

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 15

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State of Kansas

GRAIN INSPECTION DEPARTMENT**NOTICE OF MEETING**

The Kansas State Grain Advisory Commission will meet at 10 a.m. Wednesday, April 22, in the Evans Grain Company's conference room, Salina Board of Trade, Salina. The meeting is open to the public.

GARY M. BOTHWELL
Acting Director

Doc. No. 005209

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The Kansas Water Authority will meet on Thursday, April 23 and, if necessary, on Friday, April 24, in Topeka.

Committees of the authority will meet on April 23 and April 24 upon call of the committee chairpersons.

The specific times, date and location of the authority meeting and committee meetings will be made available to the public prior to the scheduled meetings. This information and an agenda may be obtained by contacting Dotty Kester, 109 S.W. 9th, Topeka 66612-1215, (913) 296-3185.

H. PHILIP MARTIN
Chairman

Doc. No. 005220

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 March 24 through April 3:

**Kansas Council on Employment
and Training**

Winifred L. Kingman, 5532 W. 25th, Topeka 66614. Effective March 30, 1987. Serves at the pleasure of the Governor. Succeeds Velma Paris.

Kansas Highway Patrol

Elam P. Moomau, Acting Superintendent, 3831 N.E. Kincaid, Topeka 66617. Effective April 1, 1987. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Bert D. Cantwell.

Pottawatomie County Attorney

Henry Otto III, 1208 Houston, Manhattan 66502. Effective April 3, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds John Sparks, resigned.

**Thomas County Commissioner,
1st District**

John N. Sears, HC 62, Box 5, Gem 67734. Effective March 25, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Vera L. Sloan, resigned.

BILL GRAVES
Secretary of State

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PUBLISHED BY
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2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

DEPARTMENT OF HUMAN RESOURCES
PRIVATE INDUSTRY COUNCILPUBLIC NOTICE CONCERNING
JOB TRAINING PLAN

The Kansas Private Industry Council of Service Delivery Area III is submitting a IIA plan subpart modification of the two-year Job Training Plan to the governor of the state of Kansas through the Department of Human Resources. Funding for this plan is through Title IIA of the Job Training Partnership Act (JTPA), which is designed to provide training to disadvantaged youth and adults. The respective program years are July 1, 1986 to June 30, 1987, and July 1, 1987 to June 30, 1988. The funding level for program year 1987 is \$1,226,788. The SDA plans to serve over 600 eligible participants during the program year. The modified plan will become effective July 1, 1987.

The purpose of the program is to prepare youth and unskilled adults for entry into the labor force and to afford job training to economically disadvantaged individuals and other individuals facing serious barriers to employment.

The Kansas Private Industry Council of Service Delivery Area III is also submitting to the governor, through the Department of Human Resources, a IIB plan subpart modification of the Summer Youth Employment and Training Plan for program year 1987. The 1987 Summer Youth Employment and Training Plan program year is October 1, 1986 to September 30, 1987. Funding for this plan is through Title IIB of the Job Training Partnership Act (JTPA), which is designed to provide training to disadvantaged youth. The amount to be received for the Summer Youth Program is \$497,428. The SDA plans to serve over 490 youth. This plan will become effective July 1, 1987.

The IIB plan subpart modification provides for a remediation program to be conducted in Wyandotte County to serve up to 50 youth ages 14-21 from Wyandotte, Leavenworth and Johnson counties, with priority given to 14- and 15-year-olds. The remediation program will be funded through Title IIA funds which will be combined with Title IIB work experience.

The purpose of the proposed programs and activities is to afford educational remediation and job training to economically disadvantaged youth ages 14-21 facing serious barriers to employment.

There is a 30 day review and comment period for the plan subpart modifications. The plans are available at the following location and may be reviewed upon request. Questions and comments may be directed to the Private Industry Council, SDA III, 827 Gateway Centre II, 4th and State Ave., Kansas City 66101, (913) 371-1607.

ANN CONWAY
Planner/Coordinator
Kansas Private Industry Council
Service Delivery Area III

Doc. No. 005521

State of Kansas

STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARDNOTICE OF COMMENCEMENT OF
NEGOTIATIONS FOR CONSULTING
ENGINEERING SERVICES

Notice is hereby given by the Mined-Land Conservation and Reclamation Board for the commencement of negotiations to obtain a qualified engineering firm for the design and supervision of construction of an abandoned mined land reclamation project (Indian Creek project).

It is the intent of the board, pursuant to K.S.A. 75-5801 *et seq.*, to contract for the development of an engineering design for the reclamation of 150 acres of mined land located in Sections 1, 2, and 3 in Township 23 South, Range 25 East, Linn County.

Examples of work to be completed in the project are: berm construction; guardrail installation; treatment, removal and flooding of acidic materials resulting from coal processing; grading spoils; backfilling impoundments and highwalls; liming, fertilizing, and seeding disturbed areas; and dam reconstruction.

The design is to include topographic maps, cross-sections, grading plans, reports of all hydrological, geological, chemical and environmental data necessary for engineering design and documents for bidding and reclamation construction.

In addition, upon completion of the design and awarding of a construction contract, the firm is to provide construction inspection and administration to assure that construction work is completed in compliance with the firm's engineering design and specifications.

To be considered, non-prequalified firms who are licensed to practice engineering in the state of Kansas must complete and submit four copies of Statement of Qualifications Form (ASD-E1) to the Mined-Land office no later than 5 p.m. Friday, April 24, 1987.

Submittals and questions should be addressed to the executive director of the Mined-Land Conservation and Reclamation Board, State Corporation Commission, P.O. Box 1418, Pittsburg 66762, (316) 231-8615.

JOYCE STOVER
Executive Director

Doc. No. 005216

State of Kansas

SECRETARY OF STATE**NOTICE**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1986 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of April 1, 1987 through April 30, 1987 shall be 10.61 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 31st day of March, A.D. 1987.

BILL GRAVES
Secretary of State

Doc. No. 005213

State of Kansas

SECRETARY OF STATE**NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited March 16, 1987, for failure to file an annual report and pay the annual franchise tax as required by the Kansas General Corporation Code:

Domestic Corporations

A & A Tow Service, Inc., Kansas City, KS.
A & T, Inc., Wichita, KS.
A.R.M.C., Inc., Burlington, KS.
Accounting & Business Services, Inc., Topeka, KS.
Ace of Clubs, Inc., Wichita, KS.
Acme Oil Corporaton, Wichita, KS.
Adcock Cattle Co., Inc., Hays, KS.
Air Pair, Inc., Overland Park, KS.
Airight, Inc., Wichita, KS.
All-Seasons Developments, Inc., Troy, KS.
American Pre-sort, Inc., Topeka, KS.
Amerkan Resources Group Limited, Wichita, KS.
Antico, Inc., Prairie Village, KS.
Anything Goes Associates, Inc., Prairie Village, KS.
Bailey Construction, Inc., Wichita, KS.
Basler Building Company, Inc., Stilwell, KS.
BB Anderson/Anco, Kansas City, MO.
Beery Electric, Inc., Cimarron, KS.
Braylines of Emporia, Inc., Emporia, KS.
Browne's Store Co., Manhattan, KS.
The Buie Co., Inc., Wichita, KS.
C and H Sales Inc., Shawnee Mission, KS.
Coker Engine Service & Distributing Company, Inc., Topeka, KS.
Corporaton S, Olathe, KS.
Country Creamery, Inc., Harper, KS.
Cow Creek Farms, Inc., Claflin, KS.

Davis Feed Lot, Inc., Wichita, KS.
Derby Builders, Inc., Derby, KS.
Diet Center of Central Kansas, Inc., Hutchinson, KS.
Dr. G. F. Copeland, Optometrist, P.A., Dodge City, KS.
Duct Masters, Inc., Wichita, KS.
Dutcher, Inc., Olathe, KS.
Dynamic Food Sales, Inc., Wichita, KS.
Eagle Purchasing Corporaton, Independence, KS.
Edco Grain, Inc., Everest, KS.
El Camino Club of Garden City, Liberal, KS.
Eleanor Rigbys, Inc., Ellsworth, KS.
Elm Enterprises, Inc., Overland Park, KS.
EMC, Inc., Chanute, KS.
Empire Underground Storage, Inc., Topeka, KS.
Empiregas of Atchison, Inc., Topeka, KS.
Empiregas of Augusta, Inc., Topeka, KS.
Energy Solutions Engineering of Kansas, Inc., Wichita, KS.
Environmental International Electrical Services, Inc., Overland Park, KS.
Farmers Elevator Company of Olpe, Inc., Olpe, KS.
Finucane, Gilson, Foster, Inc., Mission, KS.
Flightline, Inc., O'Fallon, MO.
Foster Automated Systems Technology, Inc., Wichita, KS.
Four-R Poultry, Inc., Frontenac, KS.
Frost Greenhouse, Inc., Columbia, MO.
Full Count, Inc., Lawrence, KS.
Fuller Plumbing Service Co., Wichita, KS.
Funny's, Inc., Wichita, KS.
G & W Properties, Inc., Leavenworth, KS.
G M N Leasing, Inc., Chanute, KS.
G. Thomas Jewelers, Inc., Manhattan, KS.
Girard Animal Hospital, P.A., Girard, KS.
Gordon Hill Enterprises, Inc., Overland Park, KS.
Healthwise, Inc., Great Bend, KS.
Heart-Bar Ltd., Rush Center, KS.
Home Real Estate & Management, Inc., Kansas City, KS.
Inco Resources Inc., Overland Park, KS.
International Sales Association, Inc., Lawrence, KS.
J & K Investments, Inc., Great Bend, KS.
J. F. Glenn Company of Wichita, Inc., Wichita, KS.
Jo-Le Shop, Ltd., Liberal, KS.
Johnson County Building Materials, Inc., Merriam, KS.
Kansas Prairie Packers Association, Topeka, KS.
Ken Baker's Restaurant, Inc., Prairie Village, KS.
Kopsar, Inc., Independence, KS.
La Estrellita, Inc., Independence, KS.
Larilou Energy and Resources, Inc., Claflin, KS.
L. Gerald Sharbutt, Chartered, Overland Park, KS.
Lus Altenheim Adult Care Inc., LeRoy, KS.
Management Recruiters of Topeka, Inc., Topeka, KS.
Maple Ridge Farms, Inc., Fort Scott, KS.
Med-Serv, Inc., Colby, KS.
Medical Consultants in Anesthesia, P.A., Overland Park, KS.
Medicine River Enterprises, Inc., Pratt, KS.
Metro Brake and Alignment, Inc., Leavenworth, KS.

Mid-America Maintenance, Inc., Osborne, KS.
 Mid-America Nazarene College Foundation,
 Olathe, KS.
 Mid Continent Exploration, Inc., Emporia, KS.
 Mid-States Ag Chem, Inc., Eudora, KS.
 Midwest Satellite Systems, Inc., Topeka, KS.
 Missouri Rural Housing of Nixa, Topeka, KS.
 National Software Rental, Inc., Leawood, KS.
 Ness City Auto Parts, Inc., Ness City, KS.
 Nichols Farms, Inc., Harlan, KS.
 The Nickerson Agency, Inc., Nickerson, KS.
 Oak Hill Developers, Inc., Neodesha, KS.
 The Old J&J Club, Inc., Stilwell, KS.
 ORS, Inc., Shawnee Mission, KS.
 Osage County Livestock Auction, Inc.,
 Overbrook, KS.
 P & H Fabricators, Inc., Wichita, KS.
 Palace Amusements, Inc., Kansas City, MO.
 Palm Corporation, Pratt, KS.
 Parts & Equipment, Inc., Wichita, KS.
 Patterson Exploration, Inc., (A Close Corporation),
 Caney, KS.
 Petroleum Enterprises, Inc., Hutchinson, KS.
 Preston Management, Inc., Kansas City, KS.
 Quality Coil, Inc., Overland Park, KS.
 Raul E. Brito, M.D., P.A., Wichita, KS.
 R. C. Tinker, M.D., P.A., Wichita, KS.
 Refinery Insulation and Maintenance Company,
 Inc., Winfield, KS.
 Restaurant Equipment Distribution Company, Inc.,
 Wichita, KS.
 River City Equipment, Inc., Lawrence, KS.
 Ron's Pianos, Ltd., Overland Park, KS.
 Rump Corporation, Wichita, KS.
 Sandy, Inc., Hutchinson, KS.
 Selok North, Inc., St. Louis, MO.
 Selok of Lawrence, Inc., Topeka, KS.
 Selok West, Inc., St. Louis, MO.
 Silva Foods of Kansas City, Inc., Kansas City, KS.
 Sirron Corporation, Wichita, KS.
 Southgate Development Co., Inc., Topeka, KS.
 SSM Billings, Inc., Wichita, KS.
 Star Records, Inc., Shawnee Mission, KS.
 Stine Construction, Inc., Kansas City, KS.
 Sunflower Productions, Inc. (A Close Corporation),
 Hutchinson, KS.
 Thorne, Inc., Medicine Lodge, KS.
 Tom McGraw Real Estate, Inc., Leawood, KS.
 Tschudy & Co., Inc., Olathe, KS.
 Valcraft Mfg. Co., Inc., Chanute, KS.
 Valley Center Farms, Inc., Wichita, KS.
 Western Land & Loan Company, Inc.,
 Scott City, KS.
 Wespath South, Ltd., Calgary, Alberta, Canada.
 Wichita Apparel, Inc., Wichita, KS.
 Winner's, Inc., Wichita, KS.

Foreign Corporations

Advantage Consultants & Real Estate Brokage, Inc.,
 Blue Springs, Mo.
 Alfalfa Pelleting, Ltd., Shawnee, KS.
 All Woods/Schroeder, Inc., Houston, TX.
 AMISUB (PSL), Inc., Denver, CO.

Anco Construction Company, Ltd., Topeka, KS.
 Barnett-Range Corporation, Stockton, CA.
 Bennett Box Company, Maryland Heights, MO.
 Brooks Erection & Construction Co., Inc.,
 Granite City, IL.
 Caljet, Inc., Bakersfield, CA.
 C.O.P., Inc., Midland, TX.
 Dal-Tile Corporation, Dallas, TX.
 Dourthe U.S.A., Inc., Chicago, IL.
 D.S.L. Inc., Kansas City, MO.
 DEA Investments, Inc., Scottsdale, AZ.
 Essex, Inc., Omaha, NE.
 Flynn Energy Corp., Tulsa, OK.
 Fortuna Energy Corporation, Oklahoma City, OK.
 Great Atlantic and Pacific Tea Company,
 New York, NY.
 Great Plains Siewert Construction Company, Inc.,
 Lubbock, TX.
 The Hardesty Company, Inc., Tulsa, OK.
 Irvco Industries, Inc., Calgary, Alberta, Canada.
 Jimmy D. Kincaid Construction, Inc.,
 Richmond, VA.
 JR.'s Rat Hole Drilling, Inc., Woodward OK.
 Karlen Communications, Inc., New Rochelle, NY.
 Kinro, Inc., Dayton, OH.
 Kyser, Inc., West Line, MO.
 Mid-America Processing, Inc., Stillwater, OK.
 Mr. Plumber, Inc., Peculiar, MO.
 Music on the Move Inc. Mideast Division,
 Wilmington, DE.
 National Health Technologies, Inc., Dover, DE.
 National Industrial Applicators, Inc., St. Louis, MO.
 Newcomb Securities Company, Inc., New York, NY.
 Omaha Trading Company, Inc., Omaha, NE.
 Orange County Scaffold, Inc., Orange, CA.
 Overland Park Racquet Club, Inc., St. Louis, MO.
 Polsinelli & Associates, Inc., Kansas City, MO.
 Profco, Inc., Ventura, CA.
 R & M Amalgamated, Inc., Kansas City, MO.
 R Squared Scan Systems, Inc., Anaheim, CA.
 Retail Data Systems of Grand Island, Inc.,
 Omaha, NE.
 Retail Data Systems of Lincoln, Inc., Omaha, NE.
 Retail Data Systems of Omaha, Inc., Omaha, NE.
 Shaw-Ross International Importers Inc., Miami, FL.
 Sonic Land Corporation, Oklahoma City, OK.
 Sonic Restaurants, Inc., Oklahoma City, OK.
 Sports Display, Inc., Tustin, CA.
 Sutcliffe Transfer Co., Inc., Kansas City, MO.
 Terra-Max, Inc., Monument, CO.
 Tex Kan Cable TV, Inc., Tulsa, OK.
 Uninet, Inc., Lenexa, KS.

BILL GRAVES
 Secretary of State

Doc. No. 005212

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-56

Constitution of the State of Kansas—Corporations—Cities' Powers of Home Rule; Issuance of Special Obligation Bonds. Gerald E. Williams, Lenexa City Attorney, Lenexa, March 25, 1987.

Acquiring and constructing certain municipal improvements, to be paid for in whole or in part by special assessments upon property benefited by such improvements, is a valid exercise of the city of Lenexa's constitutional powers of home rule as provided in Article 12, Section 5 of the Kansas Constitution. Special assessments levied under the home rule ordinance and payable in installments may be paid by issuing special or limited obligation bonds of the city payable solely from such special assessments. K.S.A. 12-6a01 *et seq.*, which also permits cities to acquire and construct municipal improvements, the costs of which may be paid (in whole or in part) by special assessments on benefited property, and which authorizes a city to issue bonds which are general obligations of the city, does not address a city's authority to issue special obligation bonds payable solely from special assessments. Thus, K.S.A. 12-6a01 *et seq.*, while it addresses a similar subject and provides an alternative methodology, does not preclude nor preempt the utilization of home rule powers proposed by the city of Lenexa. Special obligation bonds issued pursuant to the home rule ordinance would not be subject to statutory aggregate debt limitations applicable to the city because such bonds are not a pledge of the city's faith and credit nor of its general power to levy ad valorem taxes. While the home rule amendment states that cities shall be subject to enactments of the legislature prescribing limits of indebtedness, this limitation does not make those bonds issued by a city pursuant to home rule which are otherwise exempt from statutory debt limitations subject to such limitations. Cited herein: Kan. Const., Art. 12, Sec. 5; K.S.A. 1986 Supp. 10-308; K.S.A. 12-6a01 to 12-6a14. MFC

Opinion No. 87-57

Constitution of the State of Kansas—Corporations—Cities' Powers of Home Rule; Bonds for Motor Sports Raceway Park. Senator Frank D. Gaines, 16th District, Augusta, March 30, 1987.

A charter ordinance of the city of Topeka, enacted pursuant to the home rule amendment of the Kansas Constitution, Art. 12, § 5, properly authorizes the city to issue its general obligation bonds (subject, in this case, to voter approval) to acquire land for and develop recreation facilities within or without the city. A proposed motor sports raceway park would appear to be such a "recreational facility." The authority to acquire property for municipal purposes generally implies the authority to lease property for such purposes. Cited herein: Kan. Const., Art. 12, Sec. 5; K.S.A. 12-1301; 12-1302; 13-1024a. MFC

Opinion No. 87-58

Insurance—General Provisions—Insurance Coverage for Services Rendered in Treatment of Alcoholism, Drug Abuse and Nervous or Mental Conditions. Senator James L. Francisco, 26th District, Mulvane; Representative Vernon L. Williams, 91st District, Wichita, March 30, 1987.

Except as specifically provided by K.S.A. 40-2,105, an insurance policy may not contain different benefit limits for inpatient treatment of alcoholism, drug abuse, and nervous or mental conditions than those limits provided for other medical conditions. Cited herein: K.S.A. 40-2,105; L. 1986, ch. 174. TRL

Opinion No. 87-59

Corporations—Agricultural Corporations—Definitions. Representative Keith Roe, 109th District, Mankato, March 30, 1987.

To qualify as a family farming corporation, at least one stockholder must reside on the farm or be actively engaged in the labor or management of the farming operation. A single shareholder who supplies the labor for the farming operation meets this requirement. There is no minimum percentage of stock which this person must own. In addition, the corporation may designate a bank incorporated under the laws of this state as a registered agent. Cited herein: K.S.A. 1986 Supp. 9-701; K.S.A. 9-1601; K.S.A. 1986 Supp. 17-5903; 17-5904; K.S.A. 17-6202(a). JLM

Opinion No. 87-60

Cities and Municipalities—Planning and Zoning; Establishment of City Districts and Zones—Amendments or Changes in Zoning; Procedure. Senator Robert V. Talkington, 12th District, Iola, March 30, 1987.

Under the provisions of K.S.A. 12-708, a notice of proposed changes in zoning regulations is sufficient to permit the planning commission to recommend changes which give all or any part of the land described a "zoning classification of lesser change" than that set forth in the notice. What constitutes a zoning classification of lesser change must be determined by referring to the specific zoning ordinance, but it generally includes any classification permitting only less intense uses than the classification set forth in the notice.

In establishing a table designating what zoning classifications are lesser changes authorized within the published zoning classifications, a planning commission must recognize the correlation between "lesser change" and "less intense use." Specifically, a zoning classification of lesser change must be restricted to those classifications permitting only less intense uses than the classification set forth in the notice.

Where the planning commission submits a "failure to recommend," the governing body may adopt a zoning classification of lesser change than that set forth in the notice required by K.S.A. 12-708, provided

procedural safeguards including notice and hearing are followed. Cited herein: K.S.A. 12-707, 12-708. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 005217

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 March 26—April 1:

House Bills

- HB 2580**, by Committee on Federal and State Affairs: An act concerning hospital district no. 1, Marion county, Kansas; authorizing the hospital board to convey, without consideration, certain property.
- HB 2581**, by Committee on Appropriations: An act concerning hazardous waste; relating to disposal of small quantities; amending K.S.A. 1986 Supp. 65-3459 and repealing the existing section.
- HB 2582**, by Committee on Appropriations: An act relating to certain public corporations; concerning certain personnel and financial matters of Kansas, Inc. and Kansas technology enterprise corporation; amending K.S.A. 1986 Supp. 74-8005 and 74-8105 and repealing the existing sections.
- HB 2583**, by Committee on Appropriations: An act concerning the court of appeals; relating to the number of judges; amending K.S.A. 1986 Supp. 20-3002, 20-3005 and 20-3006 and repealing the existing sections.
- HB 2584**, by Committee on Federal and State Affairs: An act concerning crime victims reparations; concerning certain moneys payable to convicted persons; amending K.S.A. 1986 Supp. 74-7320 and 74-7321 and repealing the existing sections.
- HB 2585**, by Committee on Appropriations: An act relating to the credentialing of health care personnel; repealing the Kansas act on credentialing; repealing K.S.A. 65-5008 and 65-5010 and K.S.A. 1986 Supp. 65-5001 to 65-5007, inclusive, 65-5009 and 65-5011.
- HB 2586**, by Committee on Appropriations: An act relating to labor and industries; concerning agricultural employment; abolishing the agricultural labor relations board; transferring the power to the secretary of human resources; amending K.S.A. 44-819, 44-820, 44-823, 44-825, 44-826 and 44-829 and repealing the existing sections.
- HB 2587**, by Committee on Appropriations: An act making and concerning appropriations for the fiscal years ending June 30, 1987, and June 30, 1988, for the department of social and rehabilitation services, department of administration, department of education and department of corrections; 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 2588**, by Committee on Governmental Organization: An act concerning health care providers regulated by the board of nursing; relating to reports of acts which may be grounds for disciplinary action; authorizing agreements with certain professional societies or organizations for the performance of functions and responsibilities with respect to the regulation of impaired health care providers; amending K.S.A. 65-4216 and K.S.A. 1986 Supp. 65-4921, 65-4923, 65-4926 and 65-4930, and repealing the existing sections.
- HB 2589**, by Committee on Appropriations: An act authorizing the certification of emergency medical care for trauma offered by medical care facilities; providing for administration by the secretary of health and environment; authorizing fees and rules and regulations; establishing prohibitions and providing for injunctions.

Senate Bills

- SB 406**, by Committee on Federal and State Affairs: An act relating to disposal of low-level radioactive wastes; establishing the Kansas low-level radioactive waste disposal authority; prescribing powers and duties therefor; amending K.S.A. 1986 Supp. 48-1622 and repealing the existing section; also repealing K.S.A. 1986 Supp. 48-1620.
- SB 407**, by Committee on Ways and Means: An act concerning municipalities; relating to the issuance of bonds thereby and to the finances thereof; amending K.S.A. 10-131, 10-1009 and 72-6761 and K.S.A. 1986 Supp. 10-116a, 10-311, 10-427, 10-427a and 12-195, and repealing the existing sections.
- SB 408**, by Committee on Federal and State Affairs: An act concerning the crime of impairing a security interest; amending K.S.A. 21-3734 and repealing the existing section.
- SB 409**, by Committee on Federal and State Affairs: An act relating to abortion; concerning abortions performed on minors; imposing certain conditions and requirements thereon; defining and classifying certain crimes; amending K.S.A. 38-123 and 38-133 and repealing the existing sections.
- SB 410**, by Committee on Federal and State Affairs: An act concerning civil procedure; relating to enforcement of orders of local human relations commissions.
- SB 411**, by Committee on Ways and Means: An act concerning the ombudsman of corrections; relating to employees thereof; amending K.S.A. 74-7403 and repealing the existing section.
- SB 412**, by Committee on Ways and Means: An act authorizing the city of McPherson to determine and change the use of certain public grounds within the city.
- SB 413**, by Committee on Ways and Means: An act concerning the permanent journals of the house of representatives and the senate; amending K.S.A. 45-116 and repealing the existing section.
- SB 414**, by Committee on Ways and Means: An act relating to administrative rules and regulations of state agencies; concerning notice of hearing thereon; concerning publication of statements of fiscal or financial impact and economic effect of such rules and regulations; amending K.S.A. 77-421 and repealing the existing section.
- SB 415**, by Committee on Ways and Means: An act amending the uniform consumer credit code; concerning finance charges; amending K.S.A. 1986 Supp. 16a-2-201, 16a-2-202, 16a-2-401 and 16a-3-204 and repealing the existing sections.
- SB 416**, by Committee on Ways and Means: An act relating to the election of members of the county fair board in Cloud county.

SB 417, by Committee on Ways and Means: An act relating to state tax levies for institutions; prescribing certain accounting procedures therefor; repealing K.S.A. 1986 Supp. 76-6610.

Resolutions

- HR 5025**, by Representatives Leach, Adam, Amos, Aylward, Barkis, Bideau, Blumenthal, Bowden, Brady, Branson, Brown, C. Campbell, Charlton, Cribbs, Crowell, Crumbaker, Dean, Empson, Francisco, Fry, Gatlin, Gjerstad, Graeber, Gross, Grotewiel, Hamm, Harder, Harper, Helgeson, Hensley, Johnson, King, Lacey, Larkin, Love, Mead, R. D. Miller, Mollenkamp, Moomaw, Peterson, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rosenau, Sebelius, Shore, Shriver, Sughrue, Sutter, Teagarden, Turquist, Wagon, Webb, Wells, Whiteman and Williams: A concurrent resolution directing the Kansas State Board of Agriculture and the Kansas Department of Commerce to work cooperatively with the agriculture producers of the State of Kansas to determine the present status of the industry.
- HR 5026**, by Representatives Reardon, Blumenthal, Bowden and Hensley: A concurrent resolution urging the State Board of Education to explore the value of requiring experienced teachers with advanced degrees to complete additional hours of college credit or inservice education points for renewal of certification and to explore the feasibility of issuing life certificates to such teachers.
- HR 5027**, by Representative Aylward: A concurrent resolution encouraging the State Board of Education and the Secretary of Health and Environment to communicate to preschool and child care facilities information regarding the merits of quality early childhood programs and encouraging preschool and child care facilities to become accredited by the National Academy of Early Childhood Programs.
- HR 6066**, by Representatives Sebelius, Acheson, Barr, Bunten, Hensley, Mainey, Roy and Wagon: A resolution commending the youth of Topeka and certain agencies involved in the "Teens Are Concerned" Conference.
- HR 6067**, by Representatives Aylward, Ott and Turquist: A resolution congratulating and commending KSAL Radio, Salina, Kansas, on the observance of its 50th Anniversary.
- HR 6068**, by Representative Neufeld: A resolution congratulating and commending the Spearville High School girls' basketball team and its coach, Brian Hogan, on winning the 1987 Class 1A State Basketball Championship in Kansas.
- HR 6069**, by Representative Larkin: A resolution urging the importance of a program of basic first-aid training for all public school employees.
- HR 6070**, by Representatives Branson, Aylward, Charlton, Chronister and Solbach: A resolution in memory of Dr. Takeru Higuchi.
- HR 6071**, by Representatives Branson, Charlton, Freeman and Solbach: A resolution congratulating and commending the Lawrence High School football team and its coach, Bill Freeman, on winning the 1986 Class 6A State Football Championship in Kansas.
- HR 6072**, by Representatives Branson, Charlton and Solbach: A resolution congratulating and commending the Lawrence High School boys' gymnastics team and its coach, Bob Manning, on winning the 1986 Class 6A State Gymnastics Title in Kansas.
- HR 6073**, by Representatives Branson, Charlton and Solbach: A resolution congratulating and commending the Lawrence High School girls' cross country team and its coach, Dick Reamon, on winning the 1986 Class 6A State Cross Country Championship in Kansas.
- HR 6074**, by Representative Neufeld: A resolution congratulating and commending the City of Kingsdown on its Centennial Anniversary.
- HR 6075**, by Representative Brady: A resolution congratulating and commending Chuck Smith on receiving the Honorary American Farmer Degree.
- HR 6076**, by Representative Mollenkamp: A resolution congratulating and commending the Wheatland High School boys' basketball team and its coach, Bryce Heinz, on winning the 1987 Class 1A State Basketball Championship in Kansas.
- HR 6077**, by Representatives Shore, Fox, Guldner, Holmes, Moomaw, Neufeld and Roenbaugh: A resolution supporting the speediest approval of the Erie Project by the Federal Energy Regulatory Commission.
- HR 6078**, by Representatives Larkin and Rezac: A resolution congratulating and commending Bob and Bonnie Edwards on being named Master Farmer and Master Home-maker.
- HR 6079**, by Representatives Braden, Knopp, Barkis and Mainey: A resolution declaring April 3, 4 and 5 as an alcohol-free weekend.
- HR 6080**, by Representative Love: A resolution congratulating and commending the African Methodist Episcopal Church on its bicentennial anniversary.
- HR 6081**, by Representative Schau: A resolution honoring V. Faye Mallory on her many years of service as City Clerk for the City of Haysville.
- HR 6082**, by Representatives Sughrue, Aylward, Hamm, Knopp, Mollenkamp, Ott, Sprague, Turquist and Wilbert: A resolution congratulating and commending the Kansas Master Teachers for 1987.
- HR 6083**, by Representatives Harder and Wunsch: A resolution congratulating and commending the Buhler High School girls' basketball team and its coach, Jim Baker, on winning the 1987 Class 5A State Basketball Championship in Kansas.
- SR 1851**, by Senator Norvell: A resolution commending the participants, families and volunteers of the Kansas Special Olympics Basketball Tournament.
- SR 1852**, by Senator Vidricksen: A resolution congratulating and commending the Kanopolis Drive-In Theatre and its owner, Anthony Blazina, on their 35th anniversary of showing movies to the Kanopolis community.
- SR 1853**, by Senators Francisco, Allen, Anderson, Arasmith, Bogina, Bond, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frey, Gaines, Cannon, Gordon, Harder, Hayden, Hoferer, Johnston, Karr, D. Kerr, F. Kerr, Langworthy, Martin, Montgomery, Morris, Mulich, Norvell, Parrish, Reilly, Salisbury, Steineger, Strick, Talkington, Thiessen, Vidricksen, Warren, Werts, Winter and Yost: A resolution honoring Jack McCarthy.
- SR 1854**, by Senator Winter: A resolution in memory of Dr. Takeru Higuchi.
- SR 1855**, by Senators Karr, Cannon, Harder, F. Kerr, Martin, Vidricksen and Werts: A resolution congratulating and commending the Kansas Master Teachers for 1987.
- SR 1856**, by Senator Vidricksen: A resolution congratulating and commending the City of Lorraine on its Centennial Anniversary.
- SR 1857**, by Senator Bogina: A resolution congratulating and commending Alaina Voss on winning the Statewide 1987 Nutrition Poster Contest for K-Second grades.
- SR 1858**, by Senator Francisco: A resolution honoring V. Faye Mallory on her many years of service to the Haysville Community.
- SR 1859**, by Senators Anderson, Bogina, Bond, Daniels, Doyen, Ehrlich, Gaines, Cannon, Harder, Hayden, Hoferer, F. Kerr, Martin, Montgomery, Mulich, Norvell, Parrish, Reilly, Thiessen, Vidricksen, Warren, Winter and Yost: A resolution declaring April 3, 4 and 5 as an ALCOHOL-FREE WEEKEND.

State of Kansas

DEPARTMENT OF EDUCATION**NOTICE OF AVAILABLE FEDERAL FUNDING FOR ADULT BASIC EDUCATION**

Pursuant to assurances as set out in the fiscal years' 1986-1988 Kansas State Plan for Adult Basic Education, available federal funding for this program has been authorized by Public Law 91-230, as amended.

The Adult Education Act provides federal financial assistance to states in order to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will enable all adults to acquire basic literacy skills necessary to function in society, enable adults who desire to continue their education to at least the level of completion of secondary school to do so, and make available to adults a means to secure training and education that will enable them to become more employable, productive and responsible citizens.

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

HAROLD BLACKBURN
Commissioner of Education

Doc. No. 005214

State of Kansas

OFFICE OF THE GOVERNOR**EXECUTIVE ORDER NO. 87-95****ALLOCATION FOR PRIVATE ACTIVITY BONDS PURSUANT TO THE INTERNAL REVENUE CODE OF 1986**

WHEREAS, Section 146 of the Internal Revenue Code of 1986, as amended (the "Code") restricts the aggregate amount of certain "private activity bonds" within the meaning of Sections 141, 146(g), 146(h) and 146(i) of the Code, the interest on which is exempt from federal income taxation under Section 103(a) of the Code, which may be issued within any state of the United States during calendar year 1987 to \$250,000,000 or an amount equal to \$75 per resident of a state, whichever is greater (hereinafter referred to as the "State Ceiling"); and

WHEREAS, Section 146 of the Code ("Section 146"), provides a formula for allocating the State Ceiling among the various state agencies, cities, counties and other issuing authorities in a state ("Issuers"), which shall be effective unless the legislature or governor of a state provides for a different formula for allocating the State Ceiling within a state; and

WHEREAS, the provisions of Section 146 for allocating the State Ceiling within the State of Kansas are unworkable in the State of Kansas; and

WHEREAS, the Governor of the State of Kansas has found and determines that the economic development of the State of Kansas and the best interests of the citizens of the State of Kansas will be served by the promulgation of a different formula for allocating the

State Ceiling among Issuers in the State of Kansas for calendar year 1987.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas and in accordance with Section 146, I hereby establish the following formula for allocating the State Ceiling for the State of Kansas for calendar year 1987.

(1) For calendar year 1987, the State Ceiling shall be allocated to Issuers, whether local or state, by the Secretary of Commerce or his designee (the "Secretary") in accordance with the provisions of this Order.

(2) The State Ceiling for the State of Kansas for calendar year 1987 is hereby determined to be \$250,000,000. Prior to November 15, 1987, the Secretary shall reserve (a) an amount equal to \$25,000,000 for allocation exclusively for the private activity portion of government use bonds in accordance with the requirements of Section 141(b)(5) of the Code and (b) an amount equal to \$25,000,000 for allocation exclusively for Qualified Student Loan Bonds (as described in Section 144(b) of the Code). On and after November 15, 1987, the State Ceiling shall be available for allocation to Issuers without regard to the reservations set forth in the immediately preceding sentence.

(3) Prior to any issuance of Private Activity Bonds subject to the State Ceiling, all Issuers, whether state or local, shall first submit an Application for each Project to the Secretary in substantially the form attached hereto as Exhibit A.

(4) Subject to the provisions of Section (2) hereof, the Secretary shall approve each properly filed Application for an allocation of \$5,000,000 or less on the basis of the chronological order of receipt from Issuers. If an Application is in excess of \$5,000,000, the Secretary may approve the total amount, approve a partial amount or reject the Application, in accordance with Section (5) hereof.

(5) Within five (5) business days after receipt of an Application, the Secretary shall notify the Issuer in writing that (i) the Application has been approved and the amount of the approved allocation, (ii) the Application has been denied or (iii) the Application has been placed on hold pending receipt of additional information with respect to the Application or pending a review of the effect of approving the Application on the State Ceiling. Unless an extension is approved by the Secretary as provided in Section (6) hereof or a carryforward election is approved by the Secretary pursuant to Section (9) hereof, such approved allocation shall expire on the earlier of (i) 11:59 P.M. C.S.T. on the date which is sixty (60) days from the date the approved allocation is mailed to the Issuer (or such other date as has been specified by the Secretary in his notification of such approved allocation), (ii) the date upon which such approved allocation is voluntarily surrendered to the Secretary by the Issuer, or (iii) 11:59 P.M. C.S.T. on December 18, 1987.

(6) An Issuer may request an extension of the expiration date of the approved allocation by filing a

written notice for extension with the Secretary, which must be received by the Secretary not less than five days prior to the expiration date specified pursuant to Section (5). In such instances, the Secretary may, in his discretion, approve an extension for a period ending on the earlier of (i) 11:59 P.M. C.S.T. on the date which is thirty (30) days beyond the initial expiration date specified by the Secretary pursuant to Section (5) hereof, (ii) the date upon which such approved allocation is voluntarily surrendered to the Secretary by the Issuer, or (iii) 11:59 P.M. C.S.T. on December 18, 1987. The Secretary shall notify the Issuer within five (5) business days after receipt if the request for extension has been approved or denied. In the event the bonds are not issued on or before the last day of the applicable extension period pursuant to the immediately preceding sentence, the approved allocation shall expire unless a carryforward election is approved by the Secretary pursuant to Section (9) hereof.

(7) Notwithstanding any other provision of this Order, if an approved allocation or extension thereof expires on December 18, 1987 in accordance with the provisions of Sections (5) or (6) hereof, the Secretary, in his discretion, may grant an extension (or further extension) for a period ending not later than 11:59 P.M. C.S.T. on December 31, 1987.

(8) The Secretary shall provide to the Issuer on or prior to the date of issuance of any bonds for which an approved allocation has not expired a certification, in substantially the form of Exhibit B attached hereto, that such bonds meet the requirements of Section 146.

(9) On or after December 14, 1987, the Secretary may, in his discretion, approve a carryforward election with respect to an approved allocation or any extension thereof if the Issuer, in writing: (a) requests such action and (b) indicates that the bonds for which the approved application was granted cannot be issued in calendar year 1987. Such approved carryforward election shall be made by the Issuer by means of a statement, signed by a duly authorized official of such Issuer. Such statement shall be filed with the Secretary and with the Internal Revenue Service prior to the end of calendar year 1987 in accordance with Section 146(f) of the Code and the regulations promulgated thereunder. An Issuer may elect to carryforward such issuing authority only for qualified mortgage bonds, mortgage credit certificates, qualified student loan bonds, qualified redevelopment bonds (as such terms are defined in Sections 142, 143 and 144 of the Code) or for bonds to finance a project described in Section 141(d)(1)(A) of the Code. In no event shall such carryforward be effective for a period longer than permitted by Section 146(f) of the Code and the regulations promulgated thereunder.

(10) In the event an approved allocation expires as provided in Section (5), Section (6) or Section (7) hereof, the Issuer may re-submit an Application for

an allocation for the same project. Such re-submitted Application shall be reviewed in the order of date received with no preference or priority being given as a result of the prior Application and allocation for the same project for financing.

(11) All Issuers, whether state or local, are hereby required to report the amount of all Private Activity Bonds issued pursuant to an approved allocation under this Executive Order to the Secretary by telephone no later than the second business day after the date of issuance of said bonds, which notice shall be confirmed in writing by overnight delivery service approved by the Secretary, or by certified mail, return receipt requested, postmarked no later than five (5) calendar days after the issuance of such bonds, such notice to be in the form of Exhibit C attached hereto.

(12) Failure by an Issuer to report in accordance with the provisions of Section (11), or otherwise to abide by the terms of this Order, may, at the discretion of the Secretary, result in the forfeiture of future allocations for Private Activity Bonds.

(13) The secretary, from time to time, shall review and evaluate the use and demand for Private Activity Bonds in proportion to the unused or uncommitted portion of the State Ceiling. If, in the discretion of the Secretary, it appears that the allocation of the state Ceiling pursuant to the provisions hereof should be revised, then the Secretary shall recommend to the Governor an alternative method by which to utilize the unused or uncommitted portion of the State Ceiling.

(14) This Order shall continue in full force and effect until the earlier of:

(a) the effective date of any act of the Legislature of the State of Kansas with respect to the subject matter hereof; or

(b) the date any subsequent Executive Order with respect to the subject hereof is promulgated.

This document shall be filed with the Secretary of State as Executive Order No. 87-95 and shall become effective immediately.

Dated March 27, 1987.

(Editor's note: Exhibits A, B, and C referred to in this order can be reviewed at the offices of the Secretary of the Senate and the Chief Clerk of the House of Representatives.)

MIKE HAYDEN

Governor

Attest: BILL GRAVES

Secretary of State

Doc. No. 005210

(Published in the KANSAS REGISTER, April 9, 1987.)

NOTICE OF BOND SALE
\$255,000
GENERAL OBLIGATION BONDS
SERIES 1987
OF THE
CITY OF NORTH NEWTON, KANSAS
 (general obligation bonds payable
 from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, city clerk of the city of North Newton, Kansas, on behalf of the governing body at the City Hall, North Newton, until 7:30 p.m. C.D.T. on Monday, April 27, 1987, for the purchase of \$255,000 principal amount of general obligation bonds, Series 1987, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated May 1, 1987, and becoming due serially on April 1 in the years as follows:

Year	Principal Amount
1988	\$10,000
1989	10,000
1990	10,000
1991	15,000
1992	15,000
1993	15,000
1994	15,000
1995	15,000
1996	15,000
1997	20,000
1998	20,000
1999	20,000
2000	25,000
2001	25,000
2002	25,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1988.

Place of Payment and Bond Registration

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

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

The number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the city by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1997, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1998 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on April 1, 1997, or on any interest payment date thereafter at the redemption price of 101 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bonds for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Treasurer of the State of Kansas, Topeka, Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 3 percent. No bid of less

than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-801 *et seq.*, as amended, for the purpose of paying the cost of certain water improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion and Tax Exemption

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

On October 22, 1986, the President of the United States signed into law H.R. 3838, the Tax Reform Act of 1986, which redesignates the Internal Revenue Code of 1954 as the Internal Revenue Code of 1986. The 1986 code imposes certain additional requirements and restrictions which must be met subsequent to the issuance of state and local government obligations in order to maintain the exemption from federal income taxation of the interest on such obligations. The city will covenant in the bond ordinance to comply with the provisions of the Act and to take all action as may be necessary to comply with the Act and all applicable future law to preserve the tax-exempt status of the bonds, to the extent such actions can be taken by the governing body of the city.

In the opinion of Gaar & Bell, Wichita, Kansas, bond counsel, under existing law, statutes, regulations, rulings and judicial decisions, assuming continued com-

pliance by the city with the terms of the bond ordinance, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships, and the interest on the bonds is exempt from federal income taxation except as follows:

(a) For taxable years beginning in the years 1987, 1988 and 1989, the interest on the bonds will be included in the adjusted net book income of corporations. For purposes of computing the corporate alternative minimum tax, a corporation's alternative minimum taxable income must be increased by 50 percent of the amount by which such corporation's adjusted net book income exceeds such corporation's alternative minimum taxable income (determined without regard to this adjustment or the alternative tax net operating loss deduction). For taxable years beginning after 1989, the use of "book income" will be replaced by "adjusted current earnings," and "50%" will be replaced by "75%."

(b) For taxable years beginning after December 31, 1986, property and casualty insurance companies will be required to reduce their deduction for losses incurred on insurance contracts by 15 percent of the amount of interest received or accrued on tax-exempt obligations acquired after August 7, 1986, including the bonds.

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of excess of the alternative minimum taxable income (without regard to net operating losses and the deduction for the environmental tax) over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

Qualified Tax Exempt Obligations

The Tax Reform Act of 1986, H.R. 3838, was signed into law by the President of the United States on October 22, 1986. The Act provides that banks and thrift institutions would be unable to deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations (with certain exceptions) if such interest costs are incurred in taxable years ending after December 31, 1986 with respect to bonds acquired after August 7, 1986. The Act provides that certain "qualified tax-exempt obligations" as defined in Section 902(b)(3) will be treated as having been acquired on August 7, 1986. The city will covenant to take such actions as are necessary to designate the

(continued)

bonds as "qualified tax-exempt obligations" described above.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 11, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:30 p.m. C.D.T. on April 27, 1987.

Official Statement

The city has prepared an official statement dated April 27, 1987, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$2,125,608
Tangible valuation of motor vehicles	\$ 596,269
Equalized assessed tangible valuation for computation of bonded debt limitations	\$2,721,877

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$931,000.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from the financial adviser, Stern Brothers & Co., Suite 810, One Main Place, Wichita, KS 67202, Attention: Charles M. Bouly, (316) 265-8622.

Dated March 23, 1987.

CITY OF NORTH NEWTON, KANSAS
By Vicki A. Baer, City Clerk
City Hall
North Newton, KS 67117
(316) 283-7633

Doc. No. 005222

(Published in the KANSAS REGISTER, April 9, 1987.)

**NOTICE OF REDEMPTION
RENO COUNTY, KANSAS
Single Family Mortgage
Revenue Bonds
1979 SERIES A**

**Serial Bonds Due November 1987-1999
Term Bonds Due November 1, 2010**

Notice is hereby given that \$580,000 principal amount of the bonds, as listed below, are called for redemption on May 1, 1987 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date:

The serial numbers of the coupon bonds to be redeemed in full, bearing CUSIP No. 759753 and Suffix:

AH9	API	929	1392	2071	2752	3431
203	551	954	1425	2105	2787	3465
	582	979	1459	2142	2823	3499
			1493	2173	2853	3533
AJ5	AO9	AU0	1527	2208	2887	3567
275	599	1016	1561	2241	2919	3603
	654	1033	1595	2275	2955	3635
AK2		1059	1629	2309	2989	3669
307		1088	1663	2343	3023	3703
	AR7		1694	2377	3058	3737
AL0	724	AV8	1731	2411	3091	3771
385	768	1146	1765	2445	3126	3805

(Published in the KANSAS REGISTER, April 9, 1987.)

		1175	1799	2479	3159	3839
AM8	AS5	1204	1833	2513	3193	3873
417	806	1233	1867	2547	3227	3907
445	837		1901	2581	3261	3941
	866	AW6	1935	2615	3295	
AN6		1289	1969	2649	3329	
483	AT3	1323	2003	2684	3363	
514	904	1357	2037	2717	3397	

The serial numbers of the registered bonds to be redeemed in part are:

Bond Number	Par Amount	CUSIP Number	Amount Called
R202	\$ 10,000	759753AP1	\$ 5,000
R218	30,000	759753AQ9	5,000
R277	45,000	759753AU0	5,000
R5	45,000	759753AV8	5,000
R27	200,000	759753AW6	10,000
R32	40,000	759753AW6	5,000
R369	5,000	759753AW6	5,000

On May 1, 1987, all bonds designated for redemption will become due and payable upon presentation thereof to one of the offices of the paying agents.

Coupon bonds with the November 1, 1987 coupon 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
Attention: Corporate Trust Operations
30 N. LaSalle St., 16th Floor
Chicago, IL 60697

Marine Midland Bank, N.A.
140 Broadway—12th Floor
Coupon Paying Department
New York, NY 10010

Kansas State Bank
and Trust Company
Attention: Trust Department
123 N. Market St.
P.O. Box 427
Wichita, KS 67201

The registered bonds should be presented to the principal paying agent, Continental Illinois National Bank and Trust Company.

Interest on the bonds called for redemption will cease to accrue on May 1, 1987. Coupons for May 1, 1987 may be detached and presented in the usual manner.

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

Dated March 27, 1987.

By Continental Illinois National Bank
and Trust Company of Chicago, Trustee

Doc. No. 005194

**NOTICE OF REDEMPTION
SEDGWICK COUNTY, KANSAS
SINGLE FAMILY MORTGAGE
REVENUE BONDS
(MULTIPLE ORIGINATORS AND SERVICERS)
1981 SERIES A**

Notice is hereby given that \$6,625,000 principal amount of the bonds, as listed below, are called for redemption on May 1, 1987 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the Coupon Bonds to be redeemed bearing CUSIP No. 815618 and Suffix, are as follows:

Coupon Bonds at \$5,000

AZ6	823	2612	3164	3992	4900	5820
199	826	2616	3168	3996	4904	5821
203	830	2619	3170	4000	4908	5824
207	834	2620	3171	4020	4912	5828
211	838	2621	3181	4024	4916	5832
215	842	2633	3184	4028	4920	5836
220	846	2652	3188	4032	4932	5840
223	849	2653	3192	4036	4936	5844
227	854	2654	3197	4040	4940	5848
231	859	2655	3201	4044	4972	5852
235	862	2656	3204	4048	4976	5856
BA0	866	2657	3210	4060	4980	5860
250	870	2658	3212	4064	4984	5864
255	874	2659	3216	4068	4988	5868
260	879	2660	3220	4084	4992	5872
265	882	2661	3224	4088	4996	5876
270	886	2662	3228	4092	5000	5880
275	890	2663	3232	4096	5004	5884
280	894	2664	3235	4100	5008	5888
285	898	2665	3240	4104	5012	5892
290	901	2666	3244	4108	5016	5900
295	905	2667	3248	4112	5020	5904
BB8	910	2668	3252	4116	5024	5908
305	914	2702	3256	4120	5028	5928
309	918	2703	3260	4124	5032	5936
313	938	2705	3264	4128	5036	5940
317	942	2707	3268	4132	5040	5944
321	946	2708	3272	4136	5042	5948
325	950	2709	3276	4140	5043	5952
328	954	2710	3280	4144	5054	5956
336	958	2711	3284	4148	5084	5960
340	961	2712	3288	4152	5096	5964
345	1022	2714	3340	4156	5100	5968
349	1026	2715	3344	4160	5104	5972
353	1030	2716	3348	4164	5108	5976
BC6	1034	2717	3352	4168	5112	5980
368	1038	2718	3356	4172	5116	5984
372	1042	2719	3360	4176	5120	5988
376	1046	2720	3364	4180	5124	5992
380	1051	2773	3368	4184	5128	5996
384	1054	2774	3372	4188	5132	6000
388	1058	2776	3404	4192	5136	6004
392	1062	2780	3408	4196	5140	6008
396	1066	2784	3412	4200	5172	6012
402	1071	2788	3416	4204	5176	6036
404	1074	2792	3420	4208	5180	6040
407	1078	2796	3424	4212	5184	6044
412	BL6	2800	3428	4216	5188	6048
416	2252	2804	3432	4220	5196	6052
420	2256	2808	3436	4304	5200	6056
424	2260	2812	3440	4308	5204	6104
BD4	2261	2816	3444	4312	5208	6105
439	2272	2820	3448	4316	5212	6108
443	2273	2824	3472	4320	5216	6112
447	2276	2828	3476	4328	5220	6116

(continued)

451	2280	2829	3480	4332	5224	6120	798	2588	3140	3956	4868	5785	7021
455	2284	2830	3484	4336	5232	6124	802	2592	3144	3960	4872	5786	7025
459	2288	2831	3488	4340	5236	6128	806	2596	3148	3964	4876	5816	7029
463	2292	2832	3504	4344	5280	6152	810	2600	3152	3968	4880	5817	7033
467	2296	2833	3508	4348	5284	6156	814	2604	3156	3972	4888	5818	7037
475	2300	2834	3512	4352	5288	6160	818	2608	3160	3976	4896	5819	7039
477	2304	2835	3516	4356	5292	6164							
479	2308	2836	3520	4360	5296	6168							
483	2312	2841	3524	4364	5316	6200							
487	2316	2892	3525	4376	5320	6204							
491	2320	2893	3536	4388	5324	6208							
496	2324	2895	3540	4392	5328	6212							
499	2328	2896	3544	4396	5332	6216							
503	2332	2897	3548	4400	5336	6220							
507	2336	2898	3552	4404	5340	6224							
BE2	2340	2899	3556	4408	5344	6228	CUSIP	Bond	Total	Amount			
519	2344	2900	3560	4412	5348	6232	Suffix	Numbers	Principal	Called			
523	2348	2901	3564	4416	5352	6236	BD4	R 61	\$ 5,000	\$ 5,000			
527	2352	2902	3568	4420	5356	6240	BL6	R 19	70,000	10,000			
531	2356	2908	3572	4436	5360	6244	BL6	R 20	70,000	10,000			
535	2360	2912	3576	4440	5368	6248	BL6	R 28	10,000	5,000			
539	2364	2916	3580	4444	5372	6252	BL6	R 29	100,000	35,000			
543	2368	2920	3584	4448	5376	6256	BL6	R 39	2,410,000	1,730,000			
547	2372	2924	3588	4452	5380	6260	BL6	R131	10,000	5,000			
551	2376	2928	3592	4460	5384	6264	BL6	R132	10,000	5,000			
555	2380	2931	3596	4464	5388	6268	BL6	R134	10,000	5,000			
561	2384	2952	3600	4468	5392	6272	BL6	R135	35,000	10,000			
BJ1	2388	2953	3604	4472	5396	6276	BL6	R144	20,000	5,000			
610	2392	2954	3608	4476	5400	6280	BL6	R147	10,000	5,000			
614	2396	2955	3612	4480	5404	6284	BL6	R148	10,000	5,000			
618	2400	2956	3616	4532	5408	6288							
622	2404	2957	3620	4536	5412	6292							
626	2408	2958	3624	4540	5416	6296							
630	2412	2960	3628	4552	5420	6300							
635	2416	2961	3632	4556	5424	6304							
638	2420	2962	3636	4664	5428	6308							
642	2424	2963	3652	4668	5432	6312							
646	2428	2976	3656	4672	5436	6316							
650	2432	2980	3660	4680	5440	6320							
654	2436	2990	3664	4684	5444	6324							
658	2440	2991	3668	4688	5448	6328							
662	2444	2992	3672	4692	5452	6332							
666	2448	3000	3676	4696	5456	6849							
670	2452	3004	3684	4700	5460	6853							
674	2456	3008	3685	4712	5464	6857							
678	2460	3012	3728	4716	5468	6861							
682	2467	3016	3732	4720	5476	6865							
686	2468	3020	3736	4724	5480	6869							
689	2472	3024	3740	4728	5484	6873							
694	2476	3028	3840	4732	5488	6877							
698	2480	3032	3844	4740	5492	6881							
702	2484	3036	3848	4744	5496	6885							
706	2488	3040	3852	4748	5500	6887							
710	2492	3044	3856	4752	5504	6933							
714	2496	3048	3865	4756	5508	6937							
718	2500	3052	3868	4760	5512	6941							
722	2504	3056	3872	4764	5516	6945							
726	2511	3060	3876	4772	5568	6949							
730	2512	3064	3880	4776	5572	6953							
734	2516	3068	3884	4780	5576	6957							
738	2520	3072	3888	4784	5580	6961							
742	2524	3076	3892	4788	5584	6965							
746	2528	3080	3896	4804	5588	6969							
750	2534	3084	3900	4808	5592	6973							
755	2536	3088	3904	4812	5596	6977							
758	2540	3092	3908	4816	5600	6981							
762	2544	3096	3909	4820	5604	6985							
766	2548	3117	3910	4824	5608	6993							
770	2552	3119	3911	4828	5612	6997							
773	2556	3120	3912	4836	5616	7001							
775	2560	3121	3913	4840	5620	7005							
778	2564	3122	3934	4844	5768	7006							
782	2568	3123	3936	4848	5769	7007							
786	2572	3124	3940	4852	5772	7008							
790	2576	3125	3944	4856	5776	7009							
796	2580	3126	3948	4860	5780	7013							
797	2584	3136	3952	4864	5784	7017							

The serial numbers of the registered bonds to be redeemed in whole or in part bearing CUSIP No. 815678 and Suffix and the principal amounts to be redeemed are as follows:

CUSIP Suffix	Bond Numbers	Total Principal	Amount Called
BD4	R 61	\$ 5,000	\$ 5,000
BL6	R 19	70,000	10,000
BL6	R 20	70,000	10,000
BL6	R 28	10,000	5,000
BL6	R 29	100,000	35,000
BL6	R 39	2,410,000	1,730,000
BL6	R131	10,000	5,000
BL6	R132	10,000	5,000
BL6	R134	10,000	5,000
BL6	R135	35,000	10,000
BL6	R144	20,000	5,000
BL6	R147	10,000	5,000
BL6	R148	10,000	5,000

Coupon bonds with the November 1, 1987 and all subsequent coupons attached and all registered bonds should be presented to the paying agent or co-paying agents at the following addresses:

Continental Illinois National Bank and Trust
Company of Chicago
Attention: Collection Division
231 S. LaSalle St., 16th Floor
Chicago, IL 60697

Morgan Guaranty Trust Company of New York
23 Wall St.
New York, NY 10015

Southwest National Bank of Wichita
P.O. Box 1401
Wichita, KS 67201

Coupons for May 1, 1987 should be detached and presented in the usual manner.

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

Dated March 31, 1987.

Continental Illinois National Bank and Trust Company of Chicago
Trustee for Sedgwick County, Kansas

Doc. No. 005211

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF HEARING
 ON PROPOSED
 ADMINISTRATIVE REGULATIONS**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Friday, April 24, in the SRS board room, 6th Floor, Docking State Office Building, Topeka.

The scheduled agenda includes:

- Public hearing concerning proposed temporary administrative regulations. A summary of the proposed regulations is set forth below. The proposed changes are scheduled to become effective May 1, 1987.
- Adoption of proposed temporary administrative regulations.

A. Public Assistance Program.

1. 30-4-54. Citizenship, alienage and residence. This regulation is being amended to:

- (a) Reflect several technical changes; and
- (b) provide that aliens who are granted permanent residence status pursuant to P.L. 99-603, the Immigration Reform and Control Act of 1986, shall be ineligible to receive assistance for a five-year period beginning on the date that the alien is granted temporary resident status.

2. 30-4-80. Eligibility factors specific to the ADC-FC program. This regulation is being amended to expand the ADC-FC program to include an otherwise eligible child who has been granted temporary or permanent residence under the provisions of P.L. 99-603, the Immigration Reform and Control Act of 1986.

3. 30-4-91. Eligibility factors specific to the transitional GA (TGA) program. This regulation is being amended to time limit TGA to one month in a 12-month period of time. This amendment reflects the same time limitation change that went into effect January 1, 1987.

4. 30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. This regulation is being amended to decrease the energy supplement contained in the basic standard from \$10 to \$5 per person. This amendment reflects the same change in standards that went into effect February 1, 1987. It is proposed that this temporary amendment will expire on July 1, 1987.

5. 30-4-102. Standards for children in foster care. This regulation is being amended to decrease the foster family care rate by 3.8 percent. This amendment reflects the same foster family care rate that went into effect January 1, 1987. It is proposed that this temporary amendment will expire July 1, 1987.

6. 30-4-111. Applicable income. This regulation is being amended to:

- (a) Adopt the \$75 earned income disregard provision for a stepparent or a parent of a minor parent who is employed part time; and
- (b) extend the income disregard provisions for a

stepparent or a parent of a minor parent to an alien who is a parent of an ADC child and who is excluded from the assistance plan due to the provisions of P.L. 99-603, the Immigration Reform and Control Act of 1986.

B. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement.

1. 30-5-70. Payment of medical expenses for eligible recipients. This regulation is being amended to limit the scope of services available to adult medikan recipients for the time period May 1, 1987 through June 30, 1987 to the following services. This is to extend the period of time until June 30, 1987 that services to medikan recipients will be limited to:

(A) Inpatient hospital services as set forth in K.A.R. 30-5-151, except that services shall be limited to \$225 per person per state fiscal year;

(B) physician office visits not to exceed eight visits per calendar year;

(C) community mental health center services as set forth in K.A.R. 30-5-154;

(D) home health services as set forth in K.A.R. 30-5-157;

(E) pharmacy services as set forth in K.A.R. 30-5-158;

(F) family planning services as set forth in K.A.R. 30-5-168; and

(G) partial hospitalization services as set forth in K.A.R. 30-5-169.

2. 30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to:

(a) Continue the provision that each general hospital shall be reimbursed with a quarterly premium and the methodology for computing the premium; and

(b) change the reimbursement methodology for outpatient hospital services from the lesser of reasonable costs or customary charges to the fee for comparable services rendered by non-hospital providers.

This amendment reflects the same limitations that went into effect January 1, 1987.

3. 30-5-83a. Reimbursement for ambulatory surgical centers. This regulation is being amended to delete the provision that the secretary shall negotiate a reimbursement rate. This amendment reflects the same changes that went into effect January 1, 1987.

4. 30-5-87a. Reimbursement for early and periodic screening, diagnosis and treatment (EPSDT). This regulation is being amended to delete the provision that the secretary shall negotiate a reimbursement rate. This amendment reflects the same changes that went into effect January 1, 1987.

5. 30-5-100. Scope of dental services. This regulation is being amended to eliminate services for non-EPSDT program participants. This amendment reflects the same changes that went into effect January 1, 1987.

6. 30-5-106a. Reimbursement for ambulance services. This regulation is being amended to delete subsection (a) which limits reimbursement to the base charge, a charge per mile, stand-by or waiting charges, and approved ancillary services. Reimbursement will continue on the basis of fees as related to customary

(continued)

charges. This amendment reflects the same changes that went into effect January 1, 1987.

C. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-54. Citizenship, alienage, and residence.

This regulation is being amended to:

(a) Provide that an alien who has been granted temporary or permanent residence status pursuant to P.L. 99-603, the Immigration Reform and Control Act of 1986, shall be regarded as meeting the citizenship and alienage requirement. This includes Cuban and Haitian entrants and aliens who have resided illegally in this country since January 1, 1982 on a continuous basis and who are aged, blind, disabled, less than age 18, or in need of emergency or pregnancy-related services; and

(b) provide that an otherwise eligible alien who does not qualify under the alienage requirements shall be eligible for emergency medical care pursuant to P.L. 99-509, the Omnibus Budget Reconciliation Act of 1986. This is limited to aliens who have an emergency medical condition (including emergency labor and delivery) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

2. 30-6-65. Automatic eligibles. This regulation is being amended to eliminate medical assistance for recipients of TGA. This amendment reflects the same change that went into effect January 1, 1987.

3. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to decrease the protected income level for two persons in independent living from \$450 to \$433. This amendment reflects the same change in the protected income level that went into effect February 1, 1987.

4. 30-6-111. Applicable income. This regulation is being amended to:

(a) Adopt the \$75 earned income disregard provision for a stepparent or a parent of a minor parent who is employed part time; and

(b) extend the income disregard provisions for a stepparent or a parent of a minor parent to an alien who is a parent of an ADC child and who is excluded from the assistance plan due to the provisions of P.L. 99-603, the Immigration Reform and Control Act of 1986.

The public is invited to this meeting.

ROBERT C. HARDER
Secretary of Social and
Rehabilitation Services

Doc. No. 005219

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.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, APRIL 20, 1987

#27055 Supplement

Statewide—ELECTRONIC PRINT/DISPLAY
CALCULATORS

#27606

University of Kansas Medical Center—UNIFORM
RENTAL SERVICE, Wichita

#27614

Statewide—HOSPITAL PHARMACY SYSTEMS
SOFTWARE

#68733

University of Kansas—PAPER, PRINTING AND
BINDING

#68746

Kansas State University—MILO

TUESDAY, APRIL 21, 1987

#A-5737

Fort Hays State University—PROVIDE ROOF
SYSTEM REPAIRS—PHASE V, Cunningham Hall

#27087

Statewide—TOOTHBRUSHES AND
TOOTHPASTE

#27615

University of Kansas—MAINTENANCE FOR IBM
TERMINALS AND PRINTER

#68020-A

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO INSTALL ARMORY
UNIT STORAGE SPACE ADDITIONS, Colby

#68697

Department of Transportation—WOVEN FENCE,
Olathe

#68703

Kansas Neurological Institute—PLAIN PAPER
COPIER

#68745

University of Kansas—LABORATORY EQUIPMENT

WEDNESDAY, APRIL 22, 1987

#68444-A

Kansas State University—METAL CABINETS AND
SINK TOPS

#68705

University of Kansas Medical Center—SALE OF
USED SNOW BLOWER

#68709

Kansas State University—TRANSFORMERS

#68710

Department of Transportation—SAND BLASTER,
Chanute

#68711

Department of Transportation—AIR COMPRESSOR,
Chanute

#68712

Wichita State University and University of Kansas
Medical Center—HARD DISKS/PRINTER

#68713
University of Kansas Medical Center—PAN/CAGE
WASHRACK, PAN/CAGE STORAGE RACK

#68723
University of Kansas Medical Center—FURNISH
ALL LABOR AND MATERIALS TO RENOVATE
FIRE ESCAPE STAIRS

#68724
Emporia State University—UNIT LOCKS

#68725
Department of Transportation—WASTE OIL
HEATERS, various locations

#68743
University of Kansas Medical Center—LAB
FLUOROMETER

#68744
University of Kansas Medical Center—LAB
FREEZER

THURSDAY, APRIL 23, 1987

#A-5603
University of Kansas—REROOF DESIGNATED
AREA, CENTRAL POWER PLANT FACILITY
BUILDING

#A-5661
Kansas Soldiers' Home—REROOF MAINTENANCE
BUILDING

#68475-A
Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
ROOMS

#68727
University of Kansas Medical Center—SURGICAL
INSTRUMENTS

#68737
University of Kansas Medical Center—LAB
EQUIPMENT

#68738
University of Kansas—MASS SPECTROMETER
SYSTEM

FRIDAY, APRIL 24, 1987

#27616
Department of Education—PRODUCTION OF
AUDIO VISUAL AND VIDEO PRESENTATIONS

#68735
University of Kansas—HPLC SYSTEM

#68736
University of Kansas Medical Center—
RADIOACTIVE SOURCE

#68739
Kansas Technical Institute—ELECTRONIC TEST
EQUIPMENT

#68740
Kansas State University—USED COMBINE,
Hutchinson

#68748
Department of Transportation—LAB CENTRIFUGE

#68750
Department of Transportation—TRAFFIC
CONTROL, Kansas City

#68751
Kansas State University—TRACTOR

#68754
University of Kansas Medical Center—FURNISH
ALL LABOR AND MATERIALS TO CHANGE
SEALS IN PUMPS AND INSTALL FLOW
CONTROL DEVICES

#68755
Department of Revenue—BLANKING DIE, Wichita

#68756
University of Kansas—LOCK SYSTEMS
MONDAY, APRIL 27, 1987

#68714
Pittsburg State University—REPAIRS TO
MASONRY WALLS, east campus apartment buildings
1 and 2

#68715
Department of Transportation—SEALANT CRACK,
HOT APPLIED

#68716
Department of Transportation—PLANT MIX,
BITUMINOUS MIXTURE, COMMERCIAL GRADE,
Lyon County

TUESDAY, APRIL 28, 1987

#68742
Adjutant General's Department—AB-3
AGGREGATE

FRIDAY, MAY 15, 1987

#27620
Department of Administration, Division of
Printing—ELECTRONIC TYPESETTING SYSTEM

THURSDAY, MAY 28, 1987

#68726
Department of Administration, Bureau of
Telecommunications—TELECOMMUNICATIONS
SYSTEM, Olathe

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005218

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. April 16, 1987, and then publicly opened:

DISTRICT FOUR—Southeast

Elk—160-25 M-1470-01—U.S. 160, 1.8 miles east of the east city limits of Elk Falls, then east, slide repair. (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 because 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

(continued)

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

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005171

State of Kansas
DEPARTMENT OF HUMAN RESOURCES

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1987)

Article 21.—PROCEDURES

49-21-1. Filing of complaints. (a) Any complainant may file a claim, stating the details of the alleged nonpayment of earned wages, on official forms of the division of labor-management relations and employment standards. Any claim or claims filed by an attorney on behalf of the employee or employees shall constitute a proper filing.

(b) An assignment of the complainant's claim and an agreement to settle the claim with the employer shall be accepted from the complainant. That assignment shall take effect only after the claim is determined to be valid and after an amount owed, including damages if applicable, has been determined.

(c) There shall be no limit on the amount of claim in trust that may be accepted by the secretary of human resources.

(d) A fee for each claim in trust assigned to the Kansas department of human resources shall be collected by the secretary or the secretary's designee for enforcement of the claim. The fee shall be charged on the basis of the amount of wages found due and owing the employee, exclusive of penalties and interest, as follows:

Amount of claims for wages	Fee
\$200.00 or less	\$1.00
More than \$200.00, but less than or equal to \$500.00	\$2.00
More than \$500.00, but less than or equal to \$1,000.00	\$5.00
More than \$1,000.00	\$10.00

(Authorized by K.S.A. 44-325; implementing K.S.A. 44-324; effective E-73-23, July 7, 1973; effective Jan. 1, 1974; amended, E-78-38, Dec. 29, 1977; amended May 1, 1978; amended May 1, 1983; amended May 1, 1987.)

Article 45.—BOILER SPECIFICATIONS
AND INSPECTIONS

49-45-1. Power boilers. Section I of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-2. Material specifications: part A—ferrous materials; boilers. Section II, part A of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-3. Material specifications: part B—nonferrous materials; boilers. Section II, part B of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-4. Material specifications: part C—welding rods, electrodes and filler metals; boilers. Section II, part C of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-5. Heating boilers. Section IV of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-6. Nondestructive examination. Section V of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-7. Rules for care and operation of heating boilers. Section VI of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978;

effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-8. Rules for care of power boilers. Section VII of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-9. Welding and brazing qualifications. Section IX of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-10. Nuclear power plant components, general requirements. Section III of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-11. Nuclear power plant, class 1 components. Section III, division 1, subsection NB-class 1 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-12. Nuclear power plant, class 2 components. Section III, division 1, subsection NC-class 2 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-13. Nuclear power plant, class 3 components. Section III, division 1, subsection ND-class 3 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-14. Nuclear power plant, class MC components. Section III, division 1, subsection NC-class MC components of the American society of mechanical

engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-15. Nuclear power plant component supports. Section III, division 1, subsection NF-component supports of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-16. Nuclear power plant, core support structures. Section III, division 1, subsection NG-core support structures of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-17. Appendices. Section III, division 1, appendices of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-18. Nuclear power plant, code for concrete reactor vessels and containments. Section III, division 2, code for concrete reactor vessels and containments of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-19. Rules for inservice inspection of nuclear power plant components, division 1. Section XI of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1986 edition, published July 1, 1986, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-20. Inspection code. The national board inspection code, an American national standard, published January 1985, by the national board of boiler and pressure vessel inspectors, is hereby adopted by reference. (Authorized by and implementing K.S.A.

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1985 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984; amended May 1, 1987.)

49-45-21. Prevention of furnace explosions in fuel-oil and natural gas-fired single burner boiler-furnaces. Section 85-A-1982, volume 3 of the national fire codes, published 1983 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-22. Prevention of furnace explosions in natural gas-fired multiple burner boiler-furnaces. Section 85-B-1984, volume 3 of the national fire codes, published 1985 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-23. Prevention of furnace explosions in fuel oil-fired multiple burner boiler-furnaces. Section 85-B-1984, volume 3 of the national fire codes, published 1985 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-24. Prevention of furnace explosions in pulverized coal-fired multiple burner boiler-furnaces. Section 85-E-1980, volume 3 of the national fire codes, published 1985 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-25. Installation and operation of pulverized fuel systems. Section 85-F-1982, volume 3 of the national fire codes, published 1985 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-26. Prevention of furnace implosions in multiple burner boiler-furnaces. Section 85-G-1982, volume 3 of the national fire codes, published 1985 by the national fire protection association (N.F.P.A.), are hereby adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1984; amended May 1, 1987.)

49-45-27. ANSI-ASME CSD-1 controls and safety devices for automatically fired boilers. 1982 edition and addenda, effective December 31, 1986, is adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45-28. ANSI-ASME B31.1 power piping (ASME^{PT} code for pressure piping) 1983 edition and addenda, effective December 31, 1986, is adopted by reference. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 45a.—DEFINITIONS

49-45a-1. "ANSI" means the American national

standards institute. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-2. "ASME" means the American society of mechanical engineers, united engineering center, 345 east 47th street, New York, New York 10017. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-3. "Hot water heating boiler" means a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig or a temperature of 250°F (120°C) at or near the boiler outlet. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-4. "Hot water supply boiler" means a boiler completely filled with water that furnishes hot water, to be used externally, at pressures not exceeding 160 psig or at temperatures not exceeding 250°F (120°C) at or near the boiler outlet. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-5. "Column, fluid relief" means piping that is connected to the top of a hot water heating boiler, providing for the thermal expansion of water. The piping connects to either an open or a closed expansion tank. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-6. "Make-up water" means water introduced into the boiler to replace that lost or removed from the system. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-7. "PSIG" means pounds per square inch gauge. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-8. "Reinstalled boiler" means a boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-9. "Repair" means work necessary to return a boiler to a safe and satisfactory operating condition without changing the original design. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-10. "Major repair" means a repair upon which the strength of a boiler will depend. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-11. "Alteration" means any change in the item described on the original manufacturer's data report which affects the pressure-containing capability of the boiler or pressure vessel. Nonphysical changes, including an increase in the maximum allowable internal or external working pressure or the design temperature of a boiler or pressure vessel, shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are

required shall also be considered an alteration. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-12. "Secondhand boiler" means a boiler which has changed both location and ownership since initial use. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-13. "Standard boiler" means a boiler which bears the stamp of this state, the ASME stamp, both the ASME and national board stamp, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by these rules. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-14. "National board" means national board of boiler and pressure vessel inspectors, whose membership is composed of the chief inspectors of each jurisdiction charged with the administration and enforcement of the provisions of the ASME code. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-15. "National board inspection code" means the manual for boiler and pressure vessel inspectors published by the national board as an American national standard (ANSI/NB-23). (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-16. "Chief inspector" means the state of Kansas department of human resources chief state boiler inspector. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-17. "Non-standard boiler" means a boiler that does not bear the ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by these rules. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-18. "Secretary" means the secretary of the Kansas department of human resources. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-19. "T & P relief" means the temperature and pressure relief valve designed for use on storage water heaters. The temperature and pressure relief valve must actuate on pressure and in all instances at temperatures not exceeding 210°F. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-20. "Lap-seam crack" means a crack found in lap-seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-21. "Water gauge glass" means a glass-enclosed visible indicator of the water level in a boiler. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-22. "Owner or user" means any person,

firm or corporation subject to the provisions of the Kansas boiler safety act and responsible for the safe operation of any boiler within this state. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-23. "Authorized inspection agency" means one of the following: (a) A department or division established by a government jurisdiction which has adopted one or more sections of the ASME code and whose chief inspector holds a valid commission issued by the national board of boiler and pressure vessel inspectors; or

(b) An inspection agency of an insurance company which is authorized to insure and is insuring boilers and pressure vessels in those jurisdictions which have examined the agency inspectors' qualifications to represent that jurisdiction, resulting in the issuance of a valid certificate of competency to the inspector by the national board of boiler and pressure vessel inspectors. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-24. "The act" means Kansas boiler safety act and rules and regulations pertaining to the laws of boiler safety. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-25. "Low pressure heating boiler" means a steam or vapor boiler operating at pressures not exceeding 15 pounds per square inch gauge or a hot water boiler operating at pressures not exceeding 160 pounds per square inch gauge or temperatures not exceeding 250°F. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-26. "High pressure, high temperature water boiler" means a water boiler operating at pressures exceeding 160 pounds per square inch gauge or temperature exceeding 250°F. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-45a-27. "High pressure power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 pounds per square inch gauge. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 47.—INSPECTORS

49-47-2. Application of state serial numbers. (a) Upon completion of the installation of a new boiler or at the time of the initial certificate inspection of an existing installation, each boiler shall be stamped by the inspector with a serial number of the State, consisting of letters and figures to be not less than 5/16 inch in height and arranged as follows:

High Pressure KS 1,000
Low Pressure KS 1,000 H

(b) All cast iron and low pressure heating boilers shall have securely attached to the water column, or gauge or other appliance of the boiler, a corrosion resistant metal tag on which is stamped the serial number of the State. The tag shall be not less than one

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inch by four inches in size. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-924; effective May 1, 1987.)

Article 49.—FEE SCHEDULE FOR BOILER INSPECTIONS

49-49-1. (a) Inspection fees:

(1) Power boilers and high pressure, high temperature water boilers:

Mini-boilers	\$20.00
Boilers of 50 sq. ft. of heating surface or less	\$35.00
Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface	\$40.00
Boilers of 4,000 sq. ft. of heating surface or more and less than 10,000 sq. ft. of heating surface	\$45.00
Boilers of 10,000 sq. ft. of heating surface or more	\$55.00

(2) Heating boilers:

Heating boilers without a manhole	\$17.00
Heating boilers with a manhole	\$20.00
Hot water supply boilers	\$15.00

(3) External inspections: (Power Boilers)

Boilers of 50 sq. ft. of heating surface or less	\$12.00
Boilers over 50 sq. ft. of heating surface	\$15.00

(4) Hydrostatic tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler shall be charged.

(5) All other inspections, including shop inspections, shop reviews, special inspections and inspections of secondhand or used boilers, when made by the chief or deputy inspector shall be charged a fee of \$250.00 per day, plus all expenses, including travel and hotel expenses. Any inspection that requires less than ½ day to complete shall be charged not less than \$125.00, plus expenses.

(b) Certificate fee. The certificate fee shall be \$15.00. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 1985 Supp. 44-926; effective, T-83-41, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

49-49-2. Failure to pay fees. (a) An inspection certificate shall not be issued or a certificate issued at the time of inspection shall be cancelled if the owner or user fails to pay the proper inspection fee.

(b) The appropriate county or district attorney shall be notified by the secretary of any boiler that is operated in violation of the act. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-925, effective May 1, 1987.)

Article 50.—GENERAL REQUIREMENTS FOR ALL BOILERS

49-50-1. Major repair to boilers. (a) Boiler repairs or alterations shall be made in such a manner that the boiler conforms to original specifications. Any repairs or alterations not covered by this regulation shall be subject to the requirements for new construction.

(b) Welding.

(1) Repairs or alterations by fusion welding shall be approved by an authorized inspector prior to beginning the work. All welding repairs or alterations shall be made in accordance with the "Repairs and Alter-

ations to Boilers and Pressure Vessels by Welding," chapter III, national board inspection code (1985).

(2) All welding shall be done by:

(A) an organization holding the applicable ASME certificate of authorization or the national board "R" or "NR" stamp; or

(B) an owner or user who has demonstrated to the satisfaction of the chief state boiler inspector that:

(i) the owner or user maintains an acceptable quality control system;

(ii) welding work completed by the owner or user is in compliance with ASME standards for welding;

(iii) prior to the welding operations, the owner or user has assured that all welders are qualified by compliance with ASME standards; and

(iv) the owner or user has notified the applicable insurance company boiler inspector or state boiler inspector prior to doing any welding.

The organization performing the repair shall be responsible for filing the national board's repair or alteration form with the office of the chief state boiler inspector.

(c) Each welder or welding operator shall qualify for each welding process used in the repair or alteration of a boiler. The qualifications for welder's shall be those established in section IX of the ASME code and by a qualified welding procedure specification of the organization making the repair or alteration.

(d) Each organization making repairs or alterations under this regulation shall list the parameters applicable to welding that are to be performed in the welding procedure specification (WPS) documents. The documents shall have been qualified by the organization as required by the applicable section of the ASME code. The organization shall qualify its WPS by the welding of test coupons, the testing of specimens, and recording the welding data and test results in its procedure qualification record (PQR) document.

(e)(1) The organization making the repair or alteration shall adopt specific procedures for performing welding operations in the shop or the field. The procedure specification shall comply with the requirements of section IX of the ASME code which has been adopted by reference within these regulations.

(2) The procedure specifications shall be written, and shall provide all pertinent details about the methods and procedure to be used, including:

(A) the type of electrode or rod to be used;

(B) the shape of the welding groove;

(C) the number and sequence of the beads;

(D) the manner in which slag is to be cleaned;

(E) peening and current characteristics, if electric welding; and

(F) if gas welding, the size of the tip, the nature of the flame and whether a forehand or backhand technique is to be used.

(3) The procedure specification shall ensure that weld metal and welded joints comply with the characteristics required by section IX of the ASME code.

(4) A test demonstrating the sufficiency of the procedure specification shall be witnessed by the inspector, or authentic evidence documenting the suffi-

ciency of the specifications shall be provided to the inspector.

(f) The material used for patches shall be of the same general quality and shall have, at least, the minimum physical properties of the plate to be patched. The thickness of any patch shall be at least equal to; but not more than, $\frac{1}{8}$ inch greater than the plate being patched. Flush or butt-welded patches in unstayed shells, drums, or headers shall be radiographed and stress-relieved to conform to the requirements of the national board inspection code, chapter III (1985). (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-2. Combustion air supply and ventilation of boiler room. (a) Two permanent sources of outside air shall be provided for each boiler room to permit satisfactory combustion of the fuel as well as proper ventilation of the boiler room under normal operating conditions.

The permanent sources of outside air shall be located at opposite ends of the boiler room. One opening shall be 12 inches above floor level and one opening shall be 12 inches below ceiling level. The opening 12 inches below ceiling level shall be at least $\frac{1}{3}$ of the area of the lower opening. The size of the lower opening shall not be less than is required in subsection (b) below.

(b) The total requirements of the burners in the boiler room shall be used to determine the louver sizes, whether fired by coal, oil or gas. However, the minimum net free-louvered area of the lower opening shall not be less than one square foot. The following table or formula shall be used to determine the net louvered area of the lower opening in square feet:

INPUT BTU/Hour	REQUIRED AIR CU/FT/MIN.	MIN. NET LOUVERED AREA SQ. FT.
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3
5,000,000	1,250	4.1
6,000,000	1,500	5.0
7,000,000	1,750	5.8
8,000,000	2,000	6.6
9,000,000	2,250	7.5
10,000,000	2,500	8.3

(BTU/HR: 10,000) x 2.5 CFM per sq. ft. of net reg. area)

(c) When mechanical ventilation is used in lieu of subsection (b) requirements, the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than that shown in subsection (b) above. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-3. Boiler combustion chamber vents. Each boiler shall be equipped with vents to convey the products of combustion safely from the boiler furnace to the outside atmosphere. Flue piping, draft hoods,

draft diverters and chimney connections shall be installed according to the boiler manufacturer's instructions and the provisions of the national fire codes, NFPA 31, volume 1 and NFPA 54, volume 2, effective on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-4. Cross-connection control. (a) A person shall not install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution of the domestic water supply. The equipment or mechanism may be permitted only when equipped with an approved backflow prevention device.

(b) Each backflow prevention device installed in a potable water supply system shall be maintained in good working condition by the person or persons having control of the device. The devices may be inspected or authorized inspectors and, if found to be defective or inoperative, shall be repaired or replaced as directed by the inspector. Any device shall not be removed from use or relocated or another device substituted without formal notification to the office of the responsible authorized inspection agency.

(c) Potable water piping shall not be installed or maintained within any piping or device conveying sewage, wastes or other materials hazardous to health and safety.

(d) Steam and steam boiler connections shall be protected by an approved backflow prevention device as set forth in subsection (e) of this section.

(e) Non-potable water piping. If it is impractical to correct individual cross-connections on the domestic water line, the line supplying such outlets shall be considered a non-potable water line. Drinking or domestic water outlets shall not be connected to the non-potable water line. Backflow or back-siphonage from the non-potable water line into the domestic water line shall be prevented by the installation of a gravity tank or by a tank having a pump designated for non-potable water. The domestic water inlets to the non-potable water tank shall have an approved air gap as specified within the ASME code in effect on January 1, 1987. Where it is impractical to install such a tank, an approved pressure-type backflow or back-siphonage prevention device shall be installed as follows:

(1) Where reverse flow is possible only as a result of gravity or a vacuum within the line, an approved pressure-type vacuum breaker unit or other approved backflow prevention device shall be installed in the supply line.

(2) Each pressure-type vacuum breaker unit shall be installed at a height of at least 12 inches (.3m) above the highest tank, equipment or other point at which the non-potable water is used. Other approved backflow prevention devices shall be installed in a manner satisfactory to the responsible authorized inspection agency, but in no case less than 12 inches (.3m) above the surrounding ground or floor.

(3) Where backflow can occur (creating a higher pressure in the non-potable water line), an approved

(continued)

backflow prevention device shall be installed in the supply line. The backflow prevention device shall be installed at least 12 inches (.3m) above the surrounding ground or floor.

(f) Whenever possible, all portions of the non-potable water line shall be exposed and all exposed portions shall be properly identified in a manner satisfactory to the responsible authorized inspection agency. Each outlet on the non-potable water line which could be used for drinking or domestic purposes shall be posted with the following sign: DANGER—WATER UNSAFE.

(g) An approved backflow prevention device shall conform to the requirements of the American society of sanitary engineering code as in effect on December 31, 1986. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-5. Excessive water pressure control for hot water supply systems. When local water pressure is in excess of 80 pounds per square inch (55.2kPa), an approved pressure-type regulator preceded by an adequate strainer shall be installed and the pressure shall be reduced to 80 pounds per square inch (55.2kPa) or less. Potable water systems, up to and including 1 ½ inch (31.1mm) regulators, shall be constructed to prevent pressure, on the building side of the regulator, from exceeding the main supply pressure. Approved regulators with integral by-passes shall be acceptable. Each regulator and strainer shall be in an accessible location. The strainer shall be readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on 80 percent of the reduced pressure. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-6. Hydrostatic pressure tests and inspection.

(a) When there is doubt as to the extent of a defect or determination found in a pressure vessel, a pressure test may be required by the inspector. A pressure test shall not be required as part of a normal periodic inspection. A test shall be required when:

(1) Forms of deterioration are found that could affect the safety of a vessel; or

(2) After major repairs are completed.

(b) Pressure test considerations are as follows:

(1) To determine tightness, the test pressure need be no greater than the set pressure of the safety valve having the lowest setting.

(2) The pressure test should not exceed 1½ times the maximum allowable working pressure, as adjusted for temperature. When the original test pressure included consideration of corrosion allowance, the test pressure may be further adjusted based on the remaining corrosion allowance.

(3) If the test pressure will exceed the set pressure of the safety valve having the lowest setting, the safety relief valve or valves shall be removed during the test or each disc be held down by means of a test clamp and not by applying additional load to the valve spring by turning compression screw.

(4) The temperature of the water used to apply a

hydrostatic test shall not be less than 70°F (21°C) unless the owner provides information on the toughness characteristics of the vessel material to indicate the acceptability of a lower test temperature.

(5) When contamination of the vessel contents by any other medium is prohibited or when a hydrostatic test is not possible, other testing media may be used if the precautionary requirements of the applicable section of the ASME code are followed. In such cases, there shall be agreement as to the testing procedure between the owner and the inspector.

(c) Record review. Any boiler log, record of maintenance, corrosion rate record or any other examination results shall be reviewed by the inspector. The owner or user shall consult with the inspector regarding repairs, if any, made since the last internal inspection. Records of the repairs shall be reviewed for compliance with applicable requirements.

(d) Conclusions. Any defects or deficiencies in condition, maintenance practices or misuse of the boiler shall be discussed by the inspector and owner, and if necessary, corrective action shall be taken. All repairs shall be carried out in accordance with the requirements of chapter III of the national board inspection code for 1985 and any addenda effective on January 1, 1987. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 1985 Supp. 44-916 and K.S.A. 44-923; effective May 1, 1987.)

49-50-7. Boiler blowoff equipment; general rules.

(a) The blowdown from a boiler or boilers that enters a sanitary sewer system or blowdown which is considered a hazard to life or property shall pass through some form of blowoff equipment that will reduce pressure and temperature as required by this regulation.

(b) The temperature of the water leaving the blowoff equipment shall not exceed 150°F.

(c) The pressure of the blowdown leaving any type of blowoff equipment shall not exceed 5 psig.

(d) The blowoff piping and fitting between the boiler and boilers and the blowoff tank or tanks shall comply with paragraphs PG-58 and PG-59 of the ASME boiler and pressure vessel code, section I as in effect on January 1, 1987. Blowdown piping shall not be galvanized.

(e) All blowoff tank construction shall comply with ASME pressure vessel code, section VIII (division 1) and all materials used in the fabrication of boiler blowoff equipment shall comply with material section II of the ASME boiler and pressure vessel code as in effect on January 1, 1987.

(f) When a steam separator is used, it shall be designed to withstand at least twice the operating pressure of the separator. The steam separator shall be equipped with a vent, an inlet and outlet and a pressure gauge.

(g) All blowoff equipment shall be fitted with openings to facilitate cleaning and inspection.

(h) A copy of the rules for the design, construction and arrangement of boiler blowoff equipment as referred to in subsection (d) and (e) above are supplemental to the national board inspection code and may be obtained from the national board of boiler and

pressure vessel inspectors, 1055 Crupper avenue, Columbus, Ohio 43229, or from the chief boiler inspector for this state. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective, May 1, 1987.)

49-50-8. Piping system. (a) Piping connected to the outlet of a boiler shall be attached by one of the following methods:

- (1) Screwing into a tapped opening with a screwed fitting or a valve at the other end;
- (2) screwing each end into tapered flanges, fittings, or valves with or without rolling or peening;
- (3) bolted joints, including those of the van stone type; or
- (4) expanding into grooved holes, seal welded, if desired.

(b) Pipe which is expanded, rolled, or peened shall be made from open-hearth or electric-furnace steel. Blowoff piping of fire-tube boilers that is exposed to products of combustion shall be attached by the method in paragraph (a)(1). The attachment methods in paragraphs (a), (2), (3) or (4) may be used for blowoff piping of fire-tube boilers that is not exposed to combustion products. Fusion welding may be used for sealing purposes at the junction of bolted joints.

(c) Welding may be used to attach piping to nozzles or fittings if the rules adopted for fusion welding or forge welding at K.A.R. 49-50-1(b)(1) are followed. All welded piping that is external to the boiler, from the boiler out to the first stop valve, in a single installation, and out to the second stop valve when two or more boilers with manholes are connected to a common steam or high temperature water main or header, shall be installed by a manufacturer or contractor authorized to use any one of the American society of mechanical engineers code symbol stamps for pressure piping ("PP"), power boilers ("S"), or assembly stamp ("A"). The piping or fittings that are adjacent to the welded joint farthest from the boiler shall be stamped with the pressure piping, power boiler or assembly code symbol stamp of the american society of mechanical engineers when approved by the inspector.

(d) Power boiler piping shall be inspected in all segments of the system carrying substantially the same pressures and temperature encountered in the boiler. The piping shall be inspected to the extent necessary to assure compliance with engineering design, material specifications, fabrication, assembly and test requirements of section I, 1986 ASME power boiler code (published July 1, 1986) for the piping between the boiler and the first stop valve in a single boiler installation, or the second stop valve in a multiple boiler installation. Power piping beyond these limits shall be installed as required by ANSI-ASME B31.1, as in effect on January 1, 1987.

(e) When welded assembly is used, the contractor who welded the pipe shall present welding procedure specification and proof of the welders' qualifications to the inspector for review. The contractor shall be responsible for the quality of the welding performed by the contractor's organization.

(f) Visual inspection of welding performed by qualified welders shall be deemed sufficient unless codes

or engineering specifications state otherwise or unless the inspector wishes to augment this visual inspection with other non-destructive tests including radiography. All tests or retests required by the inspector shall be at the owner's or contractor's expense:

(g) Signed certification of the contractor regarding satisfactory hydrostatic tests performed on piping may be accepted by the inspector. Such tests may be required by the inspector to be performed in the inspector's presence.

(h) Heating boiler piping shall be inspected in all segments of the piping system carrying substantially the same pressure and temperatures as the boiler. The piping shall be inspected to the extent necessary to insure good fitup, assembly, tightness and support of the system. Welded joints shall be visually inspected for soundness of the weld and freedom from undercutting, cracking and other surface imperfections.

(i) Hot water supply boiler installations shall be inspected for conformance with section IV, 1986 ASME heating boiler code published July 1, 1986. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-9. Notification of inspection requirements.

(a) A certificate inspection shall be carried out prior to the expiration date of the certificate. Internal certificate inspections shall be scheduled in advance by the inspector. External inspections may be performed by the inspector during normal business hours without prior notification to the owner or user.

(b) An internal inspection, appropriate pressure test or both may be requested by the inspector when an external inspection or determination by other objective means indicates that continued operation of the boiler constitutes a menace to public safety. In such instances, the owner or user shall prepare the boiler for such inspections, tests or both as the inspector designates.

(c) Inspections of boilers. All boilers not exempted by the act, and which are subject to regular inspections, shall be prepared for inspection as required in subsection (d).

(d) Preparation for inspections. The owner or user shall prepare each boiler for inspection. The owner or user shall prepare for and apply a hydrostatic pressure test on the date arranged by the inspector. The date shall not be less than seven days after the date of notification. The owner or user shall prepare a boiler for internal inspection in the following manner:

(1) Water shall be drawn off and the boiler shall be washed thoroughly.

(2) The manhole and handhole plates, washout plugs and inspection plugs in water column connections shall be removed as required by the inspector. The furnace and combustion chambers shall be cooled and thoroughly cleaned.

(3) All grates of internally fired boilers shall be removed.

(4) Insulation or brickwork shall be removed as required by the inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts.

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(5) The pressure gauge shall be removed for testing, as required by the inspector.

(6) Any leakage or steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve at the most convenient point or by any other appropriate means approved by the inspector.

(7) The nonreturn and steam stop valves shall be closed, tagged, and preferably padlocked, and the valves drained or the cocks between the two valves opened. Before opening the manhole or handhole covers and entering any part of the steam-generating unit connected to a common header with other boilers, the feed valves shall be closed, tagged, and preferably padlocked, and the valves drained or the cocks located between the two valves opened. After draining the boiler, the blowoff valves shall be closed, tagged and preferably padlocked. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened.

(e) Boilers improperly prepared for inspection. If a boiler has not been properly prepared for an internal inspection or if the owner or user has failed to comply with the requirements for a pressure test as set forth in these rules, the inspection or test may be postponed and the inspection certificate shall be withheld or the right to operate revoked until the owner or user complies with the requirements.

(f) Removal of covering to permit inspection. If the boiler is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, sufficient jacketing, setting wall, or other form of casting or housing shall be removed to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler, if such information cannot be determined by other means.

(g) Lap-seam crack. If a lap-seam crack is discovered along a longitudinal riveted joint in the shell or drum of a boiler, use of that shell or drum shall be immediately discontinued. Patching shall be prohibited. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 1985 Supp. 44-916 and K.S.A. 44-923; effective May 1, 1987.)

49-50-10. Safety valve repair. (a) All national board capacity-certified ASME code section I, "V" stamped safety valves that are repaired shall be repaired in accordance with the national board of boiler and pressure vessel inspectors "VR" program (1985 edition, national board publication no. NB-65, rev. 5). The repairs shall be performed by an organization in possession of a "VR" certificate of authorization issued by the national board of boiler and pressure vessel inspectors.

(b) Repair of a safety valve or safety relief valve is considered to be the replacement, remachining or cleaning of any critical part, lapping of the seat and disc or any other operation which may affect the flow pressure, capacity, function or pressure-retaining integrity of the valve. Disassembly, reassembly and/or adjustments which affect the safety valve or safety relief valve function are considered repairs.

(c) The initial installation, testing and adjustments of a new safety valve or a safety relief valve on a boiler

or pressure vessel shall not be considered a repair if made by the manufacturer or assembler of the valve.

(d) The secretary may authorize properly trained and qualified employees of boiler users or their designees to make adjustments to set pressure and/or blowdown to safety valves or safety relief valves owned by them provided the adjusted settings and/or capacities and the date of the adjustment are recorded on a metal tag secured to the seal wire. After external adjustment the valve shall be resealed showing the identification of the organization making the adjustments. Valves intended for steam service shall be tested on steam. Valves intended for air or gas service shall be tested on air or gas. ASME code section IV "HV" and "V" stamped safety valves and relief valves designed for use on low pressure boilers shall only be repaired by the original manufacturer. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-11. Condemned boilers. Any boiler that is inspected and declared unfit for further service by the chief inspector or deputy inspector shall be stamped by the inspector with an arrowhead stamp having an overall length of ½ inch and width of ⅜ inch on either side of the letters "XXX" and the letters of the state, as shown by the following facsimile: XXX KXXX. Condemned boilers shall be immediately taken out of service by shutting off the boiler's source of energy, followed by total disconnection of gas, electrical and system piping. Any person, firm, partnership, or corporation installing or using a condemned boiler within this state shall be subject to the penalties provided by K.S.A. 44-925. (Authorized by K.S.A. 1985 Supp. 44-916; implementing 44-925; effective May 1, 1987.)

49-50-12. Reinstalled boiler. When a stationary boiler is moved and reinstalled, it shall be subject to immediate certification inspection upon reinstallation. The owner or user shall notify the chief inspector of the boiler's reinstallation. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-917; effective May 1, 1987.)

49-50-13. Reinstalled boiler at same location. If a boiler located in this state is moved for temporary use or repair, it shall be subject to immediate certification inspection upon reinstallation. The owner or user shall notify the chief inspector of the boiler's reinstallation. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-917; effective May 1, 1987.)

49-50-14. Shipment of nonstandard boilers into the state. Shipment of nonstandard, nonexempt boilers into this state for use is prohibited unless a special installation and operating permit has been granted by the secretary or the secretary's designee. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-917; effective May 1, 1987.)

49-50-15. Installation of used or secondhand boilers. A used or secondhand boiler may be shipped for installation in this state only following an inspection by an inspector qualified by an examination equal to that required by this state or by an inspector holding a national board commission. Data submitted by the

inspector shall be filed by the owner or user of the boiler with the chief inspector of this state for the chief inspector's approval. The boilers, when installed in the state, shall be subject to inspection and safety codes as set forth in these rules and regulations. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-923; effective May 1, 1987.)

49-50-16. Working pressure for existing installations. (a) The working pressure on any existing installation may be decreased by the inspector if the boiler condition warrants it.

(b) If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the secretary who may request a joint inspection by the chief inspector and the deputy inspector or special inspector. Each inspector shall render a report to the secretary. The secretary shall render the final decision, based upon the data contained in the inspector's reports. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 1985 Supp. 44-916 and K.S.A. 44-928; effective May 1, 1987.)

49-50-17. Steam cleaners or hot water power washers. (a) A steam cleaner or hot water power washer shall be subject to the boiler safety act and these rules and regulations when any of the following limitations are exceeded:

- (1) The tubing or pipe size equals three-fourths inch diameter with no drums or headers attached;
- (2) nominal water containing capacity exceeds six gallons;
- (3) the water temperature exceeds 200°F;
- (4) steam is not generated within the coil; or
- (5) the BTU input per hour exceeds 200,000.

(b) A steam cleaner or hot water power washer which does not exceed any of the above limitations shall be exempt from these rules and the boiler safety act if equipped with adequate controls and with ASME national board approved safety or relief valves. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-915; effective May 1, 1987.)

49-50-18. Minimum construction standards for all boilers. (a) Each new boiler installed for operation in this state, unless otherwise exempt, shall be designed, constructed, inspected, stamped and installed in accordance with the applicable ASME code and addenda thereto effective on January 1, 1987, and these rules and regulations. Each boiler shall bear the manufacturer's NB number as registered with the national board. A copy of the manufacturer's data report, signed by the manufacturer's representative and the national board-commissioned inspector shall be filed with the chief inspector through the national board of boiler and pressure vessel inspectors.

(b) State special. If a boiler cannot bear the ASME and national board stamping, details of the proposed construction material specifications and calculations shall be submitted to the chief inspector by the owner and user and approval as a "state special" shall be obtained before construction is started. Design drawings and calculations shall be certified by a professional engineer currently registered in the state of Kansas. A "state special" boiler shall be constructed

and inspected as required by the 1985 national board inspection code, appendix B. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-19. Combustion safeguards and waterside control appurtenances. (a) Each automatically fired boiler shall be protected against the peril of low water, furnace explosion, overpressure and overtemperature by equipping the boiler with controls and safety devices in accordance with the requirements of ANSI-ASME CSD-1 in effect on January 1, 1987. ANSI-ASME CSD-1 shall apply to new installations, used or second hand boilers, boilers moved and relocated, retro-fitting of any boiler system having experienced incidental failure of its control equipment and to major alternations of existing installations.

(b) To implement the provisions of ANSI-ASME CSD-1, manufacturers of new boilers shall provide documentation to installing contractors verifying that the boiler was constructed in compliance with CSD-1, Part CG-510. The testing and maintenance instructions obtained by the installing contractor and presented to the boiler owner or user shall be filed with the installation report and made available to the inspector upon request.

(c) Combustion and waterside safeties for boilers with burner inputs which exceed the 12,500,000 BTU/HR input limit of CSD-1 shall comply with all applicable ASME and NFPA standards in effect on January 1, 1987. Applicable flame safeguard requirements for the prevention of furnace explosions are set forth in volume 3 of the national fire code, section 85-A, 85-B, 85-D, 85-E, 85-F and 85-G.

(d) Each owner or user of boilers using flame safeguard equipment shall document results of combustion safety testing. The frequency of testing shall be in accordance with the equipment manufacturer's recommendations but shall be conducted at least upon the initial start-up and shut-down of the boiler. An inspection and maintenance schedule shall be established and performed to comply with the boiler and combustion system manufacturer's recommendations. Documentation relative to the above testing shall be kept on permanent file at the boiler location and shall be made available to the authorized inspector upon request. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-50-20. New boilers, new boiler rooms and boiler clearances. (a) Each owner and user of a new boiler shall be responsible for notifying the office of the chief inspector within 72 hours of a boiler installation. Each new boiler shall be inspected at the time of installation by an inspector duly commissioned in accordance with K.S.A. 44-918 through K.S.A. 44-922.

(b) Each new boiler having an external width of over 36 inches shall have not less than 18 inches clearance between the bottom of the boiler and the floor line, with access for inspection. When the width of the boiler is 36 inches or less, the distance between the bottom of the boiler and the floor line shall be not less than six inches. Each new boiler that is not en-

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closed in a separate building or separate room shall be isolated from the public and employees with a masonry wall of not less than eight inches thick.

(c) Each new boiler room shall have one or more means of exit as determined by the chief boiler inspector. Where more than one exit is provided, each shall be remotely located from the other. Each elevation of runway shall have at least two means of egress, each remotely located from the other.

(d) Each new boilers shall be located so that adequate space will be provided for the proper operation of the boiler and its appurtenances, for the inspection of all surfaces, tubes, water walls, economizers, piping, valves and other equipment and for their necessary maintenance and repair. Specifications for all minimum clearances shall be provided by each boiler manufacturer and shall be listed in the manual provided to the installing contractor. The installation instruction manual shall remain available to the authorized inspector upon his or her request. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 51.—HIGH PRESSURE BOILERS

49-51-1. Age limit of existing boilers. (a)(1) Any boiler of non-standard construction installed prior to calendar year 1977 shall be removed from service at the age limit of 30 years; except

(2) After a thorough internal and external inspection of such a non-standard boiler and when required by the inspector, a hydrostatic pressure test of 1½ times the allowable working pressure which is held for a period of at least 30 minutes shall be performed. If no distress or leakage develops, any boiler having other than a lap-riveted longitudinal joint may be continued in operation past the 30 year age limit at the working pressure determined by K.A.R. 49-51-3; and

(3) The age limit of any non-standard boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting, shall not be reinstated for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be granted by the chief boiler inspector.

(b) The age limit of boilers of standard construction installed prior to the date this law became effective shall be dependent on the results of thorough internal and external inspection, and when required by the inspector, a hydrostatic pressure test not exceeding 1½ times the allowable working pressure. If the boiler, under these test conditions, exhibits no distress or leakage, it may be continued in operation at the working pressure determined by K.A.R. 49-51-2.

(c) The shell or drum of a boiler in which a lap seam crack develops along a longitudinal lap-riveted joint shall be condemned. "Lap seam crack" means a crack found in a lap seam extending parallel to the longitudinal joint and located either between or adjacent to rivet holes. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-2. Maximum allowable working pressure for standard boilers. The maximum allowable working

pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the ASME code under which they were constructed and stamped. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-3. Maximum allowable working pressure for non-standard boilers. (a) The maximum allowable working pressure of a non-standard boiler shall be determined by the application of the following formula:

- TSStE / RFS = maximum allowable working pressure psig
where:
TS = ultimate tensile strength of shell plates, psig
t = minimum thickness of shell plate, in weakest course, in inches
E = efficiency of longitudinal joint:
For tube ligaments, E shall be determined by the rules given in section I of the ASME code in effect on January 1, 1987.
For riveted construction, refer to the national board inspection code, 1985 edition.
For seamless construction, E shall be considered to be 100 percent.
R = inside radius of the weakest course of the shell, in inches.
FS = factor of safety permitted.

Non-standard boilers with welded seams shall not be operated at pressures exceeding 15 psig for steam or 30 psig for water.

(b) Tensile strength. When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 psig for steel and 45,000 psig for wrought iron.

(c) Crushing strength of mild steel. The resistance to crushing of mild steel shall be taken at 95,000 psig.

(d) Strength of rivets in shear. When computing the ultimate strength of rivets in shear, the following values in pounds per square inch of the cross-sectional area of the rivet shank shall be used:

Table with 2 columns: Rivet type and PSIG value. Values range from 38,000 to 88,000.

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivets, after driving, may be selected from the following table, or as ascertained by cutting out one rivet in the body of the joint:

Table sizes of rivets based on plate thickness

Table with 2 rows of rivet specifications based on plate thickness and diameter after driving.

(e) Factors of safety. The working pressure shall be decreased by the inspector if the condition and safety of the boiler warrants it. The following factors of safety represent minimum values to be used:

- (1) The lowest factor of safety permissible on existing installations shall be 4.5.
(2) The factor of safety shall be eight for horizontal-

return-tubular boilers which have continuous longitudinal lap seams more than 12 feet in length. When this type of boiler is removed from its existing setting, it shall not be reinstalled for pressures in excess of 15 psig. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-4. Cast iron headers and mud drums. The maximum allowable working pressure on a water tube boiler with tubes which are secured to cast iron or malleable iron headers or which have cast iron mud drums shall not exceed 160 psig. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-5. Pressure on cast iron boilers. The maximum allowable working pressure for any cast iron boiler, except hot water boilers, shall be 15 psig. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-6. Safety valves. (a) Weighted-lever safety valves or safety valves which have either the seat or disk of cast iron shall not be used. Valves of this type of construction shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of ASME code section 1, in effect on January 1, 1987.

(b) Each boiler shall have at least one ASME-NB approved and certified safety valve. If the boiler has more than 500 square feet of water-heating surface or an electric power input of more than 500 kw, it shall have two or more safety valves of the same type.

(c) The safety valve or valves required in subsection (b) shall be connected to the boiler in a vertical position, independent of any other steam connection, and shall be attached as close as possible to the boiler without unnecessary intervening pipe or fittings. When alteration is required to conform to this requirement, owners or users shall be allowed reasonable time in which to complete the work as permitted by the chief inspector.

(d) No valves of any description shall be placed between the safety valve and the boiler or on the escape pipe, if used. When an escape pipe is used, it shall be at least the full size of the safety valve discharge and shall be fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the escape pipe. Horizontal escape piping which provides adequate gravity drainage shall not normally require the fitting of an open drain. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety outlet or the escape pipe shall be anchored and supported securely. All safety discharges shall be so located or piped to be carried clear of walkways or platforms. When discharge piping is directed downward, the pipe shall terminate six inches above floor level. Plastic discharge piping shall not be used.

(e) The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above the highest pressure to which any valve is set. The pressure shall not be allowed to rise more than six

percent above the maximum allowable working pressure.

(f) One or more safety valves on each boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent above the maximum allowable working pressure. The range of setting of all the safety valves on a boiler shall not exceed 10% of the highest pressure to which any valve is set.

(g) When two or more boilers, operating at different pressures and safety valve settings, are interconnected, the lower pressure boilers or inter-connected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum generating capacity of all boilers.

(h) When the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus, excluding return traps, a safety valve shall not be set at a pressure greater than 94% of the lowest pressure obtained in the supply main feeding the boiler. The relieving capacity of the safety valves on any boiler shall be checked by one of the three following methods, and if found to be insufficient, additional valves shall be provided:

(1) by making an accumulation test. An accumulation test consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of six percent of the maximum allowable working pressure. This method shall not be used on a boiler with a superheater or reheater;

(2) by measuring the maximum amount of fuel that can be burned and by computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the appendix of the ASME code, section 1, in effect January 1, 1987; or

(3) by measuring the maximum amount of feedwater that can be evaporated. When either of the methods outlined in paragraphs (1) or (2) is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-7. Boiler feeding. (a) Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.

(b) Each boiler having more than 500 square feet of water heating surface shall have at least two suitable means of feeding, at least one of which shall be a feed pump. A source of feed at a pressure six percent greater than the set pressure of the safety valve with the highest setting may be considered one of the means. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water, if means are furnished for the shutoff of heat input prior to the water level reaching the lowest safe level.

(c) The feedwater shall be introduced into the

(continued)

boiler in a manner preventing it from discharge close to riveted joints of shell or furnace sheets, directly against surfaces exposed to products of combustion, or to direct radiation from the fire.

(d) The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and the source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.

(e) In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line. The stop valve shall be placed between the boiler and the check valve. Both shall be located as close to the boiler as is practicable.

(f) Where deaerating heaters are not employed, the temperature of the feedwater shall not be less than 120°F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, the minimum feedwater temperature shall not be less than 215°F so that dissolved gases may be thoroughly released. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-8. Water level indicators. (a) No outlet connections, except for a damper regulator, feedwater regulator, low water fuel cutout, drains, steam gauges, or any other apparatus that does not permit the escape of an appreciable amount of steam or water therefrom, shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least ¾ inch pipe size. The discharge shall be piped to a safe location.

(b) Each boiler shall have three or more gauge cocks located within the visible length of the water glass, except when the boiler has two water glasses located on the same horizontal line. Boilers not over 36 inches in diameter, in which the heating surface does not exceed 100 square feet, need have only two gauge cocks.

(c) For all installations where the water gauge glass or glasses are more than 30 feet above the boiler operating floor, remote water level indicating or recording gauges shall be installed at eye height above the operating floor. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-9. Steam gauges. (a) Each steam boiler shall have a steam gauge with dial range not less than 1½ times the maximum allowable working pressure connected to the steam space or to the steam connection to the water column. The steam gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water. The steam gauge shall be arranged so that the gauge cannot be shut-off from the boiler except by a cock placed near the gauge. The cock shall be provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.

(b) When a steam gauge connection longer than eight feet becomes necessary, a shut-off valve may be used near the boiler if the valve is of the outside-

screw-and-yoke type and is locked open. The line shall be of ample size with provision for free blowing.

(c) Each boiler shall be provided with a ¼ inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler steam gauge may be ascertained. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-10. Stop valves. (a) Each steam outlet from a boiler, except safety valve and water column connections, shall be fitted with a stop valve located as close as practicable to the boiler.

(b) When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

(c) When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves which have an ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. One of the stop valves shall be an automatic nonreturn valve which is set next to the boiler and the second valve shall be of the outside-screw-and-yoke type. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-11. Blowoff connection. (a) The construction of the setting around each blowoff pipe shall permit free expansion and contraction. Careful attention shall be given to sealing these setting openings without restricting the movement of the blowoff piping.

(b) All blowoff piping exposed to furnace heat shall be protected by fire brick or other heat resistant material which is constructed to provide access to the piping for inspection.

(c) Each boiler shall have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks shall be of the gland or guard type and shall be suitable for the pressure allowed. Globe valves shall not be used. When the maximum allowable working pressure exceeds 100 psig, each blowoff pipe shall be provided with two valves or a valve and cock.

(d) When the maximum allowable working pressure exceeds 100 psig, blowoff piping shall be extra heavy steel at least from the boiler to the valve or valves and shall be run full size without use of reducers or bushings. The piping shall not be galvanized.

(e) All fittings between the boiler and blowoff valve shall be of steel. When blowoff pipes or fittings are renewed, they shall be installed in accordance with the rules and regulations for new installations contained within these articles.

(f) The blowdown from a boiler or boilers that enters a sanitary sewer system or blowdown which is considered a hazard to life or property shall pass through some form of blowoff equipment that will

reduce pressure and temperature as required in this subsection.

(1) The temperature of the water leaving the blowoff equipment shall not exceed 150°F.

(2) The pressure of the blowdown leaving any type of blowoff equipment shall not exceed 5 psig.

(3) The blowoff piping and fittings between the boiler and the blowoff tank shall comply with paragraphs PG-58 and PG 59 of the ASME power boiler code in effect on January 1, 1987.

(4) All materials used in the fabrication of boiler blowoff equipment shall comply with material section II of the ASME boiler and pressure vessel code in effect on January 1, 1987.

(5) All blowoff equipment shall be fitted with openings to facilitate cleaning and inspection.

(6) All blowoff equipment shall be installed in accordance with the recommended rules for the design construction and arrangement of boiler blowoff equipment which is published as a supplement to the 1985 national board inspection code in effect on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-12. Repairs and renewals of boiler fittings and appliances. Whenever repairs are made to fittings or appliances or when it becomes necessary to replace them, the repairs or replacements shall comply with the provisions of ASME code section I, ANSI-ASME B 31.1, ANSI-ASME CSD-1 in effect on January 1, 1987, NFPA section 85, volume 3 and the 1985 national board inspection code. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-13. Conditions not covered by these requirements. All cases not specifically covered by these requirements shall be treated as new installations or may be referred to the chief inspector for instructions concerning the requirements. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-51-14. Rules for care of power boilers. The requirements of "recommended rules for the care of power boilers" pursuant to ASME code section VII in effect on January 1, 1987, shall be mandatory when so required by that code section. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 52.—LOW PRESSURE HEATING BOILERS

49-52-1. Standard boilers. The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the boiler or on a plate secured to it. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-2. Nonstandard riveted boilers. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be deter-

mined in accordance with K.A.R. 49-51-3. The maximum working pressure of a steam heating boiler shall be 15 psig and the maximum working pressure or temperature of a hot water boiler shall be 160 psig or 250°F temperature. (Authorized by and implementing K.S.A. 1985 Supp. 44-916 and K.S.A. 44-914; effective May 1, 1987.)

49-52-3. Nonstandard welded boilers. The maximum allowable working pressure of a nonstandard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with section IV of the ASME code (in effect on January 1, 1987), but in no case shall it exceed 30 psig. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-4. Nonstandard cast iron boilers. (a) The maximum allowable working pressure of a nonstandard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

(b) The maximum allowable working pressure of a nonstandard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-5. Safety valves. (a) Each steam boiler shall have one or more ASME/national board-approved and certified safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner that prevents the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure of the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field installation. For valves exceeding two inches pipe size, the drain hole or holes shall be tapped not less than $\frac{3}{8}$ inch pipe size. For valves less than two inches, the drain hole shall not be less than $\frac{1}{4}$ inches in diameter.

(b) A safety valve for a steam boiler shall not be smaller than $\frac{3}{4}$ inches unless the boiler and radiating surfaces consist of a self-contained unit. A safety valve shall not be larger than 4½ inches. The inlet opening shall have an outside diameter equal to or greater than the seat diameter.

(c) The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler.

(d)(1) The minimum valve capacity in pounds per hour shall be the greater of the valves determined by:

(A) dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000; or

(B) using the pounds of steam generated per hour per square foot of boiler heating surface as given in the following table:

(continued)

Boiler heating surface:	minimum pounds of steam per hour per square foot of heating surface	
	Firetube boilers	Watertube boilers
Hand-fired	5	6
Stoker-fired	7	6
Oil, gas or pulverized fuel-fired	8	10
Waterwall heating surface:		
Hand-fired	8	8
Stoker-fired	10	12
Oil, gas or pulverized fuel-fired	14	16

(2) When a boiler is fired only by gas with a heat value not in excess of 200 BTU per cubic feet, the minimum safety valve or safety relief valve relieving capacity shall be based on the value given for hand-fired boilers above.

(3) The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3½ pounds per hour per kilowatt input.

(4) The amount of heating surface in a boiler shall be determined according to the provisions of ASME code section IV, paragraph HG-403 effective on January 1, 1987.

(e) The safety valve capacity for each steam boiler shall be such that, with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than 5 psig above the maximum allowable working pressure.

(f) When operating conditions are changed or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions in accordance with subsection (e). When additional valves are required, they may be installed on the outlet piping if there is no intervening valve.

(g) If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run in accordance with the ASME code, section VI in effect on January 1, 1987.

(h) No valve of any description shall be placed between the safety valve and the boiler nor on the discharge pipe between the safety valve and the atmosphere. The safety valve shall be installed in a vertical position.

(i) The discharge pipe shall be at least full size and shall be fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the discharge pipe. When an elbow is placed on the safety valve discharge pipe, the elbow shall be located close to the safety valve outlet, or the discharge pipe shall be securely anchored and supported. All safety valve discharges shall be located or piped in a manner that will not endanger persons working in the area. When discharge piping is directed downward, the pipe shall terminate six inches above floor level. Plastic discharge piping shall not be used. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-6. Safety relief valve requirements for hot water boilers. (a)(1) Each hot water heating boiler shall have at least one ASME/national board-certified safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one

ASME/national board-approved and certified T & P safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler. Safety relief valves that are ASME/national board certified as to capacity shall have pop action when tested by steam.

(2) When more than one safety relief valve is used on either hot water heating or hot water supply boilers, the additional valve or valves shall be ASME rated. The additional valves shall be set within a range not to exceed:

(A) six psig above the maximum allowable working pressure for boilers with maximum pressures up to and including 60 psig; and

(B) five percent above the maximum allowable working pressure for those boilers having a maximum allowable working pressure exceeding 60 psig.

(3) Safety relief valves shall be spring loaded. Safety relief valves shall be arranged so that they cannot be reset at a higher pressure than the maximum permitted by this paragraph.

(b) Materials that may fail due to deterioration or vulcanization when subject to saturated steam temperatures corresponding to the maximum capacity test pressure shall not be used.

(c) A safety relief valve shall not be smaller than ¾ inches nor larger than 4½ inches standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a safety relief valve of ½ inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to or greater than the seat diameter. The minimum opening through any part of the valve shall not be less than ½ inch in diameter or its equivalent area.

(d) The steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by:

(1) dividing the maximum output in BTU at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000; or

(2) using the pounds of steam generated per hour per square foot of boiler heating surface as given in the table in K.A.R. 49-52-5 (d)(1).

(e) When operating conditions are changed or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions in accordance with K.A.R. 49-52-6 (f). The additional valves required because of changed conditions may be installed on the outlet piping if there is no intervening valve.

(f) Safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than 10 psig above the maximum allowable working pressure. Storage water heaters or boilers are required to have T & P relief valves with a relieving capacity and an American gas association rating equal to or exceeding the burner BTU input or electrical power kilowatt input.

(h)(1) The safety relief valve shall be installed in a vertical position; except T & P relief valves on storage water heaters equipped with side tappings to accommodate the insertion of the T & P valve thermostat.

The valve thermostat shall be immersed in the water and located in the top six inches of the vessel. No valve of any description shall be placed between the safety relief valve and the boiler nor on the discharge pipe between the safety relief valve and the atmosphere.

(2) The discharge pipe shall be at least full size and fitted with an open drain to prevent water lodging in the upper part of the safety relief valve or in the discharge pipe. Horizontal discharge piping which provides adequate gravity drainage shall not normally require the fitting of an open drain. When an elbow is placed on the safety relief valve discharge pipe, the elbow shall be located close to the safety relief valve outlet or the discharge pipe shall be securely anchored and supported.

(3) All safety relief valve discharges shall be located or piped in a manner that does not endanger persons working in the area. When discharge piping is directed downward, the pipe shall terminate six inches above floor level. Plastic discharge piping shall not be used. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-7. Steam gauges. (a) Each steam boiler shall have a steam gauge connected to its water column or a steam connection by means of a siphon or equivalent device exterior to the boiler. The siphon shall be of sufficient capacity to keep the gauge tube filled with water and shall be arranged so that the gauge cannot be shut off from the boiler except by a cock with tee or lever handle placed in the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

(b) The scale on the dial of a steam gauge shall be graduated to not less than 30 psig or more than 60 psig. The gauge shall be provided with effective stops for the indicating pointer at the zero point and at the maximum pressure point. The pointer shall travel at least three inches from the zero to 30 psig pressure mark. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-8. Pressure or altitude gauge and thermometers. (a) Each hot water boiler shall have a pressure or altitude gauge connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever handle placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

(b) The scale on the dial of the pressure or altitude gauge shall display approximate graduation to not less than 1½ nor more than three times the maximum allowable working pressure.

(c) Piping or tubing for pressure altitude gauge connections shall be of nonferrous metal when smaller than one inch pipe size.

(d) Each hot water boiler shall have a thermometer that is located and connected in such a manner that:

- (1) the thermometer is easily readable during observation of the water pressure or altitude gauge; and
- (2) the thermometer will at all times indicate the temperature (in degrees fahrenheit) of the water in the

boiler at or near the outlet. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-9. Water gauge glasses. (a) Each steam boiler shall have one or more water gauge glasses attached to the water column or boiler by means of valved fittings. The lower fitting shall be provided with a drain valve of the straightway type with an opening not less than ¼ inch diameter to facilitate cleaning. Gauge glass replacement shall be possible while the boiler is under pressure.

(b) Transparent material, other than glass, may be used for the water gauge if the material has proven suitable for the pressure, temperature and corrosive conditions encountered in service. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-10. Stop valves and check valves. (a) If a boiler can be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system.

(b) If any part of a heating system can be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe from that part of the system. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-11. Feedwater connections, automatic low water fuel cutoff and water feeding devices. (a) Feedwater, make-up water or water treatment materials shall be introduced into a boiler through the return piping system or through an independent feedwater connection which does not discharge against parts of the boiler exposed to direct radiant heat from the fire. Feedwater, make-up water or water treatment materials shall not be introduced through openings or connections provided for:

- (1) inspection or cleaning;
- (2) safety valves, or safety relief valves; or
- (3) surface blowoff, or the water column, water gauge glass, pressure gauge or temperature gauge.

(b) The feedwater pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or return pipe system.

(c) Each automatically fired steam or vapor system boiler shall be equipped with an automatic low water fuel cutoff located in a manner that will automatically cut off the fuel supply when the surface of the water falls to the lowest safe water line. If a water feeding device is installed, it shall be constructed in such a manner that the water inlet valve cannot feed water into the boiler through the float chamber. The inter-feeding device shall be located to supply requisite feedwater. The lowest safe water line shall not be lower than the lowest visible part of the water glass.

(d) A fuel or feedwater control device may be attached directly to a low pressure boiler on the tapped openings in low pressure boilers which are provided for attaching a water glass directly to the boiler. The

(continued)

connections between the boiler and the water glass shall be nonferrous tees or Y's of not less than ½ inch pipe size. The water glass shall be attached direct, and as close as possible, to the boiler. The water glass fittings shall be attached to the straightway topping of the Y or T. The fuel cutoff or water feeding device shall be attached to the side outlet of the Y or T. The ends of all nipples shall be reamed to full size diameter.

(e) Designs which use a float and float bowl shall have a vertical, straight-away valve drain pipe at the lowest point in the water equalizing pipe. The connections in this installation shall permit the bowl and the equalizing pipe to be flushed and the device tested. A low water fuel cut off control device shall be installed in all hot water heating systems with inputs exceeding 400,000 BTU/HR which are installed after December 31, 1978. Blowdown valves and pipe attachments shall be a minimum of ¾ inches. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-12. Return pump. Each boiler equipped with a condensate return pump shall be provided with a water level control arranged to automatically maintain the water level in the boiler within the range of the gauge glass. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-13. Provisions for thermal expansion in hot water systems. (a) All hot water heating systems incorporating hot water tanks or fluid relief columns shall be installed in a manner that will prevent freezing under normal operating conditions.

(1) Systems with open expansion tank. If the system is equipped with an open expansion tank, an indoor overflow from the upper portion of the expansion tank shall be provided in addition to an open vent. The indoor overflow shall be carried within the building to a suitable plumbing fixture or the basement.

(2) Closed systems. If the system is closed, an airtight tank or other suitable air cushion shall be installed that will be consistent with the volume and capacity of the system, and it shall be suitably designed for a hydrostatic test pressure of 2½ times the allowable working pressure of the system. Expansion tanks for systems designed to operate above 30 psig shall be constructed in accordance with section VIII, division 1, as required by section IV, ASME code in effect on January 1, 1987. Provisions shall be made to drain the tank without emptying the system, except for prepressurized tanks. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-14. Repairs and renewals of fittings and appliances. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the repairs shall comply with section IV of the ASME code as in effect on January 1, 1987, for new construction and the provisions of ANSI-ASME CSD-1 as in effect on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-52-15. Rules for care of heating boilers. The

requirements of "recommended rules for care and operation of heating boilers" pursuant to ASME code section VI effective on January 1, 1987, shall be mandatory within this state. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 53.—NUCLEAR POWER PLANT COMPONENTS

49-53-1. Nuclear power plant components installed in the State of Kansas shall be constructed, installed, stamped, inspected, repaired and maintained in accordance with the applicable rules and regulations of the ASME code, section III, "nuclear power plant components," as in effect on January 1, 1987, and section XI, "rules for in-service inspection of nuclear reactor coolant systems," as in effect on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

49-53-2. Repair procedures. The owner or user of each nuclear power system shall prepare a documented repair program and shall make it available to the office of the chief boiler inspector as set forth in ASME code section XI, as in effect on January 1, 1987. Repairs, replacements and modifications required by section XI shall be performed by holders of the national board "NR" stamp. (Authorized by and implementing K.S.A. 1985 Supp. 44-916; effective May 1, 1987.)

Article 54.—HEARINGS

49-54-1. Definitions. (a) "Act" means the Kansas boiler safety act, as defined at K.S.A. 44-913 *et seq.* and amendments thereto.

(b) Computation of time. Whenever the time limit in these rules, for any act, is seven days or more, Saturdays, Sundays and legal holidays shall be included in making the computation. Whenever the time limit is less than seven days, Saturdays, Sundays and legal holidays shall be excluded. Whenever the last day of any time period falls on a Saturday, Sunday or legal holiday, that day shall be omitted from the computation. For good cause shown, any time limitation prescribed in these rules other than those time limitations fixed by statute, may be extended by the secretary. Computation of time shall commence when service to a party is made by the secretary, except as otherwise provided by these rules and regulations.

(c) "Person aggrieved" means the owner or operator of a system governed by the act and to whom an adverse determination has been rendered by the chief inspector, a deputy inspector, or insurance company inspector. This term shall also apply to any individual, partnership or corporation who supplied materials or labor in constructing or modifying any system subject to certification under the act, as well as to any holder of a special inspector's certificate of competency suspended in accordance with K.S.A. 44-921.

(d) "Board" means the boiler advisory board, established under the authority of K.S.A. 75-5724. It is comprised of individuals with special competence in

the field of boiler safety. The board is designated by the secretary to conduct a hearing as provided by K.S.A. 44-928. An agency hearing examiner will assist the board as a non-voting member.

(e) "Hearing examiner" means a person designated by the secretary to assist the board at the hearing. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-928 and as amended by L. 1986, ch. 318, § 63; effective May 1, 1987.)

49-54-2. (a) Service of papers. Petitions, complaints and other papers filed with the secretary shall be served by personal service, by certified mail, by telegraph or by leaving a copy thereof in the office or place of business of the secretary.

(1) If service is by personal service or by leaving a copy of the paper in the office of the secretary, a written return shall be made by the person serving the paper. The return shall state the time, place and manner of service, and shall be signed by the person serving the paper.

(2) If service is by certified mail or by telegraph, the signed post office receipt or telegraph receipt shall constitute proof of service.

(b) Any aggrieved person wishing to file a petition, complaint or other paper with the secretary shall submit the original petition, complaint or other paper and two copies to the secretary.

(c) Service upon attorney. If a party is represented by an attorney, all papers other than the complaint, shall be served upon the attorney and the service shall have the same force and effect as though served upon the party.

(d) Notice by the secretary. All parties to an action shall be provided with copies of the pleading duly filed with the secretary.

(e) Intervention. Any third party having a legitimate interest in the proceeding before the secretary may file a motion to intervene setting forth facts sufficient to establish such interest and requesting the secretary to allow it to intervene in the matter. A copy of the motion to intervene shall be served on all parties. The parties shall be granted five days in which to respond. An order either allowing or disallowing the motion to intervene shall be made by the secretary after the response denial has elapsed. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-928 as amended by L. 1986, ch. 318, § 63; effective May 1, 1987.)

49-54-3. Hearings, procedures. (a) Notice of hearing.

(1) Following the filing of a petition, complaint or other paper with the secretary, if it appears to the secretary that a hearing is authorized and warranted, a time and place for a hearing shall be fixed and each of the parties shall be notified of the time and place of the hearing. The hearing shall be held no less than 10 days after issuance of the notice by the secretary, except by agreement of the parties or in unusual circumstances.

(2) The time and place of the hearing may be changed by the secretary prior to the beginning of the hearing. Reasonable notice of the alternate time and

place of the hearing shall be given to all interested parties.

(b) Conduct of hearings.

(1) All hearings shall be conducted by a hearing examiner as an assistant to the board. If the hearing examiner is unable to continue a hearing, the hearing may be reconvened at a later date, when the examiner is available, or with the consent of all parties another hearing examiner may be substituted.

(2) It shall be the duty of the hearing examiner and board to inquire fully into all matters at issue and to obtain a full and complete record.

(3) A transcript of the hearing shall be made and maintained by a certified shorthand reporter, or the hearing examiner shall make a record by means of a tape recording, until the record is duly transcribed, if required. Any party desiring a copy of the transcript may make a request to the agency, and upon payment of a reasonable fee as established by the secretary, a transcript shall be furnished to the party by the department of human resources. Any party to the hearing wishing to make a separate record may do so at the party's own expense, if the party furnishes a copy to the secretary of human resources and to the adverse party as soon as it is available from the person making such a record.

(c) Motions.

(1) All motions made during a hearing shall be made part of the record of the proceedings and shall be ruled upon by the examiner.

(2) All motions and answers, other than those made during a hearing, shall be made in writing to the secretary, shall briefly state the relief sought, and may be accompanied by affidavits setting forth the grounds upon which they are based. Any response to the motion shall be filed with the secretary within five days after service of the moving papers, unless the secretary directs otherwise. All motions shall be ruled upon by the secretary. Oral arguments may be heard by the secretary or written testimony on any motion may be accepted. The parties shall be notified of the time and place of the arguments or the methods of submission of written testimony. Rulings and orders to decide all matters and all motions shall be issued by the secretary and they shall be made part of the record of the proceedings.

(d) Objections. An objection not made before the hearing examiner or the secretary shall be deemed waived unless the failure to make the objection is excused by the secretary because of extraordinary circumstances.

(e) Introduction of evidence; the rights of parties at hearings. Each party shall have the right to appear at a hearing in person or by counsel, and each party and the hearing examiner shall have the power to call and examine witnesses, and to introduce into the record documentary and other evidence. Each party shall, upon offering an exhibit into evidence at a hearing, simultaneously furnish copies to all other parties, unless excused by the hearing examiner. Each witness shall be examined orally under oath. Compliance with the technical rules of evidence shall not be required.

(continued)

Stipulations of fact may be introduced as evidence with respect to any issue.

(f) The refusal of a witness at a hearing to answer a question which has been ruled proper by the hearing examiner shall be noted in the record. Such refusal shall go to the weight of the witness' previous testimony, but shall not be grounds for striking all previous testimony of the witness.

(g) Findings of fact; conclusion of law; order or recommendations.

(1) Upon conclusion of a hearing, any party to the hearing may, within a time period specified by the hearing examiner, file suggested findings of fact, conclusions of law, and a written brief in support thereof.

(2) If the secretary appoints a hearing examiner to conduct a hearing with the board, the hearing examiner shall as expeditiously as possible after the conclusion of the hearings, issue findings of fact, conclusions of law and recommendations. The findings, conclusions, and recommendations shall be in writing and in a form directed by the secretary.

(A) The board's findings, conclusions and recommendations shall be served upon the parties, by the secretary, granting all parties 10 days from receipt in which to file written exceptions.

(B) A final order shall be issued by the secretary, based upon the evidence produced at the hearing, and after reviewing the findings of fact, conclusions, recommendations of the board and any written exceptions.

(3) If the event the secretary serves as hearing examiner, findings of fact, conclusions of law and a final order shall be issued by the secretary as expeditiously as possible after the close of the hearing. (Authorized by K.S.A. 1985 Supp. 44-916; implementing K.S.A. 44-928 as amended by L. 1986, ch. 381, § 63; effective May 1, 1987.)

DENNIS R. TAYLOR
Secretary of Human Resources

Doc. No. 005159

(Published in the KANSAS REGISTER, April 9, 1987.)

SENATE BILL No. 152

AN ACT concerning the state board of agriculture; relating to the farm assistance, counseling and training referral program; amending K.S.A. 74-545 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 74-545 is hereby amended to read as follows: 74-545. (a) The secretary of the state board of agriculture with the cooperation of the director of extension of Kansas state university shall coordinate a farm assistance, counseling and training referral program. For the purposes of providing such assistance and program, the secretary shall utilize the services of the director and division of extension of Kansas state university, other state agencies, county extension personnel, municipal and community services organizations and personnel and private business and professional agencies or services available for such purpose. The secretary shall compile a directory of programs and services which may be utilized in providing the assistance contemplated by this act. Staff required by the secretary for the purposes of implementing this act shall be employed by the secretary with the approval of the director of extension and shall serve in the offices of the division of extension at Kansas state university. Personnel employed by the secretary for the purpose of implementing this act shall be employed as special project employees and shall be in the unclassified service under the Kansas civil service act. The personnel employed by the secretary for this purpose and county extension personnel shall be utilized in: (1) Receiving requests for assistance; (2) determining the eligibility of persons requesting assistance; and (3) determining if such assistance can best be provided by staff or by referral to an appropriate public or private agency or party for direct assistance. Personnel receiving requests for assistance will provide where possible such assistance or refer the person requesting such assistance to an agency or person qualified to provide such assistance in the home community or county of the person requesting such assistance.

(b) Persons shall be eligible to receive assistance pursuant to this act if they: (1) Are primarily engaged in the business of farming, ranching, agribusiness or other agriculture-related activities; and (2) will be unable to continue in such business or activity or be seriously handicapped in such continued operation without the assistance provided pursuant to this act.

(c) The assistance to be made available to eligible persons by staff or by referral to appropriate persons or agencies shall include farm management, legal assistance, financial planning, employment services, business planning and other support counseling.

The secretary shall may provide legal assistance through a contract for legal services with any private or corporate law firm.

(d) The provisions of this act shall expire on ~~June 30, 1987~~ July 1, 1990.

Sec. 2. K.S.A. 74-545 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 11, 1987.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 26, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 3, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1987.

BILL GRAVES

(SEAL)

Secretary of State.

(Published in the KANSAS REGISTER, April 9, 1987.)

SENATE BILL No. 246

AN ACT concerning municipalities; relating to annexation; amending K.S.A. 12-519, 12-520b and 12-521 and K.S.A. 1986 Supp. 12-520 and 12-520a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 12-519 is hereby amended to read as follows: 12-519. As used in this act: (a) "Tract" means a single unit of real property under one ownership, outside the corporate limits of a city, which may be platted and/or unplatted, title to which is publicly or privately held by an owner as defined by subsection (c) herein.

(b) "Land" means a part of a tract or one or more tracts.

(c) "Owner" means the one who has record title to a tract. In the event two (2) or more persons have record title to a tract, "owner" shall be defined as follows:

(1) If joint tenants, "owner" means a majority of the number of joint tenants; (2) if tenants in common, "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract; (3) if the tract is held by a life tenant and a remainderman, "owner" means the life tenant; (4) if the tract is held by a tenant under a recorded lease providing for a lease term of ten (10) 10 years or longer and a remainderman, "owner" means both such tenant and remainderman; (5) if one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.

(d) "Adjoins" means to lie upon or touch (1) the city boundary line; or (2) a highway, railway or watercourse which lies upon the city boundary line and separates such city and the land sought to be annexed by only the width of such highway, railway or watercourse.

(e) "Platted" means a tract or tracts mapped or drawn to scale, showing a division or divisions thereof, which map or drawing is filed in the office of the register of deeds by the owner of such tract.

(f) "Agricultural purposes" as applied to the use of land means the planting, cultivation and harvesting of crops and/or raising and feeding of livestock for profit. "Land devoted to agricultural use" means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(g) "Watercourse" means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.

Sec. 2. K.S.A. 1986 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as otherwise hereinafter provided, the governing body of any city may by ordinance may annex land to such city if any one or more of the following conditions exist:

(a) (1) The land is platted, and some part of such the land adjoins the city.

(b) (2) The land is owned by or held in trust for the city or any agency thereof.

(e) (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of such the county.

(d) (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(e) (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 20 21 acres shall be annexed for this purpose.

(f) (6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 20 21 acres shall be annexed under this condition.

(g) (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 55 21 acres or more which is used only for agricultural purposes shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Whenever any city shall annex annexes any land under the authority of subsection (b) of this section paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until such the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(e) No city shall be authorized to annex the right-of-way of any highway under the authority of this section unless at the time of such the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.

(f) The governing body of any city may by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by such the ordinance and which conform to any one or more of the foregoing conditions.

(g) Any owner of land annexed by a city under the authority of this section may, within 30 days next following the publication of the ordinance annexing such the land, may maintain an action in the district court of the county in which such the land is located challenging the authority of the city to annex such lands the land and the regularity of the proceedings had in connection therewith.

Sec. 3. K.S.A. 1986 Supp. 12-520a is hereby amended to read as follows: 12-520a. (a) The governing body of any city desiring to annex land under the authority of K.S.A. 12-520, and amendments thereto, shall first shall adopt a resolution stating that the city is considering the annexation of the land. The resolution shall:

(1) Give notice that a public hearing will be held to consider the annexation of the land and fix the date, hour and place of the public hearing. Unless the governing body of the city determines adequate facilities are not available, the public hearing shall be held at a site located in or as near as possible to the area proposed to be annexed. The hearing shall be held at the time determined by the governing body to be the most convenient for the greatest number of interested persons;

(2) describe the boundaries of the land proposed to be annexed; and

(continued)

(3) state that the plan of the city for the extension of services to the area proposed to be annexed, which is required under the provisions of K.S.A. 12-520b, and amendments thereto, is available for inspection during regular office hours in the office of the city clerk.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(c) A copy of the resolution providing for the public hearing shall be mailed by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution. The resolution shall be published in the official newspaper of the city not less than one week and not more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with the resolution and a copy thereof mailed to the owner of the property with the resolution.

(d) A copy of the resolution providing for the public hearing shall be sent by certified mail not more than 10 days following the date of the adoption of the resolution to:

- (1) The board of county commissioners;
- (2) the governing body of the township where the land to be annexed is located;
- (3) any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts or improvement districts;
- (4) any utilities having facilities within the area proposed to be annexed;
- (5) the governing body of any school district in the area proposed to be annexed;
- (6) any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed; and
- (7) any other political or taxing subdivision located within the area proposed to be annexed.

(e) At the public hearing, a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed. Following the explanation, all interested persons shall be given an opportunity to be heard. The governing body may recess, for good cause shown, the hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(f) No resolution, notice and public hearing required under the provisions of this section shall be required as a prerequisite to the annexation of land owned by or held in trust for the city or any agency thereof or land all of the owners of which petition for or consent thereto in writing.

(g) Any resolution, adopted pursuant to this section, which includes territory subsequently incorporated pursuant to K.S.A. 15-115 *et seq.*, and amendments thereto, shall be invalid.

Sec. 4. K.S.A. 12-520b is hereby amended to read as follows: 12-520b. (a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

- (A) The present and proposed boundaries of the city affected by such proposed annexation;
- (B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof;
- (C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth the plans a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area pro-

posed to be annexed at the time of annexation, setting forth and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. Such statement plan shall also include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The preparation of a plan for the extension of services as hereinbefore required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners of which petition for or consent to such annexation in writing.

Sec. 5. K.S.A. 12-521 is hereby amended to read as follows: 12-521. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under the authority of K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body in the name of the city may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

- (A) The present and proposed boundaries of the city affected by such proposed annexation;
- (B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto;
- (C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth the plans a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation, setting forth and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The date fixed for such the public hearing shall be not less than sixty (60) 60 nor more than seventy (70) 70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of said the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in some a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than ~~ten~~ (10) 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board may for good cause shown may continue said the hearing beyond the time specified in the notice without further publication.

(c) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

If said board shall be satisfied that such annexation or the annexation of a lesser amount of such land will cause no manifest injury to such owners, they shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
- (6) the extent of business, commercial and industrial development in the area;
- (7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;
- (8) the proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
- (9) tax impact upon property in the city and the area;
- (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
- (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, fire, sewer and water districts, improvement districts, townships or industrial districts;
- (12) existing petitions for incorporation of the area as a new city or for the creation of a special district;
- (13) likelihood of significant growth in the area and in adjacent areas during the next five years; and
- (14) effect of annexation upon the utilities providing ser-

vices to the area and the ability of those utilities to provide those services shown in the detailed plan.

(d) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of said the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(e) Any owner or the city aggrieved by the decision of the board of county commissioners may appeal from the decision of such the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

New Sec. 6. (a) Before any city annexes any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, the governing body of the city shall submit its resolution of intent to annex adopted pursuant to K.S.A. 12-520, and amendments thereto, or a copy of the petition submitted to the board of county commissioners pursuant to K.S.A. 12-521, and amendments thereto, to any city, county, township or joint planning commission having jurisdiction over any portion of the area to be annexed. If the annexation is pursuant to K.S.A. 12-520, and amendments thereto, a copy of the resolution of intent to annex shall be submitted to the planning commission within 10 days following the adoption of the resolution by the city. If the annexation is by petition pursuant to K.S.A. 12-521, and amendments thereto, a copy of such petition shall be submitted to the planning commission within 20 days after the date on which the petition was presented to the board of county commissioners. The provisions of this subsection shall not apply to annexations pursuant to K.S.A. 12-520, and amendments thereto, for which no resolution or intent to annex is required to be adopted.

(b) The planning commission shall review the proposed annexation and make a finding of the compatibility or the incompatibility of the annexation with any adopted land use or comprehensive plans applicable to the area to be annexed and the annexing city. A copy of the planning commission's findings shall be sent to the city. If the city is annexing property pursuant to K.S.A. 12-521, and amendments thereto, a copy of such findings shall be filed with the board of county commissioners at least 20 days prior to the date of the hearing. The planning commission's findings shall be available for public inspection in the office of the city clerk. The failure of a planning commission to issue its advisory report prior to the date required by this section shall not invalidate any annexation commenced under K.S.A. 12-520 or 12-521, and amendments thereto, when the annexing city has complied with the provisions of this section.

New Sec. 7. (a) Five years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, five years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that

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the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in section 8, if the services are not provided within 2½ years of the date of the board's findings.

New Sec. 8. (a) If, within 2½ years following the conclusion of the hearing required by section 7, or, where there has been litigation relating to the hearing, 2½ years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for one year from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the owner, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

New Sec. 9. (a) The owner of any land in an area annexed by a city who has entered into a written agreement as provided for by section 10 may bring an action in the district court of the county in which the land is located to compel the governing body of such city to provide the services in accordance with the written agreement.

(b) The court shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner of land and representatives of the city. If the court finds that the city has failed to provide the municipal services in accordance with the written agreement, the court shall order the city to comply with the agreement. If the city fails to comply within the time so ordered by the court, the court may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner provided in K.S.A. 12-523, and amendments thereto. Such land shall not be annexed again for one year from the effective date of the order without the written consent of the owner of the land.

(c) The clerk of the district court shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed the petition to compel the city to provide such services.

(e) The court shall not order exclusion of any land if:

(1) The agreement conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the court finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) If the court finds that the city has failed to provide the municipal services in accordance with the agreement the court shall order the city to pay all attorney fees and court costs.

New Sec. 10. Any written agreement entered into between a city and the owner of land proposed to be annexed by the city which conditions the delivery or extension of municipal water, sewer, electrical, gas or other services to the land, regardless of the size of the land, on the consent of the owner to annexation on a later date shall be deemed to be a sufficient consent to annexation under K.S.A. 12-520, and amendments thereto, by the owner and any successors in interest. Such agreements shall be filed by the city in the office of the register of deeds of the county where the land is located within 30 days after being executed by all parties. Any such agreement executed prior to the effective date of this act shall be binding upon the owner and any successors in interest if the agreement is filed by the city in the office of the register of deeds of the county where the land is located within 180 days following the effective date of this act; however, the failure to so file any written agreement within 180 days shall not make such agreement void or otherwise unenforceable.

New Sec. 11. The governing body of any city annexing land

(Published in the KANSAS REGISTER, April 9, 1987.)

HOUSE BILL No. 2048

AN ACT concerning purchasing officers in certain counties; relating to the expenditure of county funds for small purchases; affecting competitive bidding requirements; amending K.S.A. 19-260a and 19-260b and repealing the existing sections; also repealing K.S.A. 19-259 and 19-260.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 19-260a is hereby amended to read as follows: 19-260a. The board of county commissioners of any county having a population in excess of three hundred thousand (300,000) Johnson and Sedgwick counties shall appoint a qualified person who shall be known as the county purchasing officer, and who shall hold office at the pleasure of said the board. The board of county commissioners shall fix the compensation of the county purchasing officer and make allowances for clerk hire and the expenses of conducting the office of said purchasing officer. A surety bond issued by an insurance company authorized to do business in this state in a sum determined to be necessary and proper by the board of county commissioners shall be furnished as required by K.S.A. 19-4202 and 19-4203, and amendments thereto, to cover said the purchasing officer, conditioned that he such officer will honestly and faithfully perform his the duties of the office, and that all supplies and equipment purchased and agreements entered into for said county shall be purchased at the lowest and best price obtainable. Said Such bond shall be approved by the board of county commissioners. The cost of said such bond shall be paid by the county from the county general fund.

Sec. 2. K.S.A. 19-260b is hereby amended to read as follows: 19-260b. The county purchasing officer, by and in conjunction with the board of county commissioners, shall purchase all supplies and equipment and shall approve all contracts, service and supply agreements and all other transactions that necessitate expenditure of county funds for the county and for each and every office and department thereof, and shall keep a true and accurate account of all purchases so made, and shall make a report upon request by the board of county commissioners to said the board of all purchases made and entered into and the office or department for which made. Each and every officeholder and department head and each and every employee thereof in said the county and the judge or judges of the district court in such the county shall be required to make requisition for all purchases of supplies and equipment contracts, service and supply agreements and other transactions that necessitate the expenditure of county funds pertaining to their respective offices and departments through the office of the county purchasing office officer in the form and manner prescribed by the board of county commissioners in conjunction with the county purchasing officer, except that the board of county commissioners may authorize such officeholders, department heads or employees to make emergency purchases or small purchases of less than fifty dollars (\$50) \$2,000 on the open market. Said The county purchasing officer shall purchase all supplies and equipment and negotiate all contracts, service and supply agreements and other transactions that necessitate the expenditure of any county funds in the amount of fifty dollars (\$50) \$2,000 or more on the basis of competitive bids, except that competitive bids need not be required for contractual services where no competition exists. Bids shall be based on at least three competitive bids when reasonably possible. All such contracts and purchases made under the provisions of this act, for which competitive bids are required, shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids. The county purchasing officer shall have the power to decide as to the lowest responsible bidder for such purchases, and he the county purchasing officer may reject any or all bids. Said The county purchasing officer is hereby authorized to maintain a stock room and stationery supply store of expendable items for immediate requisition as needed.

Sec. 3. K.S.A. 19-259, 19-260, 19-260a and 19-260b are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(continued)

pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, may enter into contractual agreements with the owners of land proposed to be annexed to guarantee the apportionment of the costs of improvements made in the area to be annexed between the city at large and the area to be annexed. The term of such agreements shall not exceed 10 years. In the event the city apportions the costs of improvements in a manner contrary to the contractual agreement, the owners of land may bring an action in the district court for deannexation, such action shall be subject to the provisions of section 9.

This section shall not preclude the formation of a benefit district to make such improvements upon petition by landowners in the area to be annexed.

New Sec. 12. The provisions of this act shall be applicable to any annexation made without the written consent of or petition by the landowners and which is not completed before the effective date of this act. For the purpose of this section "completed" means the date of the publication of the annexation ordinance as provided by K.S.A. 12-523, and amendments thereto.

New Sec. 13. If any part or parts of this act are held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

Sec. 14. K.S.A. 12-519, 12-520b and 12-521 and K.S.A. 1986 Supp. 12-520 and 12-520a are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 5, 1987.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 26, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 3, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1987.

(SEAL) BILL GRAVES
Secretary of State.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 11, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE March 25, 1987.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 3, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, April 9, 1987.)

SENATE BILL No. 128

AN ACT relating to the board of accountancy; concerning the regulation and review of the practice of public accountancy; authorizing a positive enforcement program and certain fees; providing for registration of professional corporations; amending K.S.A. 1-202, 1-301, 1-308, 1-315 and 1-316 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The board of accountancy may adopt rules and regulations establishing a positive enforcement program for the review of audits, reviews, compilations, projections, forecasts or other public accounting reports of each office practice unit of individuals and firms engaged in the practice of public accountancy in this state to determine whether the reports comply with the applicable public accounting standards. The positive enforcement program may include reviews of the public accounting reports of (1) each certified public accountant who has a current permit issued by the board and is engaged in the practice of public accountancy in this state as a sole proprietor, (2) each partnership or professional corporation which is registered with the board and is engaged in the practice of public accountancy in this state, and (3) each out-of-state firm of certified public accountants performing public accounting services in this state.

(b) Each such office practice unit may be required to submit copies of audits, reviews, compilations, projections, forecasts or other public accounting reports at such times and in such form as may be prescribed by rules and regulations adopted by the board of accountancy under this section. Each such report submitted under the positive enforcement program shall be accompanied by the fee fixed by the board therefor under K.S.A. 1-301 and amendments thereto.

(c) The positive enforcement program established under this section may include procedures for review of the reports submitted and for followup reviews and remedial and other actions to be taken in cases of reports which are deficient or in some other manner are not in compliance with applicable public accounting standards. The board of accountancy may adopt rules and regulations exempting office practice units which have reports reviewed under programs conducted by other states or other public or private entities which the board finds to be equal to or to exceed the positive enforcement program established under this section.

Sec. 2. K.S.A. 1-202 is hereby amended to read as follows: 1-202. (a) Each year the board shall meet and organize by electing a chairperson and a vice-chairperson from its member-

ship. The board shall appoint a secretary, who need not be a member of the board. The board may adopt such rules and regulations as it may deem necessary for the proper administration of its duties and the carrying out of the purposes of this act. The board shall meet at the call of the chairperson but not less than twice each year and shall have a seal. The chairperson and the secretary of the board shall have the power to administer oaths.

(b) The board shall keep records of all proceedings and actions by and before it. In any proceedings in court, civil or criminal, arising out of or founded upon any provisions of this act, copies of such records which are certified as correct by the secretary of the board under the seal of the board shall be admissible in evidence and shall be prima facie evidence of the correctness of the contents thereof.

(c) The board, from time to time, shall: (1) Adopt, amend, and revoke rules of professional conduct;

(2) give examinations, provide for certification and registration and issue permits to practice in accordance with the provisions of this act;

(3) keep accounts of its receipts and disbursements;

(4) keep a register of Kansas certificates issued by the board;

(5) revoke, suspend and reinstate certificates, registrations and permits;

(6) initiate proceedings and hold hearings and do all things necessary to carry out the intent of this act.

(d) A majority of the board shall constitute a quorum for the transaction of any business at any meeting of the board.

(e) ~~Annually, in July of each year, the board shall have printed and published for public distribution an annual register which shall contain the names arranged alphabetically of all persons holding permits to practice under this act, the names of the members of the board and such other information as may be deemed proper by the board. Copies of the register shall be mailed to each certified public accountant holding a permit to practice.~~

Sec. 3. K.S.A. 1-301 is hereby amended to read as follows: 1-301. (a) The board shall charge and collect a fee from each applicant for the Kansas certificate and shall collect a fee for a permit to practice as a certified public accountant in this state. Each such fee shall accompany the appropriate application provided by the board. No portion of either fee shall be returned to the applicant unless the application is rejected.

(b) ~~The board each year, on or before the 30th day of May, shall determine the amount that may be necessary for the next ensuing year to carry out and enforce the provisions of law administered by the board, and shall fix adopt rules and regulations fixing the fees provided to be charged and collected under this section, which shall be as follows:~~

(1) An application fee for the Kansas certificate, including any required initial examination, not to exceed \$100 \$150, except, that (A) if the applicant fails to pass the required examination, a complete reexamination may be taken upon payment of an additional fee of not to exceed \$80 \$125 for each such complete reexamination or, (B) if the applicant fails to pass part of the required examination, a partial reexamination may be taken upon payment of an additional fee of not to exceed \$60 \$100;

(2) a fee for the permit to practice of not to exceed \$100, subject to paragraphs (3) and (4) of this subsection;

(3) the fee for the permit to practice for each holder of a Kansas certificate who has a permit issued or renewed for a period of 12 months or less under this act, shall be 1/2 times the fee fixed under paragraph (2) of this subsection, subject to paragraph (4) of this subsection;

(4) a renewal fee of 1 1/2 times the then regular fee fixed under paragraph (2) or paragraph (3) of this subsection, whichever is applicable, for a permit to practice shall be charged and collected in the case of an applicant who had in some prior year held a permit to practice but who did not hold such a permit for the year immediately preceding the period for which a permit to practice is requested, or who, if holding permit to practice for such period immediately preceding applies for renewal subsequent to the expiration date of such permit; and

(5) a fee to recover all or part of the costs associated with the positive enforcement program established under section 1 of not

to exceed \$100 per report submitted for review, which shall be charged to the permit holder or the office of the firm being reviewed.

(c) On or before May 30 each year, the board shall determine the amount of funds that will be required during the ensuing year to carry out and enforce the provisions of law administered by the board and may adopt rules and regulations to change any fees fixed under this section as may be necessary, subject to the limitations prescribed by this section. Upon fixing changing any renewal fees as provided by this section, the board shall immediately notify all holders of permits to practice of the amount of such fees. The fees fixed by the board and in effect under this section immediately prior to the effective date of this act shall continue in effect until such fees are fixed by the board by rules and regulations as provided by this section.

Sec. 4. K.S.A. 1-308 is hereby amended to read as follows: 1-308. (a) A partnership may engage in practice in this state as certified public accountants, if it registers annually with the board and meets the following requirements:

(1) At least one general partner thereof must be a certified public accountant of this state holding a valid permit to practice;

(2) each partner thereof personally engaged within this state in a practice of public accounting as a member thereof must be a certified public accountant of this state holding a valid permit to practice;

(3) each partner thereof must be a certified public accountant in some state in good standing; and

(4) each resident manager in charge of an office of the firm in this state must be a certified public accountant of this state holding a valid permit to practice.

(b) Nothing in this section shall prohibit a professional corporation from practicing in partnership with one or more corporations or individuals and being registered with the board as a partnership under this section if:

(1) The professional corporation is duly organized under the professional corporation law of Kansas and remains in good standing thereunder;

(2) all qualified shareholders hold valid permits to practice as certified public accountants and, if engaged in the practice within this state, hold a valid permit to practice issued by the board;

(3) each resident manager in charge of an office of the partnership in this state is a certified public accountant of this state holding a valid permit to practice issued by the board; and

(4) each individual practicing in partnership with the professional corporation is a certified public accountant holding a valid permit to practice and, if engaged in the practice within this state, holds a valid permit to practice issued by the board.

(c) The term "resident" as used in this section, shall include a person engaged in practice as a certified public accountant in this state, who spends all or the greater part of such person's time during business hours in this state, but who resides in another state.

(d) Application for registration under this section shall be made upon the affidavit of a general partner of the partnership. If the general partner making application is a professional corporation, the affidavit submitted on its behalf shall be executed by the president or secretary of such corporation. The board shall in each case determine whether the applicant is eligible for registration. No fee shall be charged for the registration of a partnership.

(e) A partnership which is so registered in accordance with this section may use the words "certified public accountants" or the abbreviation "C.P.A." in connection with its partnership name. Notification shall be given the board, within one month, after the admission or withdrawal of a partner from any partnership so registered.

(f) A professional corporation which was organized for the practice of certified public accountancy and which maintains an office in this state, may engage in the practice in this state if it registers annually with the board and if it is in compliance with requirements established by rules and regulations adopted by the board for such registration, which requirements shall be similar to the requirements prescribed by this section for the registration of partnerships. A professional corporation which

is so registered may use the words "certified public accountants" or the abbreviation "C.P.A." in connection with its name. No fee shall be charged for the registration of a professional corporation.

Sec. 5. K.S.A. 1-315 is hereby amended to read as follows: 1-315. The board may reissue the Kansas certificate of any person whose Kansas certificate has been revoked, or may permit the reregistration of any partnership or any professional corporation whose registration has been revoked, or may reissue or modify the suspension of any permit to practice as a certified public accountant which has been revoked or suspended.

Sec. 6. K.S.A. 1-316 is hereby amended to read as follows: 1-316. (a) It is unlawful for any person, except the holder of a valid permit issued under K.S.A. 1-310; and amendments thereto; or any partnership or professional corporation, unless it is registered under the provisions of K.S.A. 1-308 and amendments thereto, to affix or cause to be affixed the signature of any such person or partnership or professional corporation to any accounting or financial statement, to any opinion on, report on or certificate to any accounting or financial statement with any word indicating that such person or partnership, or its members, or professional corporation, or its officers or employees, are certified public accountants.

(b) It is unlawful for any person, except the holder of a valid Kansas certificate issued under the laws of this state, to use or assume the title "certified public accountant" or to use the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device likely to be confused with "certified public accountant."

(c) Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500, or to imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 7. K.S.A. 1-202, 1-301, 1-308, 1-315 and 1-316 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 4, 1987.

SENATE concurred in HOUSE amendments March 24, 1987.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

Passed the HOUSE as amended March 23, 1987.

JAMES D. BRADEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

APPROVED April 3, 1987.

MIKE HAYDEN

Governor.

STATE OF KANSAS

Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1987.

BILL GRAVES

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 9, 1987.)

SENATE BILL No. 64

AN ACT concerning the family and children trust fund; authorizing certain expenditures therefrom; amending K.S.A. 1986 Supp. 75-5328 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1986 Supp. 75-5328 is hereby amended to read as follows: 75-5328. (a) There is hereby created in the state treasury the family and children trust fund. The secretary of social and rehabilitation services may apply for, receive and accept grants, gifts and bequests from any source, governmental or private, for the purposes for which money may be expended from the family and children trust fund under subsection (b), and the secretary shall remit all moneys so received to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the family and children trust fund.

(b) Moneys in the family and children trust fund shall be used for the following purposes: (1) Matching federal moneys to purchase services relating to community-based programs for the prevention of problems of families and children; (2) providing start-up or expansion grants for community-based prevention projects or educational programs for the problems of families and children, primarily but not limited to, child abuse and neglect and family abuse; (3) study and evaluate community-based prevention projects and educational programs for the problems of families and children; (4) *preparing, publishing, purchasing and disseminating educational material dealing with the problems of families and children*; and (4) (5) payment of the salary and actual and necessary travel expenses of the coordinator employed by the children and youth advisory committee under K.S.A. 38-1401 and amendments thereto. For the purpose of this subsection (b), "educational programs" shall include instructional and demonstration programs whose main purpose is to disseminate information and techniques or to provide services for the prevention of problems of families and children. No moneys in the family and children trust fund shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(c) The children and youth advisory committee shall advise the secretary and the commissioner of youth services in detail on the expenditures of moneys in the family and children trust fund.

(d) All expenditures from the family and children trust fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or by a person or persons designated by the secretary.

(e) The secretary shall designate the commissioner of youth services to exercise the powers and perform the duties granted to and imposed upon the secretary under this section.

Sec. 2. K.S.A. 1986 Supp. 75-5328 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 10, 1987.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE March 30, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 6, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

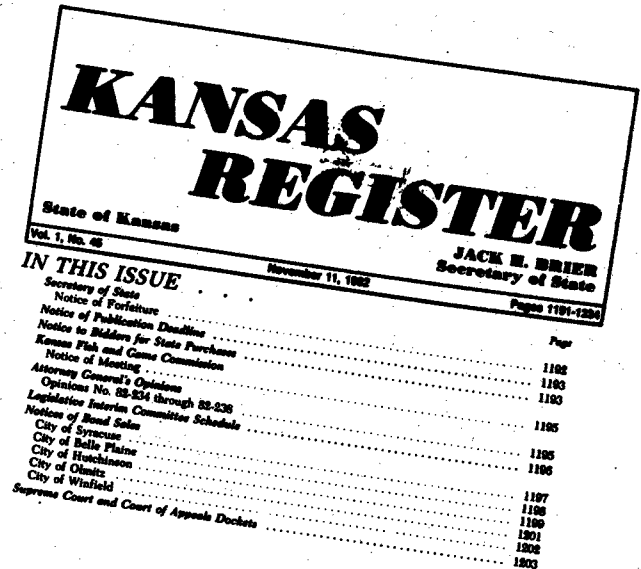
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 6th day of April, 1987.

BILL GRAVES
Secretary of State.

(SEAL)

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