

posal order, the operator shall be exempted from the notification requirements, as set forth in this regulation, by submitting to the commission an application to amend the existing authorization for one or more of the following purposes:

- (1) the operator seeks to lower the maximum injection pressure;
- (2) the operator seeks to lower the maximum injection rate;
- (3) the operator seeks to add an additional injection well to the authorized lease, provided:
 - (i) the well location is greater than 330 feet from the lease boundary;
 - (ii) the injection zone, rate, pressure, fluid and well configuration is consistent with the original application which was authorized; and
 - (iii) all the requirements in K.A.R. 82-3-401 for the notification within a ½ mile radius of the new well were accomplished when the original application was authorized; or
- (4) the operator seeks to add or delete leases disposing into permitted disposal wells on the application as long as the maximum authorized injection rate or pressure is not exceeded.
- (d) Mechanical failures or other conditions which indicate a well is not, or may not be, directing the injected fluid into the permitted or authorized zone may be cause to shut-in the well. If the condition may endanger any fresh or usable water source or oil or gas resources, the operator shall orally notify the commission within 24 hours. Written notice of a well failure shall be submitted to the commission within five days of the occurrence together with a plan for testing and repairing the well. Results of the testing and well repair shall be reported to the commission, and all information shall be included in the annual monitoring report to the commission. Any mechanical down-hole well repair performed on the well that was not previously reported shall also be included in the annual report. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5; implementing, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5, K.S.A. 55-1003, as amended by L. 1986, Ch. 201, Sec. 20; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-46, Dec. 19, 1986.)

82-3-407. Records. The owner or operator of an injection or disposal well shall: (a) keep current and preserve for a period of five years an accurate record of the amount and kind of fluid injected into the injection or disposal well; and

- (b) submit a report to the commission at the end of each calendar year, showing the monthly average wellhead pressure, maximum wellhead pressure, amount and kind of fluid injected into each well, and any other performance information that may be required by the commission. (Authorized by and implementing K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-87-46, Dec. 19, 1986.)

82-3-408. Transfer of authority to inject. (a) Authority to operate an injection or disposal well shall not be transferred from one operator to another without the approval of the commission. The commission shall be notified in writing of the intent to transfer the ownership of an injection or disposal well from one operator to another. The written notice shall contain:

- (1) the name and address of the present operator and the operator's license number;
- (2) the name and location of the well being transferred;
- (3) the order number and date of the order authorizing injection;
- (4) the zone or zones of injection;
- (5) the proposed effective date of transfer;
- (6) the signature of the present operator and the date signed;
- (7) the name and address of the new operator and the operator's license number; and
- (8) the signature of the new operator and the date signed.

(b) A letter shall be mailed by the commission to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the amended order authorizing the injection or disposal shall be attached to the letter mailed to the new operator. The former operator may be required by the commission to conduct a mechanical integrity test as a condition of the transfer. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5; implementing K.S.A. 55-1003, as amended by L. 1986, Ch. 201, Sec. 20, K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9, K.S.A. 55-901, as amended by L. 1986, Ch. 201, Sec. 17 and Ch. 202, Sec. 5, effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended, T-87-46, Dec. 19, 1986.)

82-3-600. Application and approval of surface pond permits; pond construction. (a) Surface ponds shall be permitted only upon application to and approval by the commission. Application shall be made upon the form prescribed and furnished by the commission.

(b) In approving applications for surface pond permits, the protection of soil and water resources from pollution shall be considered by the commission.

(c) All surface ponds, except drilling pits and burn pits, shall be constructed and designed for normal operation with a minimum of 30 inches of freeboard. Freeboard of drilling pits and burn pits shall be no less than 12 inches.

- (d) Each operator of a surface pond shall:
 - (1) install observation trenches, holes, or wells if required by the commission;
 - (2) seal any surface pond, except burn pits, with artificial materials if the commission determines that an unsealed condition will present a pollution threat to soil or water resources; and
 - (3) prevent surface drainage from entering the pond. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 55-152, as

amended by L. 1986, Ch. 201, Sec. 9; L. 1986, Ch. 201, new Sec. 1, 23; effective, T-87-46, Dec. 19, 1986.)

82-3-601. Surface ponds permit; application, content, and approval. (a) Surface ponds shall not be used to contain salt water, oil, or refuse resulting from oil and gas activities until approved by the commission following the required application procedure. Surface pond permits shall be considered granted unless denied within 10 days after receipt of the application.

(b) Each application shall be verified and filed with the commission and shall show:

(1) The lease name and legal description, the pond location, and the number of producing wells on the lease;

(2) the name or names of the producing formation or formations of the wells on the lease;

(3) the construction of the surface pond;

(4) the applicant's license number; and

(5) any other information that the commission may require. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; L. 1986, Ch. 201, new Sec. 1, 23; effective, T-87-46, Dec. 19, 1986.)

82-3-602. Abandonment of surface ponds. (a) Upon the permanent cessation of the flow of fluids into any surface pond, or upon the revocation of any surface pond permit, the operator shall dispose of all fluids resulting from oil and gas activities contained in the surface pond by:

(1) Removing the fluid contents to a disposal well approved by the commission;

(2) removing the contents to a permitted solid waste landfill or an off-site disposal area approved by the department;

(3) using the fluid contents for road maintenance or construction approved by the department; or

(4) another manner required by the commission.

(b) The commission may require that groundwater monitoring wells, trenches, or holes be maintained in regard to any abandoned surface pond.

(c) Upon abandonment of any surface pond, the operator shall grade the surface of the soil as soon as practical or as required by the commission. To the greatest extent possible, the surface of the soil shall be returned to same condition as existed prior to the construction of the surface pond. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; L. 1986, Ch. 201, new Sec. 1, 23; effective, T-87-46, Dec. 19, 1986.)

82-3-603. Spill notification and lease maintenance. (a) Every operator shall notify the appropriate district office within 24 hours of a spill which is not confined in an authorized surface pond.

(b) Each operator of an emergency pit shall empty fluids from the pit within 48 hours after the discharge occurs. (Authorized by K.S.A. 55-152, as amended by L. 1986, Ch. 201, Sec. 9; implementing K.S.A. 55-152,

as amended by L. 1986, Ch. 201, Sec. 9; L. 1986, Ch. 201, new Sec. 1, 23; effective, T-87-46, Dec. 19, 1986.)

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 004990

State of Kansas

KANSAS INSURANCE DEPARTMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 7.—AGENTS

40-7-20. Agents; minimum education requirements; acceptable courses; requirements for course approval. (a) All agents licensed in this state as life or health insurance agents shall, within five years of initial licensure, provide evidence to the commissioner that they have completed two educational courses approved by the commissioner totaling at least 40 classroom hours or the equivalent.

(b) The following courses are approved by the commissioner and the credit hours for these courses are as follows:

(1) Each part of the life underwriter training council life course curriculum shall equal 25 hours credit.

(2) Each part of the life underwriter training council health course curriculum shall equal 15 hours credit.

(3) Each part of the life office management association curriculum shall equal 25 hours credit.

(4) Each part of the American college CLU or ChFC curriculum shall equal 25 hours credit.

(5) Each semester credit hour of life or health insurance courses taught by an accredited college, university, or community college shall equal 7 hours credit.

(6) Parts INS 21, INS 23, AAI 81, or AAI 82 of the insurance institute of America's certificate of insurance program shall equal 15 hours credit.

(7) Part one or two of the American institute for property and liability underwriters CPCU diploma curriculum shall equal 25 hours credit.

(8) Each part of the college for financial planning CFP diploma curriculum shall equal 25 hours credit.

(9) The life and health institute course of the society of certified insurance counselors curriculum shall equal 20 hours credit.

(10) The personal lines institute course of the society of certified insurance counselors curriculum shall equal 15 hours credit.

(c) Programs in addition to those set forth in subsection (b), shall receive such credit hour equivalent as determined by the commissioner if the program:

(1) is a formal life or health insurance course or program of instruction designed to improve product knowledge and ability to service the needs of the insuring public;

(2) consists of instruction developed or conducted by an admitted insurer, insurance education institu-

(continued)

tion approved by the commissioner, recognized agents' association or insurance trade association; and

(3) is a course for which the sponsoring organization will issue evidence of successful completion and maintain records of such completion for a minimum of seven years.

(d) Organizations that desire to have courses approved shall submit their request for individual course approval to the commissioner. This request shall include:

- (1) Name of sponsoring organization;
- (2) course title and copy of course material if requested by the commissioner of insurance;
- (3) name and background of instructor;
- (4) an explanation of the method of teaching or presentation, specifying the time frame for the program;
- (5) the number of classroom contact hours or the equivalent;
- (6) an explanation of the criteria used in determining satisfactory course completion;
- (7) a copy of certification of completion to be signed by the instructor and chief operating officer; and
- (8) if applicable, the number of credit hours currently approved in all states. (Authorized by and implementing L. 1986, Ch. 170, Sec. 1; effective, T-87-53, Jan. 5, 1987.)

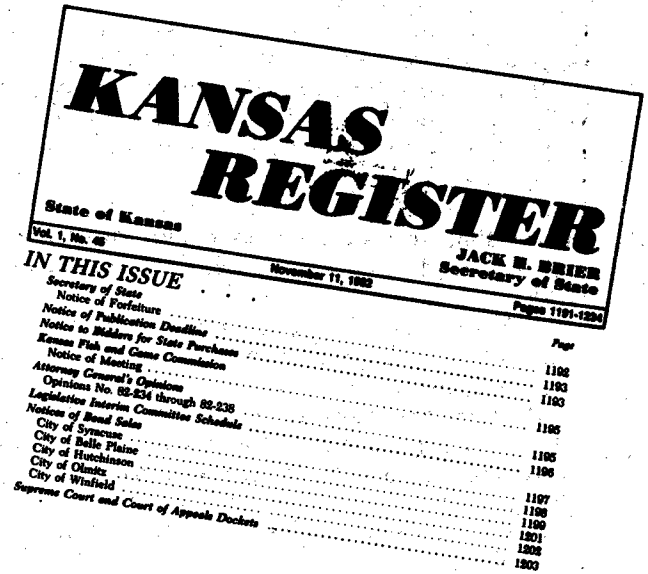
40-7-21. Agents; examination fee; amount. An examination fee of \$25 shall be paid by each person for the purposes described in L. 1986, Ch. 171, Sec. 1. (Authorized by and implementing L. 1986, Ch. 171, Sec. 1; effective, T-87-53, Jan. 5, 1987.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 004994

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