

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

ATTORNEY GENERAL

Opinion No. 89-28

Bonds and Warrants—Cash-Basis Law—Creating Indebtedness in Excess of Funds Unlawful; Exceptions. Greg A. Bengston, Salina City Attorney, Salina, March 7, 1989.

The cash-basis law, K.S.A. 10-1101 *et seq.*, forbids a municipality to incur a contractual indebtedness in excess of funds actually on hand in the municipality's treasury and budgeted for such indebtedness in any particular budget year. An irrevocable, non-recourse loan commitment or letter of credit issued to a city does not satisfy the requirement that sufficient funds be available in the city treasury to satisfy a contractual indebtedness. Cited herein: K.S.A. 10-1101; 10-1113; 10-1116. TRH

Opinion No. 89-29

Grain and Forage—Inspecting, Sampling, Storing, Weighing and Grading Grain; Terminal and Local Warehouses—Warehouseman's Bond; Release from Liability. T.D. Wilson, Director, Kansas Grain Inspection Department, Topeka, March 8, 1989.

The Kansas Grain Inspection Department has no authority to release a surety company from all liabilities on a public warehouseman's bond. Cited herein: K.S.A. 34-223; K.S.A. 1988 Supp. 34-228; 34-229; K.S.A. 34-230. RLN

Opinion No. 89-30

Labor—Employee Retirement Income Security Program; Protection of Employee Benefit Rights—General Provi-

sions. Senator Edward F. Reilly, Jr., 3rd District, Leavenworth, March 9, 1989.

Proposed state legislation that relates to a welfare benefit plan and is not otherwise excepted is pre-empted by Section 514 of the Employee Retirement Income Security Act of 1974 (ERISA). Cited herein: 29 U.S.C. §1001 *et seq.*; U.S. Const., Art. VI, cl. 2. GE

Opinion No. 89-31

Minors—Kansas Code for Care of Children; Dispositional Procedure—Orders of Temporary Custody; Hearings; Placement; Authorized Dispositions; Judicial Determinations Regarding Welfare of Child and Reasonable Efforts to Avoid Placement Outside Home. Winston Barton, Secretary, Department of Social and Rehabilitation Services, Topeka, March 13, 1989.

It is our opinion that Kansas law clearly and unequivocally seeks to avoid removing a child from his home, but permits such removal in order to protect and promote the welfare of the child. State law unambiguously requires a judicial order for removal to be based upon the court's determination that leaving a child in the home is contrary to the child's welfare and provides for judicial determinations concerning reasonable efforts to keep children in their homes. Cited herein: K.S.A. 38-1501; K.S.A. 1988 Supp. 38-1542; 38-1543; K.S.A. 38-1562; 38-1563; K.S.A. 1988 Supp. 38-1565; K.S.A. 38-1583. TMN

ROBERT T. STEPHAN
Attorney General

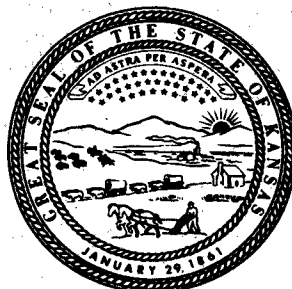
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Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

LABETTE COUNTY

NOTICE TO BIDDERS

Labette County is accepting sealed bids in the office of the County Clerk, Courthouse, Oswego 67356, until 10 a.m. Monday, April 10, for the following NCR computer equipment:

- 1—8231 Main Frame and Buddy with 30 megabytes of fixed disc space and space for 3 removable hard discs
- 3—7900 CRTs
- 1—6441 70 LPM Matrix Printer
- 1—6440 70 LPM Matrix Printer
- 28 9.8 MB removable hard discs

The NCR operates on COBOL language.

The items can be seen by contacting the county clerk between 8:30 a.m. and 5 p.m. Monday through Friday, phone (316) 795-2138. Pieces will not be sold separately.

LINDA SCHREPPPEL
County Clerk

Doc. No. 007595

State of Kansas

WILDLIFE AND PARKS COMMISSION

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be held at 7 p.m. Friday, April 28, in the Grand Ballroom at the Ramada Inn Downtown, 420 E. 6th, Topeka, to consider the adoption and amendment of permanent and exempt regulations of the commission.

The 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations.

All interested parties may submit written comments prior to the hearing to the Assistant Secretary, Operations Office, Route 2, Box 54-A, Pratt 67124-9599. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for adopting, amending, or rejecting the proposed regulations and amendments.

The following is a brief summary of the proposed regulations and amendments:

K.A.R. 23-1-8. Turkey; fall season; bag limits and permits. This exempt regulation will establish the fall 1989 archery and firearms turkey hunting seasons, open area permit allowances, and bag limits. Application dates for permits will be established.

Economic Impact Summary: It is estimated that the department will issue 2,300 turkey hunting permits, thus generating \$34,400 in revenue. Certain businesses will benefit from sportsmen hunting turkey. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 23-2-5. Deer; regulation season; bag limits, and permits. This exempt regulation establishes the 1989 archery, muzzleloader, and firearms hunting seasons, units, and the bag and permit limits. Application dates for permits will be established.

Economic Impact Summary: It is estimated that the department will issue 74,300 deer hunting permits, thus generating \$1,791,975 in revenue. Certain businesses will benefit from sportsmen hunting deer. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 23-2-12. Antelope; season, bag limits, and permits. This exempt regulation establishes the 1989 archery and firearms seasons, units, and the bag and permit limits. Application dates for permits will be established.

Economic Impact Summary: It is estimated that the department will issue 410 antelope hunting permits, thus generating \$12,500 in revenue. Certain businesses will benefit from sportsmen hunting antelope. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 23-2-14. Antelope and deer; season restrictions. This permanent regulation is being amended. The amendments define legal archery equipment and attachments, legal rifle and muzzleloader calibers, and will allow persons to receive more than one deer permit under specified conditions.

Economic Impact Summary: Department revenue will not be altered. Certain businesses will benefit from equipment and caliber limitations. Such limitations may represent a cost to some sportsmen; however, sportsmen participation is voluntary.

K.A.R. 23-2-18. Elk; season, bag limits, and permits. This exempt regulation establishes the 1989 elk season, units, bag limits, and permits. Application dates for permits will be established.

Economic Impact Summary: It is estimated that the department will issue 6 elk permits, thus generating \$415 in revenue. Certain businesses will benefit from sportsmen hunting elk. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen.

K.A.R. 23-6-1. Furbearers; open season and bag limits. This exempt regulation establishes the 1989-90 hunting, trapping, and running seasons and areas for furbearing animals and the possession time periods.

Economic Impact Summary: It is estimated that the department will issue 6,000 furharvester licenses, thus generating \$92,000 in revenue. Certain businesses will benefit from sportsmen hunting and trapping furbearers. Revenue to the department represents a cost to sportsmen; however, such cost is voluntary for sportsmen, and may be offset by the sale of fur by sportsmen.

Copies of the full text of the proposed regulations and amendments and the economic impact statements may be obtained by writing to the assistant secretary at the address above.

GERALD W. TOMANEK
Chairman

Doc. No. 007615

State of Kansas
DEPARTMENT OF HUMAN RESOURCES
KANSAS ADVISORY COMMITTEE ON
EMPLOYMENT OF THE HANDICAPPED

NOTICE OF MEETING

The Kansas Department of Human Resources' Advisory Committee on Employment of the Handicapped will meet at 1:30 p.m. Friday, March 31, in the second floor conference room, 1430 S. Topeka Blvd., Topeka. The meeting is open to the public.

RAY SIEHNDEL
 Acting Secretary of Human Resources

Doc. No. 007601

State of Kansas
WICHITA STATE UNIVERSITY
NOTICE TO BIDDERS

Sealed bids for items listed below will be received by The Wichita State University, Office of Purchasing, Wichita, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (316) 689-3780 for more information.

Thursday, April 13, 1989
 #9276-L

Devlin Hall Telecommunications Installation

GARY D. LINK
 Director of Purchasing

Doc. No. 007599

State of Kansas
BOARD OF EDUCATION
NOTICE OF HEARING

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, April 11, in the Lamm Dining Room, first floor, Roth Administration Building, Kansas State School for the Deaf, 450 E. Park, Olathe, to consider the proposed Kansas Migrant Education State Plan for fiscal year 1990.

The Migrant Education Program is identified as a state operated program under Public Law 97-35, specifically designed to provide special educational services for migratory children of migratory agricultural workers or migratory fishers.

Approximately \$3.6 million will be appropriated to Kansas migrant education for fiscal year 1989. The plan will be implemented to serve a minimum of 5,000 students in 33 regular programs and 10 summer educational programs.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, on the plan. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the State Board of Education, at least five days before the hearing, their views regarding the proposed plan. All comments received will be considered by the board. The hearing shall be conducted in compliance with public hearing procedures of the board.

DR. LEE DROEGEMUELLER
 Commissioner of Education

Doc. No. 007614

State of Kansas
DEPARTMENT OF WILDLIFE
AND PARKS
PUBLIC NOTICE

Pursuant to requirements of the National Environmental Policy Act of 1969, the Kansas Department of Wildlife and Parks announces the release of a draft environmental assessment covering a proposed project entitled "Marais des Cygnes Wildlife Area Unit A Enhancement." This project would modify water control structures in Unit A of the department's Marais des Cygnes Wildlife Area to allow more efficient management of marsh units on the area.

Interested groups and individuals are encouraged to provide comments regarding this assessment to: Planning/Federal Aid Section, Kansas Department of Wildlife and Parks, Route 2, Box 54A, Pratt 67124. Review copies may be requested from that address or by calling (316) 672-5911, ext. 199. Comments should be submitted by March 30.

ROBERT L. MEINEN
 Secretary of Wildlife
 and Parks

Doc. No. 007600

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 S.W. 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 3, 1989
 #26007

Department of Human Resources—JANITORIAL
 SERVICE, Kansas City

#27042

University of Kansas Medical Center—MIST
INHALATORS

#27480

University of Kansas Medical Center—
ANTIMICROBIAL HAND CLEANSERS

#27975

Kansas State University—REFUSE COLLECTION

#27976

Department of Administration, Buildings and
Grounds Services—ELEVATOR MAINTENANCE,
Wichita State Office Building

#78405

Department of Transportation—FUME HOOD AND
ACCESSORIES, Salina

#78457

University of Kansas Medical Center—FURNISH
AND INSTALL UPS SYSTEM

Tuesday, April 4, 1989

#A-6012

Department of Transportation—REROOF SUB AREA
BUILDING #27600-32034, Syracuse

#A-6030

Department of Transportation—REROOF
(COMPLETE REPLACEMENT) SUB AREA
BUILDING #27600-24010, Ellsworth

#27071

• Various state agencies—FROZEN COFFEE

#27759

Statewide—FROZEN EGGS

#78411

University of Kansas Medical Center—LAUNDRY
CARTS

#78423

Pittsburg State University—SOUND SYSTEM

#78424

Kansas Correctional Industries—NORTHERN HARD
MAPLE

#78425

Department of Transportation—TYPE I POSTS AND
ANCHORS, Garden City and Hutchinson

Wednesday, April 5, 1989

#A-6139

University of Kansas—ALLEN FIELD HOUSE
ROOF REPAIR

#78441

Department of Transportation—OFFSET
DUPLICATOR

#78442

Department of Social and Rehabilitation Services—
MICROCOMPUTERS

#78458

University of Kansas—INSTALL
TELECOMMUNICATION SYSTEM

Thursday, April 6, 1989

#A-6108

Kansas College of Technology—ADD
POLYURETHANE FOAM ROOF ON CHAPEL

#27589

Various state agencies—TABLEWARE—
POLYCARBONATE

#27977

University of Kansas Medical Center—HUMAN
SERUM ALBUMIN

#78467

Kansas State University—STEEL LIBRARY
SHELVING

#78471

Ellsworth Correctional Work Facility—VEHICLES

#78478

Kansas State University—ASPHALT OVERLAY

Friday, April 7, 1989

#78483

Kansas State University—LAB EQUIPMENT, Hays

#78484

Kansas State University—LAB STERILIZER, Hays

#78485

Kansas State University—AA
SPECTROPHOTOMETER

#78486

Kansas Bureau of Investigation—
SPECTROPHOTOMETER

#78487

Department of Social and Rehabilitation Services—
VAN, Salina

Friday, April 14, 1989

#27973

Department of Health and Environment—
EXCAVATING AND BACKFILLING SUBSIDENCE
HOLES, Pittsburg

#27974

Department of Health and Environment—FILLING
AND STABILIZING SUBSIDENCE OCCURRENCES,
Pittsburg

#78416

Kansas Bureau of Investigation—AUTOMATED
FINGERPRINT ID SYSTEM (AFIS)

Tuesday, April 18, 1989

#78495

Department of Administration, Division of
Information Systems and Communications—
SOLID STATE DISK SUBSYSTEM

Wednesday, April 19, 1989

#78496

Department of Social and Rehabilitation Services—
IACs and TCBs FOR DATA GENERAL SYSTEM

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 007612

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following numbers and titles of bills and resolutions have been recently introduced in the 1989 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.

Bills introduced March 9-15:

House Bills

HB 2542, by Committee on Appropriations: An act concerning autopsies; requiring copies of reports to be supplied to medical care facilities in certain cases; amending K.S.A. 22a-233 and repealing the existing section.

Senate Bills

SB 358, by Committee on Ways and Means: An act relating to the attorney general; providing for appointment of an assistant attorney general for the state fire marshal and for the Kansas highway patrol; providing for fixing the salary and for the payment thereof; amending K.S.A. 31-149 and repealing the existing section.

SB 359, by Committee on Ways and Means: An act concerning salaries and compensation of certain public officers and employees; providing for increases thereof under certain circumstances; amending K.S.A. 22-3708, 22a-105 and 74-601 and K.S.A. 1988 Supp. 74-2434 and repealing the existing sections.

SB 360, by Committee on Ways and Means: An act relating to motor vehicles; providing for license plates for recipients of the Congressional Medal of Honor.

SB 361, by Committee on Ways and Means: An act concerning municipal utilities; providing financing for municipal water systems in drought emergency; amending K.S.A. 10-1116a and repealing the existing section.

SB 362, by Committee on Ways and Means: An act concerning the Kansas development finance authority; relating to the issuance of bonds for loans to public water supply systems.

SB 363, by Committee on Ways and Means: An act concerning public utilities; relating to court review of state corporation commission actions arising from certain rate hearings; amending K.S.A. 1988 Supp. 66-118a and repealing the existing section.

SB 364, by Committee on Ways and Means: An act concerning medical malpractice liability actions; relating to pretrial screening panels; amending K.S.A. 1988 Supp. 65-4904 and repealing the existing section.

SB 365, by Committee on Ways and Means: An act concerning registered masters level psychologists; amending K.S.A. 1988 Supp. 74-5363 and repealing the existing section.

SB 366, by Committee on Ways and Means: An act concerning the open records act; relating to records not required to be open; amending K.S.A. 1988 Supp. 45-221 and repealing the existing section.

SB 367, by Committee on Ways and Means: An act relating to income taxation; providing a credit therefrom for medical doctors practicing in medically underserved areas of the state.

SB 368, by Committee on Ways and Means: An act providing for the certification of alcoholism and drug addiction counselors; authorizing the secretary of social and rehabilitation services to adopt rules and regulations establishing such certification programs; granting certain powers to and imposing certain duties upon the secretary of social and rehabilitation services; authorizing the fixing and collecting of fees; amending K.S.A. 65-4016 and repealing the existing section.

SB 369, by Committee on Federal and State Affairs: An act relating to drivers' licenses; concerning driving privileges for persons with seizure disorders.

SB 370, by Committee on Federal and State Affairs: An act concerning tax information; relating to disclosure thereof; amending K.S.A. 1988 Supp. 79-3234 and repealing the existing section.

House Concurrent Resolutions

HCR 5018, by Representative King: A proposition to amend section

1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

HCR 5019, by Representative McClure: A concurrent resolution designating the post rock area of central and northcentral Kansas as an area of historic and tourist interest and directing the secretary of transportation to indicate such area on the department's official travel map.

House Resolutions

HR 6048, by Representative Sughrue: A resolution honoring teachers for their contributions to the citizens of the State of Kansas on Teacher Day USA, May 9, 1989.

HR 6049, by Representative Baker: A resolution honoring Melva M. Owens on being named the 1988-89 Kansas Secondary School Principal of the Year.

HR 6050, by Representative Baker: A resolution congratulating Judy Beedles-Miller on being named Kansas Teacher of the Year for 1989.

HR 6051, by Representative Baker: A resolution recognizing and commending the Kansas 61st Air Force Junior Reserve Officers Training Corps for the discipline they display in their dedication to duty and commitment to their country.

HR 6052, by Representative Lucas: A resolution congratulating Sarah Boeh and Tyler Whetstine on winning the Elks hoop shoot state competition.

HR 6053, by Representative Graeber: A resolution congratulating the St. John Hospital in Leavenworth, Kansas, on its 125th Anniversary.

HR 6054, by Representatives Larkin and Eckert: A resolution congratulating and commending the Nemaha Valley High School girls' basketball team and Coach Mike Terpening for winning the 1989 Class 3A State Basketball Championship in Kansas.

HR 6055, by Representative Peterson: A resolution congratulating and commending the Bishop Ward High School girls' basketball team and Coach Bob Meade for winning the 1989 Class 4A State Basketball Championship in Kansas.

Senate Resolutions

SR 1825, by Senator Ehrlich: A resolution congratulating and commending Howard and Ruth Hodgson on being named Kansas Master Farmer-Master Homemaker for 1988.

SR 1826, by Senator Moran: A resolution congratulating and commending the Hanston High School boys' basketball team and Coach Steve Senff for winning the 1989 Class 1A State Basketball Championship in Kansas.

SR 1827, by Senator Steineger: A resolution commending the Topeka Festival Singers.

SR 1828, by Senator Francisco: A resolution congratulating Judy Beedles-Miller on being named Kansas Teacher of the Year for 1989.

SR 1829, by Senator Francisco: A resolution honoring Melva M. Owens on being named the 1988-89 Kansas Secondary School Principal of the Year.

SR 1830, by Senator Francisco: A resolution recognizing and commending the Kansas 61st Air Force Junior Reserve Officers Training Corps for the discipline they display in their dedication to duty and commitment to their country.

SR 1831, by Senator D. Kerr: A resolution congratulating and commending the Nickerson High school boys' basketball team and Coach Don Moeckel for winning the 1989 Class 4A State Basketball Championship in Kansas.

SR 1832, by Senator Sallee: A resolution congratulating Sarah Boeh and Tyler Whetstine on winning the Elks hoop shoot state competition.

SR 1833, by Senator Anderson: A resolution congratulating Wichita, Kansas, on being selected as the host city for the 1989 American Bowling Congress Tournament and proclaiming March 12-18, 1989, as "American Bowling Congress Week."

SR 1834, by the Committee on Agriculture: A resolution proclaiming March 20, 1989, as "Agriculture Day."

SR 1835, by the Committee on Agriculture: A resolution urging the Secretary of Transportation of the United States, Samuel Skinner, to withdraw the proposed rule concerning reclassification of anhydrous ammonia.

SR 1836, by Senator Montgomery: A resolution congratulating and commending the Nemaha Valley High School girls' basketball team and Coach Mike Terpening for winning the 1989 Class 3A State Basketball Championship in Kansas.

Doc. No. 007609

**State of Kansas
DEPARTMENT OF TRANSPORTATION**

NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. April 20, 1989, and then publicly opened:

DISTRICT ONE—Northeast

Brown—7 C-2608-01—County road, 5.0 miles east and 4.6 miles south of Hiawatha, then south, 0.2 mile, grading and bridge. (Federal Funds)

Doniphan—22 C-1978-01—County road, 2.8 miles east of Troy, then north, bridge replacement. (Federal Funds)

Jefferson—44 C-2560-01—County road, from old U.S. 24 southeast of Perry, south to the Kansas River bridge, 1.5 miles, grading and surfacing. (Federal Funds)

Leavenworth—52 C-1743-01—County road, 1.5 miles east and 5.3 miles north of Tonganoxie, then north, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-2371-01—County road, from Sabetha, then south, 0.1 mile, bridge replacement. (Federal Funds)

Riley—70-81 K-3709-01—I-70, from the Geary-Riley county line east to the Riley-Wabaunsee county line, 6.0 miles, overlay. (State Funds)

Riley—81 U-1122-01—Anderson Avenue; K-113, west of Manhattan, 1.0 mile, grading and surfacing. (Federal Funds)

Shawnee—40-89 K-3611-01—U.S. 40, Rogers to Fairfax (in Topeka at Volume Shoe), 0.3 mile, slurry seal. (State Funds)

Shawnee—70-89 K-3708-01—I-70, from west of Valencia Road east to west of Wanamaker Road, 6.3 miles, overlay. (State Funds)

Shawnee—75-89 K-3687-01—U.S. 75, from the north end of the Kansas River bridge 101 on the northbound lanes of U.S. 75, north 0.4 mile, overlay. (State Funds)

Shawnee—89 C-2170-01—County road, 3.3 miles south of Berryton, then south, 0.2 mile, bridge replacement. (Federal Funds)

Wabaunsee—70-99 K-3710-01—I-70, from the Riley-Wabaunsee county line east to K-30, 19.0 miles, overlay. (State Funds)

Wyandotte—169-105 K-2878-02—U.S. 169, Kansas River, Atchison, Topeka & Santa Fe Railway and Kansas City Southern Railway bridge 72, .55 mile northwest of I-35, bridge repair. (State Funds)

Wyandotte—670-105 K-3103-01—I-670, connection to I-70, and Central Avenue ramps, signing. (Federal Funds)

DISTRICT TWO—Northcentral

Dickinson—21 C-2022-01—County road, 1.1 miles south and 4.6 miles west of Hope, then west, 0.2 mile, bridge replacement. (Federal Funds)

McPherson—56-59 K-3154-01—Intersection of U.S. 56 and Centennial Street in McPherson, intersection improvement. (State Funds)

Saline—85 C-2116-01—County road, 2.0 miles east and 7.2 miles north of Brookville, then north, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT THREE—Northwest

Ellis—26 C-2551-01—County road, west of the Industrial Park; old U.S. 40, then south, 1.0 mile, surfacing. (Federal Funds)

Norton—283-69 K-3527-01—U.S. 283, from the Graham-Norton county line north to the south city limits of Norton, 19.8 miles, overlay. (State Funds)

Norton—383-69 K-3465-01—K-383 bridge 27 over the Chicago, Rock Island and Pacific Railroad, 11.5 miles northeast of the Decatur County line, bridge overlay. (State Funds)

Norton—69 C-2532-01—County road, 1.5 miles south and 8.8 miles west of Lenora, then west, 0.1 mile, grading and bridge. (Federal Funds)

Sherman—27-91 K-3456-01—K-27 bridge 42 over the Kyle Railroad, 0.8 mile north of I-70, bridge overlay. (State Funds)

Sherman—91 C-2128-01—County road, 7.0 miles north and 2.9 miles east of Goodland, then east, bridge replacement. (Federal Funds)

DISTRICT FOUR—Southeast

Franklin—59-30 K-3639-01—U.S. 59 and 23rd Street in Ottawa, traffic signal. (State Funds)

Greenwood—37 K-2495-02—Fall River State Park, overlay. (State Funds)

Greenwood—54-37 K-3462-01—U.S. 54, Verdigris River bridge 9, 0.3 mile west of Woodson County line, bridge painting. (State Funds)

Labette—50 C-1939-01—County road, 5.0 miles east of Parsons, junction of U.S. 160, then north, 0.2 mile, bridge replacement. (Federal Funds)

Woodson—104 K-2496-02—Toronto State Park, overlay. (State Funds)

DISTRICT FIVE—Southcentral

Barber—4 C-2202-01—County road, 7.8 miles north and 0.2 mile west of Hardtner, then west, 0.2 mile, bridge replacement. (Federal Funds)

Harper—2-39 K-3141-01—K-2, Chikaskia River bridge 35, 8.6 miles northeast of the north junction of U.S. 160, bridge replacement. (Federal Funds)

Harper—39 C-2512-01—County road, 2.0 miles north and 7.5 miles west of Waldron, then west, bridge replacement. (Federal Funds)

Reno—78 C-2562-01—County road, 3.0 miles north of Haven, then north, 0.1 mile, bridge repair. (Federal Funds)

Reno—78 C-2562-01—County road, 3.0 miles north of Haven, then north, 0.1 mile, bridge repair. (Federal Funds)

Reno—78 C-2779-01—County road, 4.5 miles west and 5.5 miles north of Haven, then north, 0.1 mile, bridge repair. (Federal Funds)

Reno—78 U-0948-01—Poplar Street at Cow Creek in Hutchinson, bridge replacement. (Federal Funds)

Rush—83 C-2044-01—County road, 0.6 mile west of Bison, then south, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—296-87 X-1362-02—K-296, Missouri Pacific Railroad crossing of K-296 near Andale, grading and surfacing. (Federal Funds)

(continued)

Sedgwick—87 C-1949-01—County road, 3.6 miles west and 2.7 miles north of Viola, then north, 0.2 mile, bridge replacement. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone 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 action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

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

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 007607

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 13, 1989, and then publicly opened:

DISTRICT FIVE—Southcentral

Reno—C-2569-01—30th Avenue; K-61, then east, 3.3 miles, grading and surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone 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 action in restraint of free competitive bidding in connection with the submitted

bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

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

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 007616

State of Kansas
DEPARTMENT OF TRANSPORTATION
NOTICE OF PUBLIC AUCTION

The Kansas Department of Transportation will offer for sale at public auction the following land located in Wyandotte County, Kansas City, described as follows:

A tract of land lying in the Southeast Quarter of Section 28, Township 11 South, Range 25 East, Wyandotte County, Kansas, described as follows: BEGINNING 490 feet West of a point where the North line of Kansas City Avenue (also known as Southwest Boulevard) intersects with the West line of Edith Street in Rosedale, now a part of Kansas City, Kansas; thence West 98 feet, more or less, to the East line of Grand Avenue; thence North along the East line of Grand Avenue 140 feet; thence East 98 feet, more or less, to a point 490 feet West of the West line of said Edith Street; thence South 140 feet to the point of beginning. The above contains 13,720 sq. ft., more or less.

The tract is located in the northeast corner of Southwest Boulevard and McDowell Lane.

Time and Location

10 a.m. Monday, April 24, at site.

Terms of the Sale

Certified or cashier's check for full price. Purchaser will receive a quitclaim deed only.

Option

Certified or cashier's check for 10 percent of the purchase price the day of the sale. The balance of the purchase price will be paid by certified or cashier's check on or before May 24. If the balance is paid on or before said date, a quitclaim deed will be given to the successful bidder. If the balance of the purchase price is not paid on or before said date, the 10 percent down payment will be forfeited to the seller.

The seller reserves the right to reject any and all bids and is not responsible for accidents.

For additional information contact Beverly Lee/Donna Falkenstien, Bureau of Right of Way, Kansas Department of Transportation, (913) 296-3501.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 007611

State of Kansas

KANSAS PUBLIC DISCLOSURE COMMISSION

Advisory Opinion No. 89-1

Written February 16, 1989, to Rich Ray, R.A., School Facilities Office, Kansas State Department of Education, Topeka.

This opinion is in response to your letter of January 18, 1989, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as a registered architect employed by the state Department of Education to conduct plan reviews for new school buildings, additions, and remodeling projects for schools for compliance with state adopted building codes. You were trained and certified as a plans examiner prior to employment with the state of Kansas.

You were previously employed by the City of Topeka, Building Inspection Division. You had developed a submittal procedure which required information about a building construction project to be shown in a certain format. After working there for a couple of months, you requested to utilize the format there. You got approval, developed supporting documents, and began its utilization. The procedure has been in place nearly nine months and is successful in providing information in a usable form.

The submittal format was designed initially for use on buildings other than schools. You would like to develop training videos for use by architects in designing school buildings, but also would like to market and sell this format to students, architects, engineers, code consultants, and code and fire officials on your own time. For architects working on school projects, the use of the video would provide a clearer explanation of the format than by phone and graphics alone.

Because some of the refinements of the original concept were developed during your employment with the state, you are seeking clarification of whether the use of this format and video tape developments for your personal use and marketing would be a conflict of interest with your present employment.

We note at the outset that implicit in your question is the issue of whether the state has any proprietary rights to goods or services developed by a state employee during state service. In other words, does the state own the program because it was developed partially during state employment for state use. This is an issue outside our jurisdiction and we suggest you contact either the Attorney General or Department of Administration for guidance on this issue.

Otherwise, we have reviewed K.S.A. 46-215 *et seq.*, which is within our jurisdiction, and have determined so long as the price you charge is commercially reasonable (K.S.A. 46-238), you do not participate in any contracts in your capacity as a state official with your private business (K.S.A. 46-233), and the state agency of which you are a part does not license, regulate or inspect your private business (K.S.A. 46-236), that your proposal does not violate the conflict of interest provisions contained in K.S.A. 46-215 *et seq.*

We would caution you that the business not be operated

during state duty hours and you should not charge for the provision of information which it is your job to do as a state official.

Advisory Opinion No. 89-2

Written February 16, 1989, to Margaret Wright, Harvey County Election Officer, Newton.

This opinion is in response to your letter of January 27, 1989, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Harvey County Election Officer.

You describe the situation where an individual has a contract with a city and seeks election to the city's governing body. If elected, may this individual continue to contract with the city?

You ask whether either situation constitutes a conflict of interest.

K.S.A. 75-4301 *et seq.* is the applicable law. We have reviewed that law in detail and find no prohibitions relating to a candidate having a contract with the body for which he is seeking office. It is, therefore, our opinion that no conflict of interest arises when an individual holding a contract with a city seeks election to a city office.

If elected, however, the rule changes. K.S.A. 75-4304 states:

"(a) No public officer or employee shall in his or her capacity as such officer or employee, make or participate in the making of a contract with any person or business by which he or she is employed or in whose business he or she has a substantial interest, and no such person or business shall enter into any contract where any public officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contact and is employed by or has a substantial interest in such person or business. A public officer or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contact. This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) Contracts for property or services for which the price or rate is fixed by law. (b) Any public officer or employee who is convicted of violating this section shall forfeit his or her office or employment."

In addition, K.S.A. 75-4305 relates to other situations not covered by K.S.A. 75-4304 where an action by a public official or employee will "affect" any business in which they hold a substantial interest. That section states:

"Any public officer or employee who has not filed a disclosure of substantial interests and who, while acting in his official capacity, shall pass upon any matter which will affect any business in which such officer or employee shall hold a substantial interest, shall, before he acts upon such matter, file a written report of the nature of said interest with the office of the secretary of state, if such person is a state officer or employee, or if such person is an officer or employee of a municipal or quasi-municipal corporation, with the county clerk of the county in which all or the largest geo-

(continued)

graphical part of such municipal or quasi-municipal corporation is located. A public officer or employee does not pass or act upon any matter if he abstains from any action in regard to the matter."

The prohibitions contained in K.S.A. 75-4304 are directed at preventing contracts between governmental agencies, in this case the city, and businesses in which a public official in that agency holds a substantial interest. This section is aimed at requiring the public official to absent himself from the consideration of such contracts in his or her official capacity as an agent of the city. Thus, so long as a councilman abstains from any action in his capacity as a public official in regards to any contract between the city and his business, he will be in conformance with this section.

For your guidance, we note that the abstention required by this section includes not only non-participation in his capacity as a public official in public meetings, but also non-engagement in that capacity in private discussions with other members of the city governing body. Moreover, he cannot vote on any issue concerning such contract or be a signatory thereto or vote to pay bills in regard thereto in his capacity as an agent of the city. In other words, the abstention from action in his capacity as a public official must be total.

In regard to public meetings where such contracts or matters directly relate to them are discussed, we suggest that he absent himself from the meeting during such discussions. He also should request that the record show the fact of his absence and the reasons therefore.

We would like to emphasize at this point that K.S.A. 75-4304 relates in this case only to "contracts" between the city and others. Thus, those votes which relate to matters other than such contracts or matters directly related thereto are not covered by this section. In addition, contracts let after competitive bidding has been advertised for by published notice and contracts for property or services for which the price or rate is fixed by law are not covered by this section.

Though not covered by K.S.A. 75-4304, those matters we have just discussed are dealt with in most cases under K.S.A. 75-4305. Unlike K.S.A. 75-4304, this section is not limited to contractual situations. Rather, it is applicable when an action of a public official will "affect" a business in which such official holds a substantial interest. When such is the case, the public official must, unless he or she has already properly filed a disclosure of substantial interest form, file a statement of substantial interests before taking any action, or abstain from taking the action in the manner described above. If you have any questions concerning the applicability of this section to a specific factual situation, feel free to request another opinion based on that situation.

In conclusion, so long as the terms of this opinion are followed, it is the commission's opinion that a councilman-contractor who has abstained from action as a public officer may bid or contract with the city.

Advisory Opinion No. 89-3

Written February 16, 1989, to Kathryn A. Mackintosh, Kansas City, Kansas.

This opinion is in response to your letter of December

2, 1988, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction on this issue is limited to the application of K.S.A. 46-215 *et seq.* to your question. Thus whether some other common law, statutory provision, agency special provisions or policy applies is not covered by this opinion.

We understand you request this opinion in your capacity as a Social Worker II for the Kansas City Area Office of Social and Rehabilitation Services.

You have been employed as a protective service worker responsible for investigation of suspected child abuse/neglect since November, 1980. You are currently one of 19 protective service workers who investigate and provide services to maintain children in their homes or to work toward the reintegration for these children. Your division is separated into units (Units I, II, and III) and you are connected with Unit I, which is responsible for investigation of suspected sexual abuse reports and services for those families. Due to the size of your office, these positions are quite specialized and there are three units that provide foster care placement as well as supervision for children in placement.

You have enclosed a copy of the manual section which addresses the issue of agency employees being licensed to provide foster care. In the spirit of this section, which suggests that an adjacent area office provide licensing and supervision of an employee, you have been licensed through Temporary Lodging for Children (AYS-TLC), which provides these services separately from SRS. Due to a long-standing shortage of foster parents in Wyandotte County, SRS places children through AYS-TLC due to a purchase-of-service contract. AYS-TLC recruits, licenses, trains and supervises foster homes through their program.

Additionally, you have planned to only provide care for children who come into care through Unit II or Unit III. By not providing care for children who come into care through Unit I, you would insure that you could not be in a position of providing care for anyone for whom you might have case management responsibilities, either through your own caseload or through the caseloads of your co-workers since you provide back-up supervision for this unit.

It is your intention, through licensure and supervision by a separate agency and through avoidance of accepting placements for any children for whom you would have any case management involvement, that you would avoid any suggestion of a conflict of interest.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and based on the factual situation provided to us have determined so long as you do not in your capacity as a state official participate in the making of any contracts with the licensing agency, that the situation you describe will not constitute a conflict of interest.

Advisory Opinion No. 89-4

Written February 16, 1989, to Scott Stockwell, Director, Utilities Division, Kansas Corporation Commission, Topeka.

This opinion is in response to your letter of February 10, 1989, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction as to the question you raise is limited to the application of K.S.A. 46-215 *et seq.* Thus, whether some other common law, statutory system, or agency policy applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as Utilities Division Director for the Kansas Corporation Commission.

The opportunity has been extended to you to represent the United States on a trip abroad by the American Council of Young Political Leaders (ACYPL). ACYPL is principally funded by the United States federal government through the USIA (United States Information Agency), with some funding through private sector contributions. The purpose of ACYPL is to send young political leaders to other countries to both discuss the American political system and to learn about the political systems of other countries. In the specific program you would participate in, a group of six, including three Democrats and three Republicans, would travel to Mexico for eight days, visiting three cities.

Candidates for participation in the program include federal, state and local officials. Several past and present state officials from Kansas have participated in the program. The selection committee of the ACYPL selects the candidates.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety and only K.S.A. 46-237 might be applicable. That section states:

"(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties."

In addition, "special interest" is defined in K.S.A. 46-228 as follows:

" 'Special interest' means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole."

From a review of this specific proposal, the organization involved and its primary source of funding, it is our opinion that ACYPL does not have a "special interest" as that term is defined above and therefore K.S.A. 46-237(a) does not apply.

Finding no other section of the act applicable, it is our opinion that the situation you describe does not constitute a conflict under laws within our jurisdiction.

LOWELL K. ABELDT
Chairman

Doc. No. 007593

(Published in the *Kansas Register*, March 23, 1989.)

NOTICE OF REDEMPTION
City of Howard, Kansas
Water and Sewer Utility Revenue Bonds
Series of 1977

Notice is hereby given that \$40,000 principal amount of bonds, as listed below, are called for redemption May 1, 1989, at the redemption price of 103 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The numbers of the bonds to be called for redemption are 20-27, inclusive, City of Howard, Kansas, Water and Sewer Utility Revenue Bonds, Series of 1977, dated November 1, 1977, each in the amount of \$5,000 due November 1, 1989, through November 1, 1992, to be redeemed May 1, 1989.

On May 1, 1989, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below. On and after May 1, 1989, interest on the principal amount called for redemption shall cease to accrue. The bonds may be presented for payment, along with an IRS Form W-9 verifying owner's taxpayer identification number, in person or by mail at the following address: The Kansas State Treasurer, Landon State Office Building, 900 S.W. Jackson, Topeka, KS 66612.

Patsy T. Vansickle
City Clerk
City of Howard, Kansas

Doc. No. 007605

(Published in the *Kansas Register*, March 23, 1989.)

NOTICE OF REDEMPTION
State of Kansas
County of Dickinson
City of Abilene
Industrial Revenue Bond Issue
Series October 1, 1973

Notice is hereby given that pursuant to the provisions of Ordinance No. 2329, adopted by the governing body of the city of Abilene, Kansas, on October 29, 1973, all outstanding bonds will be called for redemption on April 1, 1989 (the redemption date), at a redemption price of 102.50 percent of the principal amount thereof together with accrued interest to the redemption date.

The bonds to be called are in bearer form with a par value of \$5,000 each. The bond numbers, interest rate per annum, and maturity dates of the bonds are:

Bond Numbers (Inclusive)	Interest Rate Per Annum	Maturity Date
22 to 23	8.00%	10/01/89
24 to 25	8.00%	10/01/90

All such coupon bonds together with the April 1, 1989, coupon and all unmatured coupons thereunto appurtenant should be presented for payment on the redemption date to Union National Bank of Wichita, 150 N. Main, Wichita, KS 67202. The method of presentation and delivery of such bonds for redemption is at the option and

(continued)

risk of the owners of each bond. If mail is used, insured registered mail, return receipt requested, is suggested.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal or interest on corporate 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. Owners of the above described bonds who wish to avoid imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

On and after April 1, 1989, interest on all bonds called for redemption shall cease to accrue.

Dated as of March 1, 1989.

Union National Bank of Wichita
Trustee

Doc. No. 007593.

(Published in the Kansas Register, March 23, 1989.)

**NOTICE OF REDEMPTION
RENO COUNTY, KANSAS**

**Single Family Mortgage Revenue Bonds,
1979 Series A**

**Serial Bonds Due November 1989-1999
Term Bonds Due November 1, 2010**

NOTICE IS HEREBY GIVEN that pursuant to Section 3.01 of the Indenture dated as of November 1, 1979, \$710,000 principal amount of the Bonds, as listed below, are called for redemption on May 1, 1989, at the redemption price of 100% 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:

AK2	594	933	1315	1750	2339	2880	3547
322	AQ9	975	1343	1753	2359	2904	3553
328	598	987	1394	1766	2361	2916	3568
AL0	668	AU0	1416	1852	2379	2986	3611
378	AR7	1004	1431	1884	2404	3032	3652
AM8	691	1048	1446	1892	2409	3036	3659
402	693	1066	1455	1902	2456	3105	3661
409	711	1083	1509	1992	2507	3132	3707
448	712	AV8	1536	2018	2519	3140	3745
AN6	AS5	1151	1539	2108	2550	3178	3762
493	791	1161	1549	2112	2562	3218	3770
511	830	1211	1587	2126	2572	3308	3812
AP1	853	1236	1644	2182	2604	3313	3836
559	860	AW6	1655	2187	2608	3376	3837
583	AT3	1277	1662	2199	2677	3384	3862
	919	1310	1696	2331	2802	3540	

The serial numbers of the Registered Bonds to be redeemed in whole or in part are:

Bond Number	Par Value	CUSIP Number	Amount Called
R98	\$ 5,000	759753AL0	\$ 5,000
R119	10,000	759753AN6	5,000
R88	15,000	759753AQ9	5,000
R110	30,000	759753AU0	5,000

R111	25,000	759753AV8	5,000
R15	5,000	759753AW6	5,000
R92	5,000	759753AW6	5,000
R97	75,000	759753AW6	5,000
R105	40,000	759753AW6	10,000
R115	85,000	759753AW6	10,000
R116	95,000	759753AW6	15,000
R117	90,000	759753AW6	20,000
R125	20,000	759753AW6	5,000
R341	10,000	759753AW6	5,000
R354	15,000	759753AW6	5,000
R355	5,000	759753AW6	5,000
R360	5,000	759753AW6	5,000

On May 1, 1989, 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 current coupon and all subsequent coupons attached should be presented to one of the offices of the Paying Agents:

Continental Bank N.A.
Attn: Corporate Trust Operations
30 North LaSalle Street, 16th Floor
Chicago, Illinois 60697

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

**Kansas State Bank
and Trust Company**
Attention: Trust Department
123 North Market Street
P.O. Box 427
Wichita, Kansas 67201

Where a fully registered Bond is redeemed in part, a new fully registered Bond for the unredeemed portion will be issued and returned without charge. While registered bondholders have the option of presenting Bonds to any of the above-mentioned Paying Agents, there will be delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal Paying Agent in Chicago at the above given address.

Interest on the Bonds called for redemption will cease to accrue on May 1, 1989.

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% 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.

By: Continental Bank, National Association
(formerly Continental Illinois National Bank and Trust Company of Chicago), *Trustee for Reno County, Kansas*

March 16, 1989

Doc. No. 007573

State of Kansas

KANSAS STATE UNIVERSITY

NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Tuesday, April 4, 1989

#90088

Quadrupole Triplets

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 007603

(Published in the *Kansas Register*, March 23, 1989.)

NOTICE OF BOND SALE

\$460,000

Internal Improvement Bonds

Series 1989-A

of the

City of Hutchinson, 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 Hutchinson, Kansas, on behalf of the commission at City Hall, 125 E. Avenue B, P.O. Box 1567, Hutchinson, KS 67504-1567, until 10 a.m. C.D.T., on Tuesday, April 4, 1989, for the purchase of \$460,000 principal amount of Internal Improvement Bonds, Series 1989-A, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

Bond Details

The bonds will consist of fully registered bonds in the aggregate principal amount of \$460,000, Series 1989-A, in the denomination of \$5,000 or any integral multiple thereof, dated April 1, 1989, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1990	5,000
1991	5,000
1992	10,000
1993	10,000
1994	10,000
1995	10,000
1996	15,000
1997	15,000
1998	20,000
1999	20,000
2000	25,000
2001	25,000
2002	30,000
2003	30,000
2004	35,000
2005	35,000

2006	40,000
2007	40,000
2008	40,000
2009	40,000

The bonds will bear interest 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, 1990.

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 Kansas State Treasurer, 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 Kansas Attorney General. The bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

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

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

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 1990 to 1999, inclusive, shall become due without option of prior payment. At the option of the city, the bonds maturing in the years 2000 to 2009, inclusive, 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 October 1, 1999, or on any payment date thereafter at the redemption prices (expressed as percentages of the principal amount) plus accrued interest to the date of redemption:

Redemption Dates	Redemption Price
October 1, 1999, and thereafter	100%

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 in 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

(continued)

give written notice of its intention to call and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, 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 within each series. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed a rate equal to the treasury bonds published by *MuniWeek*, *f/n/a The Credit Market*, 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 for each series shall not exceed 2 percent. No bid of less than the par value of each series of 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 bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest total 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.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto, for the purpose of paying the cost of certain street, water and sewer improvements; and pursuant to K.S.A. 12-685 *et seq.*, and amendments thereto, for the purpose of improving a certain main trafficway (30th Avenue, east from K-61) by grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway

illumination, traffic control devices, pedestrian ways, or other improvements, or any two or more of such improvements or reimprovements and the acquisition of right of way by purchase or condemnation when necessary for any of such purposes. The governing body may also employ highway and traffic engineering assistance when necessary to the proper development and planning of such improvement or reimprovement.

The bonds and the interest thereon will constitute general obligations of the city, payable as to both principal and interest in part from special assessments levied upon the property benefited by the improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property located within the city, the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Opinion of Bond Counsel

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

Under existing law, the interest on the bonds is exempt from computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987, and the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

Related Federal Tax Matters

Prospective purchasers of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section

265(b)(5) of the code; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account, in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisors as to the applicability of these consequences.

Delivery and Payment

The city will pay for printing and registering the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder by May 16, 1989, at such bank or trust company in the contiguous United States as may be specified by the successful bidder, without cost to the successful bidder. Delivery elsewhere will be made at the expense of the purchaser. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of the total bond issue, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of

this notice, the proceeds of such check will be retained by the city as and for liquidated damages.

CUSIP Numbers

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

Bond Rating

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 10 a.m. C.D.T. on April 4, 1989.

Official Statement

The city has prepared a preliminary official statement dated March 14, 1989, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will adopt a final official statement and, at the request of the successful bidder, will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered at the successful bidder's expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable, tangible property within the city for the year 1988 is \$136,023,477. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$23,855,900.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk.

Dated March 14, 1989.

CITY OF HUTCHINSON, KANSAS

By Vernon Stallman, CMC/AAE

Director of Finance/City Clerk

City Hall

125 E. Avenue B

P.O. Box 1567

Hutchinson, KS 67504-1567

(316) 665-2614

Doc. No. 007613

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. Tuesday, April 25, in the SRS board room, Docking State Office Building, 915 Harrison, Topeka.

The scheduled agenda includes:

—Public hearing concerning proposed permanent administrative regulations to become effective July 1, 1989. The summary and economic impact statements are set forth below. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

—Adoption of proposed permanent regulations.

Article 4.—PUBLIC ASSISTANCE PROGRAM

1. **30-4-35. Application process.** This regulation is being amended to provide that if the agency takes action to deny an application within the 45-day timely processing period and the applicant reapplies or provides required information within the 45-day time period, such application is to be reactivated and, if eligible, benefits shall be provided from the date of application.

Economic Impact: Estimated increased expenditures of \$21,600 (\$9,720 state general funds).

2. **30-4-41. Assistance planning.** This regulation is being amended to restrict the definition of who may qualify to be an essential person. As a result of a change in federal regulations, an essential person is limited to an individual in the home who does not otherwise qualify for ADC and who provides one of the following benefits or services:

Child care which enables a caretaker relative to work on a full-time basis outside of the home;

care for an incapacitated family member in the home;

child care that enables a caretaker relative to receive training on a full-time basis;

child care for a period not to exceed two months that enables a caretaker relative to participate in an agency-approved work-related activity. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$442,200 (state general funds).

3. **30-4-56. Transfer of property.** This regulation is being revoked in anticipation of legislation which will remove the transfer of property provisions in state statutes.

Economic Impact Estimated increased expenditures of \$38,880 (\$17,496 state general funds).

4. **30-4-57. Job search requirements.** This regulation is being amended to delete reference to the work incentive (WIN) program. This change is being made to accommodate the revocation of K.A.R. 30-4-75.

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

5. **30-4-58. Potential employment.** This regulation is being amended to delete reference to the work incentive

(WIN) program. This change is being made to accommodate the revocation of K.A.R. 30-4-75.

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

6. **30-4-62. Community work experience program requirements.** This regulation is being amended to reflect a technical change in the list of exemptions to accommodate the changes being made in K.A.R. 30-4-63.

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

7. **30-4-63. KanWork program requirements.** This regulation is being amended to establish a set of criteria to be used in determining who is exempt from participating in the KanWork program. Only those persons listed below will be exempt from participation:

A person who is ill, incapacitated, or of advanced age;

a person who is needed in the home because of the illness or incapacity of another member of the household;

a parent or other relative who is personally providing care for a child under age three;

a person who is employed 30 or more hours a week;

a child who is under age 16 or attends full-time an elementary, secondary, vocational or technical school;

a woman who is three or more months pregnant; and

a person who resides in an area of the state where the program is not available.

In addition to the above, the KanWork program has been designated as the state's WIN demonstration program which replaces the WIN program set out in K.A.R. 30-4-75.

Economic Impact: Estimated increased expenditures of \$3,125 (\$347 state general funds).

8. **30-4-70. Eligibility factors specific to the ADC program.** This regulation is being amended to delete a cross-reference to the WIN regulation. This is a technical change.

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

9. **30-4-73. Deprivation in ADC.** This regulation is being amended to replace reference to the WIN program with reference to the KanWork program. This is a technical change.

10. **30-4-74. Persons whose needs shall be considered with the needs of the ADC child.** This regulation is being amended to provide that the caretaker relative of an SSI child who meets the criteria contained in K.A.R. 30-4-72 and 30-4-73 may receive ADC without the inclusion of the SSI child's siblings. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$4,176 (\$1,879 state general funds).

11. **30-4-75. ADC work incentive program registration requirements.** This regulation is being revoked. Under the authority of 45 CFR 205.80 and section 445 of Title IV of the Social Security Act, the state has designated the KanWork program as its WIN demonstration project. Under the demonstration project, all KanWork counties will be considered WIN counties for ADC program purposes. This change is being made to accommodate other changes that will be forthcoming as a result of the Welfare Reform Act and its focus on the new JOBS program. Other technical changes have also been made throughout the regulations to delete reference to the WIN provisions

and/or to reference the KanWork program when appropriate.

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

12. **30-4-85a. Eligibility factors specific to the EA program.** This regulation is being amended to clarify that members of the household are ineligible for emergency assistance if a household member is ineligible for public assistance due to failure to meet a work-related requirement or refused, without good cause, to accept potential employment, training for employment or is unemployed as a result of a strike.

Economic Impact: None.

13. **30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to delete the provision that a mentally ill person be actively participating in a treatment program in order to qualify for and continue to receive GA.

Economic Impact: Estimated increased expenditures of \$5,004 (state general funds).

14. **30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs.** This regulation is being amended to clarify the policy for prorating needs of a GA person who resides with other persons who are not on the assistance plan.

Economic Impact: None.

15. **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 increase the basic standards by \$2 per person. This change is being made as a result of the Governor's budget recommendation to provide a 2 percent COLA increase for public assistance recipients. The increase is represented as an increase in the energy supplement and with legislative support and USDA approval, the increase will not be counted as income for purposes of the food stamp program.

Economic Impact: Estimated increased expenditures of \$2,177,530 (\$1,073,320 state general funds).

16. **30-4-102. Standards for children in foster care.** This regulation is being amended to increase the foster family care rate by 5 percent per child. This change is being made as a result of the Governor's budget recommendation.

Economic Impact: Estimated increased expenditures of \$1,286,463 (\$874,795 state general funds).

17. **30-4-110. Income.** This regulation is being amended to reflect a technical change in a cross-reference to another regulation.

Economic Impact: None.

18. **30-4-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to exempt the proceeds of a bona fide loan received by an applicant or recipient. This change is being made to achieve consistency between the cash, medical and food stamp programs. It also recognizes the recently interpreted federal provision which now considers that loans requiring repayment need not be considered as available income even though the proceeds may be available to meet needs contained in the basic standards.

Economic Impact: Estimated increased expenditures of \$10,800 (\$4,860 state general funds).

19. **30-4-113. Income exempt as applicable in-**

come. This regulation is being amended to delete work incentive payments in the WIN program from the listing of exempt incomes. This is a technical change resulting from the deletion of the WIN program.

Economic Impact: None.

20. **30-4-130. Types of payments.** This regulation is being amended to change a cross-reference in the body of the regulation from referring to the WIN program to the KanWork program. This is a technical change.

Economic Impact: None.

21. **30-4-140. Payments.** This regulation is being amended to establish penalty provisions for persons found to have committed fraud either through an administrative disqualification hearing or by a court of appropriate jurisdiction or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution. Such persons shall be ineligible for assistance for:

Six months for the first violation;
twelve months for the second violation; and
permanently for the third violation.

A court may impose an additional 18 months disqualification period for the first and second convictions on criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed unless it is contrary to the court order.

Economic Impact: Estimated cost savings of \$682,650 (\$307,192 state general funds).

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

1. **30-5-58. Definitions.** This regulation is being amended to:

Delete the requirement of 25 patients from the definition of "special hospital"; and

Add the following new terms and definitions:

"Accept medicare assignment" means accept the medicare allowed payment rate as payment in full for services provided to a recipient.

"Admission" means the condition of entry into a hospital for the purpose of receiving inpatient medical treatment.

"Border cities" mean those communities outside of the state of Kansas but within a 50-mile range of the state border.

"Cost outlier" means a general hospital inpatient stay with an estimated cost which exceeds the cost outlier limit established for the respective diagnosis related group.

"Cost outlier limit" means the maximum cost of a general hospital inpatient stay established according to a methodology specified by the secretary for each diagnosis related group.

"Day outlier" means a general hospital inpatient length of stay which exceeds the day outlier limit established for the respective diagnosis related group.

"Day outlier limit" means the maximum general hospital inpatient length of stay established according to a methodology specified by the secretary for each diagnosis related group.

"Diagnosis related group (DRG)" means the classification system which arranges medical diagnoses into mutually exclusive groups.

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"Diagnosis related group (DRG) adjustment percent" means a percentage assigned by the secretary to a diagnosis related group for purposes of computing reimbursement.

"Diagnosis related group (DRG) daily rate" means the dollar amount assigned by the secretary to a diagnosis related group for purposes of computing reimbursement when a rate per day is required.

"Diagnosis related group (DRG) reimbursement system" means a reimbursement system in the Kansas medicaid/medikan program for general hospital inpatient services which uses diagnosis related groups for determining reimbursement on a prospective basis.

"Diagnosis related group (DRG) weight" means the numeric value assigned to a diagnosis related group for purposes of computing reimbursement.

"Discharge" means the condition of release from a hospital.

"Election period" means the period of time for the receipt of hospice care, beginning with the first day of hospice care as provided in the election statement and continuing through any subsequent days excluding any days of hospice care earlier than the date the election statement is signed.

"Election statement" means the revokable statement signed by a recipient which is filed with a particular hospice and which consists of:

Identification of the hospice selected to provide care; acknowledgement that the recipient has been given a full explanation of hospice care;

acknowledgement by the recipient that other medicaid services are waived;

effective date of the election period; and

the recipient's signature or the signature of the recipient's legal representative.

"Estimated cost" means the cost of general hospital inpatient services provided to a recipient which are computed using a methodology specified by the secretary.

"General hospital" means an establishment with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

"General hospital group" means the category to which a general hospital is assigned for purposes of computing reimbursement.

"General hospital inpatient beds" mean the number of beds as reported by the general hospital on the hospital and hospital health care complex cost report form excluding those beds designated as skilled nursing facility or intermediate care facility beds. For hospitals not filing the hospital and hospital health care complex cost report form, the number of beds shall be obtained from the provider application for participation in the Kansas medicaid/medikan program form.

"Group reimbursement rate" means the dollar value specified by the secretary to each general hospital group for a diagnosis related group weight of one.

"Hospice" means a public agency or private organization, or a subdivision of either, that primarily engages in

providing care to terminally ill individuals, which meets the medicare conditions of participation for hospices, and which has enrolled to provide hospice services pursuant to K.A.R. 30-5-59.

"Length of stay as an inpatient in a general hospital" means the number of days an individual remains for treatment as an inpatient in a general hospital from and including the day of admission, to and excluding the day of discharge.

"Metropolitan statistical area (MSA)" means a geographic area designated as such by the United States executive office of management and budget.

"Participating provider" means any individual or entity that has in effect an agreement with the Kansas department of social and rehabilitation services to furnish medicaid services.

"Qualified medicare beneficiary (QMB)" means an individual who is entitled to medicare hospital insurance benefits under part A, whose income does not exceed a specified percent of the official poverty level as defined by the United States executive office of management and budget, and whose resources do not exceed twice the supplemental security income resource limit.

"Readmission" means the subsequent admission of a recipient as an inpatient into a hospital within a certain number of days as specified by the secretary from the day of discharge as an inpatient from a hospital.

"Revocation statement" means the statement signed by the recipient which revokes the election of hospice service.

"Standard diagnosis related group (DRG) amount" means the amount computed by multiplying the group reimbursement rate for the general hospital by the diagnosis related group weight.

"Stay as an inpatient in a general hospital" means the period of time spent in a general hospital from admission to discharge.

"Terminally ill" means the medical condition of an individual whose life expectancy is six months or less as determined by a physician.

"Transfer" means the movement of an individual receiving general hospital inpatient services from one hospital to another hospital for additional related inpatient care after admission to the previous hospital or hospitals.

Economic Impact: None.

2. 30-5-59. Provider participation requirements. This regulation is being amended to:

Add that adult care home providers are exempt from the requirements of this regulation;

add that providers must obtain and maintain professional or agency-specified credentials as determined by the secretary in the jurisdiction where the service is provided and for the time period when the service is provided, and if applicable, be registered;

add that providers must accept medicare assignment for services provided to a recipient and not charge a recipient the difference between the medicare allowed payment rate and the provider's charge for services;

add that providers shall notify the Kansas Department of Social and Rehabilitation Services if any of the original information provided on the application shall change during the term of participation in the medicaid/medikan program;

add that providers shall enter into and keep a provider agreement with the Kansas Department of Social and Rehabilitation Services after the necessary application forms have been completed and the notice of approval to participate has been received from the department;

add that providers shall notify the Kansas Department of Social and Rehabilitation Services when a change of provider ownership occurs, submit new ownership information on forms for application for participation in the medicaid/medikan program, and be approved by the department for participation as a new provider before reimbursement for services rendered to medicaid/medikan program recipients shall be made;

add that providers shall comply with applicable state and federal laws, regulations or other program requirements;

add that providers shall comply with the terms of the provider agreement;

add that providers shall submit accurate claims or cost reports;

add that providers shall submit claims only for covered services provided to recipients;

add that providers shall engage in ethical and professional conduct;

add that providers shall provide goods, services or supplies which meet professionally recognized standards of quality;

add that providers who submit a claim for payment shall be required to submit a new application for participation in the medicaid/medikan program if at least 18 months have elapsed since a previous claim for payment was submitted;

add that providers shall not be eligible to participate if an overpayment is not refunded to the program within a period of time specified by the secretary;

add that providers shall maintain and furnish any information for five years from the date of service that the Kansas Department of Social and Rehabilitation Services, its designee or any other governmental agency acting in its official capacity may request to assure proper payment by the medicaid/medikan program, to substantiate claims for medicaid/medikan program payments, and to complete determinations of medicaid/medikan program overpayments.

add that providers shall permit the Kansas Department of Social and Rehabilitation Services, its designee, or any other governmental agency acting in its official capacity to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of a payment due from the medicaid/medikan program.

add that providers shall submit claims for payment on claim forms approved and prescribed by the secretary;

add that providers shall be subject to the payment limitations pursuant to K.A.R. 30-5-70; and

add that the Kansas Department of Social and Rehabilitation Services may refuse to allow a provider to participate in the medicaid/medikan program for any of the reasons set forth in K.A.R. 30-5-60.

Economic Impact: None.

3. 30-5-60. Provider termination. This regulation is being amended to:

add that the suspension or termination of registration is a reason why the agency may terminate a provider's participation in the medicaid/medikan program;

add that civil or criminal fraud against medicare is a reason why the agency may terminate a provider's participation in the medicaid/medikan program; and

add that exclusion by the Secretary of Health and Human Services from Titles XVIII or XIX programs is a reason why the agency may terminate a provider's participation in the medicaid/medikan program.

Economic Impact: None.

4. 30-5-70. Payment of medical expenses for eligible recipients. This regulation is being amended to:

add that payment for covered services shall be made only to those providers participating in the program pursuant to K.A.R. 30-5-59, excepting that payment for medical services provided to foster care or adoption support recipients may be made to providers not participating in the program;

add that payment for covered services may be made on behalf of recipients participating in the KanWork Program; and

add that payment for a medical expense may be denied if the service was provided by an unregistered or non-certified provider if registration or certification is a requirement for a provider to participate in the medicaid/medikan program.

Economic Impact: Estimated increased expenditures of \$1,378,000 (\$624,000 state general funds).

5. 30-5-76. Scope of services and reimbursement for services for qualified medicare beneficiaries. The secretary is promulgating a new regulation to establish the scope of services and reimbursement methodology for individuals meeting the criteria as Qualified Medicare Beneficiaries. This is a federal mandate. The text of the regulation is set forth below:

30-5-76. Scope of services and reimbursement for services for qualified medicare beneficiaries. The scope of services for qualified medicare beneficiaries shall be the reimbursement of medicare cost sharing expenses which are the premiums, deductibles and coinsurance under part A and part B of medicare for covered and noncovered medicaid/medikan services. The reimbursement rates shall be based upon the methodologies specified in the Kansas medicaid state plan and shall not exceed current medicaid/medikan reimbursement rates. Reimbursement rates for noncovered medicaid/medikan services shall be the rates which pay the medicare deductibles and coinsurance in full or shall be determined by the secretary. The effective date of this regulation shall be July 1, 1989.

Economic Impact: Estimated increased expenditures of \$622,938 (\$311,469 state general funds).

6. 30-5-81. Scope of hospital services. This regulation is being amended to:

add the requirement that transplant surgery shall be limited to performing hospitals which are members of and abide by the rules of the Organ Procurement and Transplantation Network (federal mandate);

delete the subsection that prohibits coverage of the procurement of organs for transplant;

delete the utilization review requirements being ob-

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soleted by the implementation of the diagnosis related group reimbursement system;

delete the documentation of medical necessity relating to stays exceeding the 75th percentile of number of days of stay which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation of days of stay for psychiatric services which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation of days for acute detoxification services which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the day limitation for substance abuse treatment which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitations of therapeutic home visits which are being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation for uncomplicated vaginal deliveries which is being obsoleted by the implementation of the diagnosis related group reimbursement system; and

update the cross reference citation to federal regulations which have been revised as of October 1, 1987.

Economic Impact: Estimated increased expenditures of \$120,000 for the added coverage of procurement of organs for transplant. For provisions related to diagnosis related groups, see the economic impact statement for K.A.R. 30-5-81b.

7. 30-5-81a. Participation in the hospital prospective payment system. This regulation is being amended to:

Change the title of the regulation to "Participation in the diagnosis related group reimbursement system"; and

require that all general hospitals, not just Kansas general hospitals, participating in and receiving payment from the medicaid/medikan program shall participate in the Kansas Department of Social and Rehabilitation Services diagnosis related group reimbursement system.

Economic Impact: None.

8. 30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to:

Replace the reimbursement method for general hospital inpatient services from that of the prospective per diem rate to that of the diagnosis related group reimbursement system;

delete the provision of the reimbursement of a quarterly premium; and

update the cross reference citations to federal regulations which have been revised as of October 1, 1987.

Economic Impact: Estimated increased expenditures of \$9,823,490 (\$5,087,585 state general funds).

9. 30-5-81d. Hospital prospective payment system review committee. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

10. 30-5-81q. Per diem rate calculations. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

11. 30-5-81r. Per diem rate limitations. This regula-

tion is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

12. 30-5-81s. Modification of per diem rates and day maximums for medicaid/medikan program. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

13. 30-5-81t. Hospital change of ownership. This regulation is being amended to:

Add that a hospital failing to provide 60 days advance notice of change of ownership, dissolution of the business entity, or the sale, exchange or gift of 5 percent or more of the depreciable assets of the business entity may be released from penalty if the agency finds there to be good cause;

change the penalty for failure to provide 60 days advance notice to the forfeiture of rights to payment for covered services provided to recipients in the 60-day period prior to the effective date of the change of ownership; and

add that even when the new owners assume responsibility for any overpayments before the effective date of the change of ownership, this shall not release the previous owner of responsibility for an overpayment.

Economic Impact: None.

14. 30-5-81u. General hospital groups under the diagnosis related group (DRG) reimbursement system. The secretary is promulgating a new regulation to establish the diagnosis related group (DRG) reimbursement system as a replacement to the hospital prospective payment system. The text of the regulation is set forth below:

30-5-81u. General hospital groups under the diagnosis related group (DRG) reimbursement system. (a) The Kansas department of social and rehabilitation services shall assign general hospitals participating in the Kansas medicaid/medikan program to one of three groups and shall annually notify in writing each general hospital of its group assignment.

(1) A general hospital assigned to group one shall:

(A) Be located within a metropolitan statistical area within the state of Kansas or its border cities and have a minimum of 200 general hospital inpatient beds;

(B) be located within 10 miles of a general hospital meeting the criteria set forth in subsection (a)(1)(A); or

(C) be located outside of the state of Kansas or its border cities with a minimum of 200 general hospital inpatient beds.

(2) A general hospital assigned to group two shall:

(A) Be located within a metropolitan statistical area in the state of Kansas or its border cities and have less than 200 general hospital inpatient beds;

(B) be located outside of a metropolitan statistical area in the state of Kansas or its border cities and have a minimum of 100 general hospital inpatient beds;

(C) be located within 10 miles of a general hospital meeting the criteria set forth in subsections (a)(2)(A) or (B); or

(D) be located outside of the state of Kansas or its

border cities with at least 100 but less than 200 general hospital inpatient beds.

(3) A general hospital shall be assigned to group three if it does not meet the criteria pursuant to subsections (a)(1) or (a)(2) above.

(4) A general hospital shall be assigned to group one if it meets the criteria for assignment to both group one and group two.

(b) The department shall annually redetermine general hospital group assignments based upon the criteria in subsection (a). The effective date of this regulation shall be July 1, 1989.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

15. **30-5-81v. Reimbursement for general hospital inpatient services under the diagnosis related group (DRG) reimbursement system.** The secretary is promulgating a new regulation to establish the diagnosis related group (DRG) reimbursement system. The text of the regulation is set forth below:

30-5-81v. Reimbursement for general hospital inpatient services under the diagnosis related group (DRG) reimbursement system. (a) The Kansas department of social and rehabilitation services shall reimburse general hospitals for inpatient services provided to recipients covered pursuant to K.A.R. 30-5-81 on the basis of the diagnosis related group (DRG) reimbursement system.

(b) Reimbursement shall be determined as follows:

(1) The standard DRG amount shall constitute reimbursement for each covered general hospital inpatient stay except in circumstances described in subsections (b)(5) and (b)(6) below. An additional payment shall be made for each day outlier or each cost outlier pursuant to subsections (b)(2), (b)(3) and (b)(4) below.

(2) If a covered general hospital inpatient stay is determined to be a cost outlier, the reimbursement for the cost outlier additional payment shall be obtained by multiplying two items: The DRG adjustment percentage and the difference between the estimated cost of the covered inpatient stay and the cost outlier limit.

(3) If a covered general hospital inpatient stay is determined to be a day outlier, the reimbursement for the day outlier additional payment shall be obtained by multiplying three items: The DRG daily rate, the DRG adjustment percentage, and the difference between the actual covered length of inpatient stay and the day outlier limit.

(4) If a covered general hospital inpatient stay is determined to be both a cost outlier and a day outlier, the additional payment shall be the greater of the amounts computed in subsections (b)(2) or (b)(3) above.

(5) If a recipient is transferred during a covered general hospital inpatient stay from one hospital to another hospital, the reimbursement to both hospitals shall be determined by a methodology specified by the secretary.

(6) Reimbursement shall not be made for a recipient's readmission to a hospital if the readmission for the same recipient is determined to have resulted from an inappropriate discharge. The effective date of this regulation change shall be July 1, 1989.

Economic Impact: See the economic impact statement for K.A.R. 30-5-81b.

16. **30-5-82. Scope of rural health clinic services.** This regulation is being amended to add that licensed practical nurses shall be able to provide nursing services in a rural health clinic.

Economic Impact: None.

17. **30-5-84. Scope of home and community based services.** This regulation is being amended by deleting hospice services from those services available under the scope of home and community based services. Hospice services will be provided pursuant to K.A.R. 30-5-115.

Economic Impact: None.

18. **30-5-88. Scope of physician services.** This regulation is being amended to delete the section which prohibits coverage of the procurement of organs for transplant.

Economic Impact: None.

19. **30-5-89. Scope of home health services.** This regulation is being amended to make technical changes.

Economic Impact: None.

20. **30-5-94. Reimbursement for pharmacy services.** This regulation is being amended to change the effective date for changes in professional fees from August 1 of each year to a date specified by the secretary.

Economic Impact: None.

21. **30-5-95. Cost report requirement for pharmacy services.** This regulation is being amended to change the consequences of a pharmacy failing to file a cost report to the assignment to that pharmacy of the lowest professional fee in the state of Kansas as determined from the cost report calculations for pharmacies filing cost reports.

Economic Impact: None.

22. **30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to change from "trained" to "certified by the American Board for Certification in Orthotics and Prosthetics, Inc." as a requirement for orthotics and prosthetics dealers who provide services to program recipients.

Economic Impact: None.

23. **30-5-110. Scope of partial hospitalization programs.** This regulation is being amended to:

Add crisis stabilization partial hospitalization services in the amount of 960 hours per medicaid recipient per calendar year; and

make technical changes.

Economic Impact: Estimated cost savings of \$47,729 (\$27,034 state general funds).

24. **30-5-115. Scope of hospice services.** The secretary is promulgating a new regulation to establish the provision of hospice services to medicaid and medikan recipients. The text of the regulation is set forth below:

30-5-115. Scope of hospice services. Hospice services shall be covered for medicaid and medikan recipients who have been determined to be terminally ill by a physician and who have filed in election statement with a hospice enrolled to participate in the medicaid/medikan program. Hospice services shall be covered pursuant to Public Law 99-272, section 9505, effective April 7, 1986. Medicare hospice beneficiaries who are also simultaneously eligible for the program and who

(continued)

reside in adult care homes shall have room and board reimbursed. The effective date of this regulation shall be July 1, 1989.

Economic Impact: Estimated increased expenditures of \$2,447,315 (\$1,195,024 state general funds).

25. **30-5-115a. Reimbursement for hospice services.** The secretary is promulgating a new regulation to establish the reimbursement methodology for hospice services. The text of the regulation is set forth below:

30-5-115a. Reimbursement for hospice services. Reasonable fees as related to the medicare standards of hospice reimbursement shall be paid for hospice services. The effective date of this regulation shall be July 1, 1989.

Economic Impact: See the economic impact statement for K.A.R. 30-5-115.

26. **30-5-116. Scope of rehabilitation services.** The secretary is promulgating a new regulation to establish rehabilitation services for medicaid and medikan recipients. The text of the regulation is set forth below:

30-5-116. Scope of rehabilitation services. Rehabilitation services (behavior management services) shall be covered for medicaid and medikan recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include: (a) Substance abuse treatment rendered by a provider licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services and approved by the division of medical programs;

(b) family mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized; and

(c) group mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

27. **30-5-116a. Reimbursement for rehabilitation services.** The secretary is promulgating a new regulation to establish the reimbursement methodology for rehabilitation services. The text of the new regulation is set forth below:

30-5-116a. Reimbursement for rehabilitation services. Reasonable fees as related to customary charges shall be paid for rehabilitation services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

28. **30-5-169. Scope of partial hospitalization programs for medikan program recipients.** This regulation is being amended to:

Add crisis stabilization partial hospitalization services in the amount of 960 hours per medikan recipient per calendar year; and

make technical changes.

Economic Impact: Estimated cost savings of \$47,729.

Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

1. **30-6-35. Application process.** This regulation is being amended to provide that if the agency takes action to deny an application within either the 45 or 60-day timely processing period, as indicated in this regulation, and the applicant reapplies or provides required information within the 45 or 60-day time period, such application shall be reactivated.

Economic Impact: Estimated increased expenditures of \$61,632 (\$27,734 state general funds).

2. **30-6-53. Financial eligibility.** This regulation is being amended to permit medical expenses which the client has incurred or is still obligated for outside of the appropriate eligibility base period to be allowable against spenddown, provided that such expenses have not been previously applied to spenddown. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$300,000 (\$135,000 state general funds).

3. **30-6-56. Transfer of property.** This regulation is being amended to restrict the transfer provisions to institutionalized individuals (including those who are eligible for the home- and community-based services program). An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if such individual transferred property without adequate consideration within a 30-month time period prior to or after the date the individual received or was otherwise eligible to receive such services.

The following transfers shall not affect ineligibility:

Transfers of property with an uncompensated value of less than the average private pay rate of all nursing facilities in the state;

transfers of property that occurred more than 30 months prior to or after the date the individual received or was otherwise eligible to receive institutional or home- and community-based services;

transfers of property at or near fair market value. For purposes of this provision, adequate consideration shall be granted if the compensation received for a non-cash asset is equal to or greater than 75 percent of the market value;

transfers of property with an uncompensated value which, when added to the value of other nonexempt resources, does not exceed the allowable resource limits;

transfers of property that have been approved by the agency. The agency shall grant approval if the transfer is for adequate consideration and is a bona fide transaction;

a transfer of property executed pursuant to the division of assets provisions contained in K.A.R. 30-6-106;

transfer of the institutionalized individual's home to the spouse of the institutionalized individual; a child of the institutionalized individual who is under the age of 21 or who meets the blindness or disability criteria of K.A.R. 30-6-85; a sibling of the institutionalized individual who has an equity interest in such home and who was residing in the home for a period of at least one year immediately before the date the individual entered the institutional or home- and community-based services arrangement; or a child of the institutionalized individual other than the child described above, who was residing in the home for

a period of at least two years immediately before the date the individual entered the institutional or home- and community-based services arrangement and who provided care to the institutionalized individual which permitted the individual to reside at home rather than in such institutional or home- and community-based services arrangement; and

property transferred to the institutionalized individual's spouse (or to another for the sole benefit of the individual's spouse) if such spouse does not transfer such property to another person other than the institutionalized individual without adequate consideration; or the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85.

The uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt resources of the institutionalized individual and the allowable nonexempt resource limit, shall be divided by the average private pay rate of all nursing facilities in the state to determine the number of months of ineligibility. The period of ineligibility shall commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

The period of ineligibility due to the transfer of property shall not in any event exceed 30 months from the month of the transfer of the property in question. (Federal Mandate.)

Economic Impact: The changes are not expected to have any discernible fiscal impact.

4. 30-6-73. Deprivation in ADC. This regulation is being amended to replace reference to the WIN program with reference to the KanWork program. This is a technical change.

Economic Impact: None.

5. 30-6-74. Persons whose needs are to be considered with the needs of the ADC child. This regulation is being amended to provide that the caretaker relative of an SSI child who meets the criteria contained in K.A.R. 30-6-72 and 30-6-73 may receive ADC without the inclusion of the SSI child's siblings. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$3,576 (\$1,609 state general funds).

6. 30-6-77. Poverty level pregnant women and young children; determined eligibles. This regulation is being amended to clarify that if the pregnant woman is a minor, the needs of her parents shall be included if living together with the minor.

Economic Impact: There is no economic impact as this regulation is being amended for the purpose of clarification.

This regulation is being further amended to delete reference to 100 percent of the federal poverty level and replace it with a cross-reference to the poverty level standard established in K.A.R. 30-6-103.

Economic Impact: None.

7. 30-6-86. Poverty level medicare beneficiaries; determined eligibles. This regulation is being amended to specify that each individual must be entitled to Medicare part A benefits to qualify for this group in accordance with federal statute. (Federal Mandate.)

Economic Impact: None.

This regulation is being further amended to delete reference to 85 percent of the federal poverty level and replace it with a cross-reference to the poverty level standard established in K.A.R. 30-6-103.

Economic Impact: None.

8. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the protected income level for two persons in independent living from \$466 to \$475 per month. This increase is being made due to the 2 percent increase in the cash assistance standards which takes effect on July 1, 1989. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$182,120 (\$81,954 state general funds).

This regulation is being further amended to expand the period for using the independent living protected income levels when a person is absent from the home for medical care to up to three months following the month of entrance. Although the previous provision allowed for a three-month period, that period included the month of entrance as one of the three months. This change is consistent with a recent policy change in the Supplemental Security Income (SSI) program which allows for the continuation of full SSI benefits when a person enters an institution for a similar three-month period.

Economic Impact: Estimated increased expenditures of \$8,112 (\$3,650 state general funds).

9. 30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to reflect a technical change.

Economic Impact: None.

10. 30-6-108. Real property. This regulation is being amended to extend the exemption of the home for one additional month for persons entering an institutional living arrangement.

Economic Impact: The change is not expected to have any discernible fiscal impact.

11. 30-6-109. Personal property. This regulation is being amended for SSI to exempt pension funds owned by an applicant's or recipient's spouse or parent if such spouse or parent is not an applicant for or recipient of SSI. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$128,400 (\$57,780 state general funds).

12. 30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to expand the exemption of bona fide loans to non-SSI applicants and recipients. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$13,410 (\$6,035 state general funds).

13. 30-6-113. Income exempt as applicable income. This regulation is being amended to delete work incentive payments in the WIN program from the listing of exempt incomes. This is a technical change resulting from the deletion of the WIN program.

Economic Impact: See the economic impact statement for K.A.R. 30-4-113.

This regulation is being further amended for SSI to exempt the income of an applicant's or recipient's spouse or parent which was counted or excluded in determining the amount of a public assistance payment, if such spouse

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or parent is not an applicant for or recipient of SSI. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$19,200 (\$8,640 state general funds).

This regulation is being further amended for SSI to exempt the income of an applicant's or recipient's spouse or parent which is used to make support payments under a court order or title IV-D support order, if such spouse or parent is not an applicant for or recipient of SSI. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$7,200 (\$3,240 state general funds).

Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

1. 30-7-26 to 30-7-63. These regulations are being revoked and are being redrafted as set forth below.

Economic Impact: None.

2. 30-7-64. Definitions. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-64. Definitions. (a) "Appellant" means an individual or entity that has requested a fair hearing from an agency decision affecting the individual or entity.

(b) "Applicant" means an individual who has applied for or requested assistance or benefits from a program administered by the agency.

(c) "Recipient" means an individual who is receiving assistance or benefits from a program administered by the agency. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

3. 30-7-65. Notice to recipients of intended action. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-65. Notice to recipients of intended action. (a) (1) "Adequate" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific policies supporting the action, explanation of the individual's right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) "Timely" means that the notice shall be mailed at least 10 days before the date upon which the action would become effective.

(b) In cases of intended action to discontinue, terminate, suspend or refuse assistance, the agency shall give timely and adequate notice, except as set forth in section (c) of this regulation.

(c) The agency may dispense with timely notice but shall send adequate notice not later than the date of action when:

(1) The agency has factual information confirming the death of a recipient or of the ADC payee when there is no relative available to serve as new payee;

(2) the agency receives a clear written statement signed by a recipient that the recipient no longer wishes assistance or that gives information which requires termination or reduction of assistance, and the recipient has indicated, in writing, an understanding that termination or reduction of assistance shall be the consequence of supplying the information;

(3) the recipient has been admitted or committed to an institution, and further payments to that individual are not authorized by program regulations as long as the person resides in the institution;

(4) the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

(5) the recipient's whereabouts are unknown and agency mail directed to the recipient has been returned by the post office indicating no known forwarding address. The check shall, however, be made available to the recipient if the recipient's whereabouts become known during the payment period covered by a returned check;

(6) a recipient has been accepted for assistance in a new jurisdiction and that fact has been established by the agency;

(7) a child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by the child's legal guardian;

(8) a change in level of medical care is prescribed by the recipient-patient's physician;

(9) a special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period; or

(10) the agency takes action because of information the recipient furnished in a monthly status report or because the recipient has failed to submit a complete or a timely monthly status report without good cause. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

4. 30-7-66. Continuation of assistance. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-66. Continuation of assistance. (a) If the recipient requests a hearing within the timely notice period as required by K.A.R. 30-7-65, assistance shall not be suspended, reduced, discontinued, or terminated, (but is subject to recovery by the agency if its action is sustained), until an initial decision of the hearing officer is rendered in the matter, unless:

(1) The request for fair hearing concerns the suspension of program payments to a provider or the termination of a provider from program participation;

(2) the request for a fair hearing concerns a discontinued program or service;

(3) a determination is made by the hearing officer that the sole issue is one of federal or state law, regulation or policy, or change in federal or state law, regulation or policy and not one of incorrect grant computation; or

(4) a change affecting the recipient's assistance occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change.

(b) The agency shall promptly inform the recipient in writing if assistance is to be discontinued pending the hearing decision.

(c) In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other

than the application of federal or state law or policy or a change in federal or state law, assistance shall be reinstated and continued until a decision is rendered in the matter except as set forth in (a)(1), (2), (3), or (4). The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

5. **30-7-67. Administrative hearings section, hearing officer.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-67. Administrative hearings section, hearing officer. The administrative hearings section shall administer the agency's fair hearing program. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

6. **30-7-68. Request for fair hearing.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-68. Request for fair hearing. (a) Unless preempted by federal law, a request for fair hearing shall be in writing and received by the agency within 30 days from the date the order or notice of action is mailed. Pursuant to K.S.A. 1988 Supp. 77-531, an additional three days shall be allowed if the request is mailed.

A request for fair hearing involving food stamps shall be received by the agency within 60 days from the date the notice of action is mailed. Pursuant to K.S.A. 1988 Supp. 77-531, an additional three days shall be allowed if the request is mailed.

(b) The freedom to request a fair hearing shall not be limited or interfered with by the agency. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

7. **30-7-69. Pre-appeal administrative remedies.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-69. Pre-appeal administrative remedies. (a) A pre-appeal administrative remedy is any procedure or process, the purpose of which is to encourage settlement or otherwise resolve the dispute before appeal to the administrative hearings section. A pre-appeal administrative remedy shall include adequate notice to each party, an opportunity for each party to present evidence, an opportunity for each party to exercise cross-examination, an opportunity to appear in person or by an authorized representative and other criteria set forth to promote fairness and satisfy due process.

(b) Pre-appeal administrative remedies are to be encouraged to promote the resolution of disputes between the parties involved. Pre-appeal administrative remedies may also be used by the parties to narrow and define the issues to be appealed to the administrative hearings section. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

8. **30-7-70. Agency's review of decision.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-70. Agency's review of decision. (a) Upon receipt of notice that a request for fair hearing has been made, the agency shall review its action or decision. Upon reconsideration, the agency may amend or

change its action or decision before or during the hearing.

(b) If a satisfactory adjustment is reached prior to the hearing, the agency shall submit a report to the hearing officer, in writing, but the appeal shall remain pending until the appellant submits a signed, written statement withdrawing the appellant's request for fair hearing. If the appellant fails to timely submit a signed, written statement withdrawing the request for fair hearing, the hearing officer may dismiss the request for fair hearing. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

9. **30-7-71. Venue.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-71. Venue. (a) Fair hearings for applicants or recipients shall be held in the social and rehabilitation services' administrative area in which the applicant or recipient resides unless another site has been designated by the hearing officer or the hearing is conducted pursuant to the provisions of K.A.R. 30-7-72.

(b) Fair hearings for other appellants shall be held in Topeka, Kansas unless another site has been designated by the hearing officer or the hearing is conducted pursuant to the provisions of K.A.R. 30-7-72. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

10. **30-7-72. Telephone hearings.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-72. Telephone hearings. The hearing officer may conduct the fair hearing or any prehearing by telephone or other electronic means if each participant in the hearing or prehearing has an opportunity to participate in the entire proceeding while the proceeding is taking place. A party may be granted a face to face hearing or prehearing if good cause can be shown that a fair and impartial hearing or prehearing could not be conducted by telephone or other electronic means. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

11. **30-7-73. Summary reversals.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-73. Summary reversals. The hearing officer may, without notice or hearing, summarily reverse the agency's decision or action in the matter if it is clear from the agency's summary that the agency's decision or action was incorrect. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

12. **30-7-74. Independent medical, psychiatric and psychological examinations.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-74. Independent medical, psychiatric and psychological examinations. When the hearing involves medical, psychiatric or psychological issues, the hearing officer may order on the hearing officer's own motion that an independent medical, psychiatric or psycho-

(continued)

logical assessment other than that of the person or persons involved in making the original decision shall be obtained at agency expense and made part of the record if the hearing officer considers it necessary. If a party requests the independent assessment, that party shall pay the costs incurred in obtaining the assessment. If the party requesting the assessment signs a poverty affidavit, the independent medical, psychiatric or psychological assessment shall be performed at agency expense. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

13. **30-7-75. Agency's summary.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-75. Agency's summary. Within seven days after notification of the request for fair hearing the agency shall furnish the administrative hearings section with an original and a copy of a summary setting forth the following information:

- (a) Name and address of the appellant;
- (b) a summary statement concerning why the appellant is filing a request for a fair hearing;
- (c) a brief chronological summary of the agency's action in relationship to the appellant's request for a fair hearing;
- (d) a statement of the basis of the agency's decision;
- (e) a citation of the applicable policies relied upon by the agency;
- (f) a copy of the notice which notified appellant of the decision in question;
- (g) applicable correspondence; and
- (h) the name and title of the person or persons who will represent the agency at the hearing. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

14. **30-7-76. Transcripts.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-76. Transcripts. (a) A transcript of the hearing may be prepared if requested by an appellant, the agency, the hearing officer, the state appeals committee or the secretary. The party requesting the transcript shall pay any costs associated in obtaining a transcript.

(b) If an appellant requests a transcript, the agency shall pay the costs of transcribing the recording if the appellant signs a poverty affidavit.

(c) If a transcript is prepared, the reporter shall sign the following certification on all copies: "This is to certify that _____ conducted a hearing

Name of Hearing Officer

on the application of _____ in _____

Name of Appellant

county, state of Kansas, on _____ at _____

Date

and that the foregoing is a true and correct transcript of the record of the hearing."

Signature of Reporter

The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

15. **30-7-77. Rehearing.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-77. Rehearing. (a) Any party, within 15 days after service of the hearing officer's decision, may file a petition for rehearing with the administrative hearings section, stating the specific grounds upon which the rehearing of the hearing officer's decision is requested.

(b) A rehearing may be granted to either party on all or part of the issues when it appears that the rights of the party are substantially affected because of:

- (1) An erroneous ruling of the hearing officer;
- (2) the decision in whole or in part is contrary to the evidence; or
- (3) newly discovered evidence which the moving party could not with reasonable diligence have discovered or produced at the hearing.

(c) The filing of a petition for rehearing is not a prerequisite for review at any stage of the proceedings. The filing of a petition for review does not stay any time limits or further proceedings that may be conducted under the Kansas administrative procedures act, K.S.A. 77-501 et seq. and amendments thereto, or any other provision of law. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

16. **30-7-78. State appeals committee.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-78. State appeals committee. (a) The secretary may appoint one or more state appeals committees to hear appeals from the decision or orders of the hearing officers.

(b) The committees shall consist of three impartial persons.

(c) Decisions of the committee shall be by majority vote. The effective date of this regulation shall be July 1, 1989.

Economic Impact: None.

A copy of the proposed regulations and the complete economic impact statements may be obtained prior to April 25 by contacting Mary Slaybaugh, Office of Policy, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. This 30-day notice of hearing is for the purpose of receiving comments concerning the proposed regulations. Written comments may be submitted prior to April 25 to Winston Barton, Secretary of Social and Rehabilitation Services, at the address above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Osawatimie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF MEDICAID STATE
 PLAN AMENDMENT**

An amendment to the Medicaid State Plan Attachment 4.19D is being submitted to the federal Department of Health and Human Services—Health Care Financing Administration that will affect reimbursement for private intermediate care facilities for the mentally retarded (ICF-MR's). The amendment will allow the Secretary of Social and Rehabilitation Services or his designee to negotiate Medicaid rates for the ICF-MR's. The providers will still be required to submit annual uniform cost reports. The current reimbursement methods and standards will be used in determining the Medicaid per diem rate. However, the secretary or his designee will have the flexibility to establish payment rates that are not subject to upper cost limits.

Any questions or expressions of interest should be directed to Jackson J. Gumb, SRS Adult Services Commission, Adult Care Home Program, State Complex West, West Hall, 300 S.W. Oakley, Topeka 66606, (913) 296-3728, on or before March 28.

WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 007620

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT**

NOTICE OF MEETINGS

The Kansas Department of Health and Environment, as lead agency for Part H of P.L. 99-457, is seeking input on its third year grant proposal. The purpose of this grant is to develop and implement programs aimed at serving infants and toddlers (aged 0 through 2) who are handicapped or are experiencing developmental delays.

Public meetings will be held in Wichita from 3 to 5 p.m. Wednesday, April 5, at the City Commission Board Room, City Hall, 455 N. Main; and in Topeka from 3 to 5 p.m. Friday, April 7, in Conference Room A, KDHE, Building 740, Forbes Field.

Copies of the proposal will be available at the public meetings. Written comments will be accepted by those unable to attend. Requests for copies of the grant proposal and comments should be addressed to Aleta Ash, R.N., B.S.N., Infant Toddler Program Coordinator, Bureau of Maternal and Child Health, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290, (913) 296-6135.

There is no charge for the meetings. No advance registration is needed.

STANLEY C. GRANT
 Secretary of Health
 and Environment

Doc. No. 007606

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT**

**NOTICE CONCERNING VARIANCE REQUEST
 FROM HAZARDOUS WASTE REGULATIONS**

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on December 23, 1988, the Directorate of Engineering and Housing, Fort Riley, submitted a request for renewal of a variance from specific hazardous waste regulations previously granted to Fort Riley. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-8, which adopts by reference 40 CFR 265.37 and 40 CFR 264.37. This regulation requires that a facility establish coordination agreements with local emergency response groups and hospitals.

Fort Riley operates a hazardous waste storage facility that is used to manage wastes generated both on-post and from other military facilities throughout the region. Fort Riley has its own fire department, police department, emergency response teams and hospital. Contingency plans and procedures have been created and distributed among these groups for use in an emergency. The variance is requested because these resources are sufficient to respond to any anticipated emergency presented by management of hazardous waste on-post.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between January 26, 1989, and February 24, 1989. No public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b), KDHE is announcing its decision to approve the request for renewal of the variance and not to include any special conditions. The renewal of the existing variance shall become effective beginning December 31, 1988, and shall remain in effect until December 31, 1993.

STANLEY C. GRANT
 Secretary of Health
 and Environment

Doc. No. 007617

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING HAZARDOUS
WASTE STORAGE PERMIT

The U.S. Environmental Protection Agency, Region VII, 726 Minnesota Ave., Kansas City, and the Kansas Department of Health and Environment, Forbes Field, Topeka, are providing public notice that they may issue a joint hazardous waste storage permit to General Electric Company of Arkansas City.

The EPA and KDHE have jointly reviewed the hazardous waste permit application from General Electric Company, Strother Field Industrial Park, Arkansas City. If a decision is made to issue the joint permit, the EPA portion of the permit would be issued under the authority of the Resource Conservation and Recovery Act (RCRA), and the KDHE portion of the permit would be issued under the authority of K.S.A. 65-3431(i) and 65-3431(s). Kansas has received final authorization to operate all portions of the RCRA permit program, except for the portions covered by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Therefore, the EPA portion of the joint permit will address the requirements of HSWA.

The permit would allow for the operation of a storage facility for waste industrial chemicals and solvents. These wastes will be stored in a maximum of 100 55-gallon drums meeting the U.S. Department of Transportation specifications in a storage area that provides secondary containment.

Copies of the administrative record, which include the draft permit, permit application, and all information submitted by General Electric Company are available for public review starting March 24 at the EPA Region VII Headquarters, 726 Minnesota Ave., Kansas City, from 7:30 a.m. to 4:30 p.m. weekdays; at the KDHE, Building 730, Forbes Field, Topeka; at the KDHE South Central district office, 1919 Amidon, Suite 130, Wichita, from 8 a.m. to 4:30 p.m. weekdays; and at the Arkansas City Public Library, 120 E. 5th, Arkansas City, during regular business hours.

Comments on the proposed permit may be directed in writing to Lyndell Harrington, RCRA Branch, EPA Region VII, 726 Minnesota Ave., Kansas City 66101; or to John Goetz, Hazardous Waste Section, KDHE, Forbes Field, Topeka 66620. Comments must be submitted in writing prior to May 8. Requests for additional information, including the fact sheet, may be made by contacting the EPA at (913) 236-2888 or KDHE at (913) 296-1607.

A public hearing has not been scheduled; however, if requests are received which indicate a significant degree of public interest in this draft permit, a public hearing will be scheduled. Requests for a public hearing shall be in writing to the addresses listed for submittal of comments and shall state the nature of issues proposed to be raised at the hearing. Such requests shall be submitted prior to May 8.

After consideration of all comments received and of the requirements of RCRA and state statutes, the EPA and KDHE will make a final permit decision. If the decision is made to issue a joint permit that is substantially un-

changed from those drafts made available for public comments as announced by this notice, the EPA regional administrator and the KDHE secretary will jointly notify all persons submitting comments or requesting notice of final decision. If the draft permit is substantially changed, the EPA regional administrator and the KDHE secretary will jointly issue a public notice indicating the revised decisions.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007591

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING VARIANCE REQUEST
FROM HAZARDOUS WASTE REGULATIONS

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on December 29, 1988, the McConnell Air Force Base, Wichita, submitted a request for renewal of a variance from specific hazardous waste regulations previously granted to McConnell. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-6(c). This regulation requires that all hazardous waste transporters obtain and maintain liability insurance for all vehicles that transport hazardous waste.

McConnell AFB is part of the U.S. Department of Defense, an agency of the U.S. government. It is covered by the Federal Tort Claims Act, which essentially makes the Air Force a self insurer and establishes a source of reimbursement that satisfies the intent of K.A.R. 28-31-6(c). Liability insurance is therefore unnecessary for this facility.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between February 2, 1989, and March 3, 1989. No public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b), KDHE is announcing its decision to approve the request for renewal of the variance and not to include any special conditions. This renewal of the existing variance shall become effective on May 19, 1989, and shall remain in effect until May 19, 1994.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007618

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF INTENT TO DENY A
HAZARDOUS WASTE DELISTING PETITION**

On December 22, 1988, the Kansas Department of Health and Environment published notice in the *Kansas Register* of its intent to deny a hazardous waste delisting petition held by the Boeing Military Airplane Company, 3801 S. Oliver, Wichita. This public notice makes final that decision to deny Boeing's petition.

The December 22 public notice provided background information on the facility and explained that Boeing's petition was being re-evaluated, using criteria designed to address situations where a specific waste may not contain the hazardous constituents that caused the waste to be listed as hazardous, while still containing other hazardous constituents at levels harmful to human health and the environment. The criteria employed a vertical/horizontal spread (VHS) and organic leachate model (OLM) and is the same criteria used by the U.S. Environmental Protection Agency in the federal hazardous waste delisting program.

Re-evaluation of Boeing's waste found concentrations of chromium and tetrachloroethylene that may be harmful to human health and the environment. The analytical results of the re-evaluation were made available for public review at three public repositories.

Several comments were received during the public comment period. These comments expressed concern in three major areas: 1) The representativeness of the waste analysis data; 2) the credibility of the VHS and OLM models; and 3) the use of actual groundwater monitoring data.

Data was submitted to support the claim that the waste analysis data was not representative of the current operations at Boeing. The additional data, however, did not demonstrate that Boeing's waste will consistently pass the hazardous waste delisting criteria.

No specific concerns on the technical credibility of the VHS and OLM models were identified in the comments. A recent EPA decision on the use of the models was cited in the June 9, 1988, *Federal Register*. The June 9, 1988, EPA decision was made to allow correct administrative rule-making procedures to be followed. KDHE was aware of the concerns expressed in the June 9 *Federal Register* notice and took steps to ensure that the correct rule-making procedures were used for the action taken on Boeing's hazardous waste delisting petition.

Actual groundwater monitoring data may be used in evaluating a hazardous waste delisting petition. The data used for such an evaluation must be obtained from a monitoring system that meets the standards outlined in 40 Code of Federal Regulations 264 or 265, Subpart F. The current groundwater monitoring system at Boeing does not meet these requirements.

This public notice makes final KDHE's tentative decision to deny Boeing's hazardous waste delisting petition #82-4. The effective date for this action shall be May 1, 1989. After May 1, 1989, the petitioned waste will be considered a hazardous waste and must be managed in

compliance with all rules and regulations contained in K.S.A. 65-3430 *et seq.* and K.A.R. 28-31-1 through 28-31-14.

For additional information on this action, contact John Paul Goetz at the KDHE Topeka office, Bureau of Waste Management, (913) 296-1607.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007597

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE CONCERNING VARIANCE REQUEST
FROM HAZARDOUS WASTE REGULATIONS**

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on December 15, 1988, Allico Chemical Corporation, Galena, submitted a request for renewal of a variance from specific hazardous waste regulations previously granted to Allico. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

This variance is requested from K.A.R. 28-31-4, which adopts by reference 40 CFR 265.176. This regulation requires the storage area for ignitable hazardous waste to be at least 50 feet from the facility property line.

Allico operates a chemical manufacturing facility that primarily produces two chemical compounds used in epoxy resins and as coolant for electrical equipment. Small quantities of ignitable hazardous waste are generated during the manufacture of these chemicals. These wastes are temporarily stored prior to disposal in a permanent building located 30 feet from Allico's property line. No structures are within 50 feet of the building. The variance is requested because storage of the wastes 50 feet or more from the property line would require Allico to construct a new storage building.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance. A public comment period to receive comments regarding this tentative decision was established between February 2, 1989, and March 3, 1989. No public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b), KDHE is announcing its decision to approve the request for renewal of the variance and not to include any special conditions. The renewal of the existing variance shall become effective beginning January 31, 1989, and shall remain in effect until January 31, 1994.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007619

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING VARIANCE REQUEST
FROM HAZARDOUS WASTE REGULATIONS

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on December 15, 1988, Business Systems, Inc., located at 222 W. Murdock, Wichita, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-12(a).

The variance is requested from K.A.R. 28-31-4(h), which adopts by reference 40 CFR 265.176. This regulation requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Business Systems, Inc. generates spent mineral spirits which is used in cleaning operations. The spent mineral spirits are stored prior to being shipped off-site for reclamation. Business Systems proposes to store this waste in a corner of its property immediately behind its building and within five feet of the property line. This location is not adjacent to any structures on adjoining property.

The variance is requested because of the size of the property. KDHE has reviewed this request and visited the site, and has concluded that the variance is justified and has made a tentative decision to grant the variance.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review from March 27 to April 26 at the KDHE, Building 730, Forbes Field, Topeka; and at the KDHE district office, 1919 Amidon, Suite 130, Wichita.

Comments concerning this variance request may be directed to John Goetz, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to April 26. Requests for additional information may be made by contacting KDHE at (913) 296-1607.

Upon written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the *Kansas Register*. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007590

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING KANSAS
WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the water pollution abatement facilities for the feedlot described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA.

The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Toll P.O. Box 186 Clifton, KS 66937	SW/4, Section 25, Township 5S, Range 1E, Washington County, Kansas	Lower Republican River Basin

Kansas Permit No. A-LRWS-HO05 Fed. Permit No. KS-0079537

The proposed facility will have capacity for approximately 2999 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit may be submitted to Bethel Spotts, Permit Clerk, Permits and Compliance Section, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to April 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-89-9) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007610

State of Kansas

DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE
REGULATIONS

Article 16.—VOCATIONAL EDUCATION

91-16-30. Kansas training information program. (a) Each vocational education institution and participating proprietary school shall provide the following information:

(1) The number of its students completing vocational programs;

(2) those who were employed during the preceding fiscal year; and

(3) the average salary earned by those persons.

(b) Each vocational education institution and participating proprietary school shall also provide other information required by the state board of education. The information shall be reported on a form or forms prescribed and furnished by the state board of education.

(c) The information required under subsections (a) and (b) shall be provided to the state board of education not later than August 1 of each year. (Authorized by and implementing K.S.A. 1987 Supp. 72-4451, as amended by L. 1988, ch. 279, sec. 1; effective May 8, 1989.)

DR. LEE DROEGEMUELLER
Commissioner of Education

Doc. No. 007608

State of Kansas

STATE CORPORATION COMMISSION

PERMANENT ADMINISTRATIVE
REGULATIONSArticle 3.—PRODUCTION AND CONSERVATION
OF OIL AND GAS

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

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

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

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

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

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

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

(7) "Burn pit" means a surface pond used for the tem-

porary confinement of oil leakage at a lease site or of materials commonly known as tank bottoms, basic sediment, bottom sediment, bottom settlings, or paraffin, for the purpose of burning such contents.

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

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

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

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

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

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

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

(15) "Conservation division" means the division of the commission in charge of the administration of the oil and gas conservation acts, the protection of fresh and usable water, well plugging, salt water disposal, enhanced recovery and surface ponds.

(16) "Core" means a continuous section recovered during drilling.

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

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

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

(C) cause undue drainage between developed leases.

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

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

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

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

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

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

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

(25) "Drilling pit" means a surface pond used to temporarily confine fluids or refuse resulting from oil and gas

(continued)

activities during the drilling or completion of any oil, gas, exploratory, service, or storage well.

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

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

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

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

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

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

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

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

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

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

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

(37) "Gas" (sour) means any natural gas containing more than 1½ grains of hydrogen sulfide per 100 cubic feet or more than 30 grains of total sulphur per 100 cubic feet, or gas which is found by the commission to be unfit for sale due to its hydrogen sulfide content.

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

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

(B) produces more than 15,000 standard cubic feet of gas to each stock tank barrel of oil from the same common source of supply, as measured by the gas-oil ratio test prescribed by and reported on the form prescribed and furnished by the commission.

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

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

(41) "Liquid" means a solution or substances, excluding gas, which flows freely at standard temperature and pressure.

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

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

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

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

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

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

(48) "Oil well" means a well that produced one stock tank barrel or more of crude oil to each 15,000 standard cubic feet of gas, as measured by the gas-oil ratio test prescribed by and reported on the form prescribed and furnished by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

(62) "Recompletion" occurs when a well is re-worked for the purpose of developing new zones after its initial well completion.

- (63) "Service well" means a well drilled for:
- (A) The injection of fluids in enhanced recovery projects;
- (B) the supply of fluids for enhanced recovery projects; or
- (C) the disposal of salt water.
- (64) "Shortage" means the amount by which the oil or gas legally produced and sold or removed from the premise is less than the allowable.
- (65) "Solid" means a material or substance which does not flow freely at standard temperature and pressure.
- (66) "Spill" means any escape of salt water, oil, or refuse by overflow, seepage or otherwise from the vicinity of wells, tanks, pipelines or surface ponds involved in the exploration for and gathering of oil and gas and the drilling, production, lease storage, treatment, abandonment and postabandonment of oil and gas wells.
- (67) "Spud date" means the date of first actual penetration of the earth with a drilling bit.
- (68) "Storage oil" means produced oil confined in tanks, reservoirs, or containers.
- (69) "Storage oil-lease" means produced oil in tanks, reservoirs, or containers on the lease where it was produced.
- (70) "Storage pit" means a surface pond used for the storage, confinement or treatment of fluids resulting from oil and gas activities.
- (71) "Storage well" means a well used to inject or extract natural gas for storage purposes.
- (72) "Stratigraphic hole" means a hole, normally of small diameter, drilled through subsurface strata for exploratory purposes, with no intent to produce hydrocarbons through the hole being drilled.
- (73) "Surface casing" is the first casing put in a well which is cemented into place. It serves to shut out shallow water formations. It also acts as a foundation or anchor for all subsequent drilling activity. For purposes of compliance with K.A.R. 82-3-106, additional strings of casing, which are set and cemented in a well bore below the lowest fresh and usable water strata, shall be deemed to be surface casing.
- (74) "Surface pond" means any constructed, excavated or naturally occurring depression upon the surface of the earth.
- (75) "Tertiary recovery process" means the process or processes described in K.S.A. 1987 Supp. 79-4217.
- (76) "Undue drainage" means the uncompensated migration of either oil or gas between developed leases within the same common source of supply caused by the unratable production of some well or wells located there.
- (77) "Usable water" means water containing not more than 10,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 10,000 parts of salt per million or 5,000 parts of chlorides per million.
- (78) "Waste oil" means any tank bottom, basic sediment, cut oil, reclaimed oil from pits, ponds or streams, dead oil, emulsions, or other types of oil not defined as pipeline oil.
- (79) "Waterflood" means the process of injecting fluids into one or more wells to enhance the recovery of oil.
- (80) "Well completion, (oil)" occurs when the first new oil is produced through permanent wellhead equipment into lease tanks from the producing interval after the production casing has been run.
- (81) "Well completion, (gas)" occurs when the well is

capable of producing gas through permanent wellhead equipment from the producing zone after the production casing has been run.

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

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

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

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

(b) All terms not defined in this definitional section shall be interpreted to be consistent with their common use in the industry. (Authorized by and implementing K.S.A. 1987 Supp. 55-152, K.S.A. 55-602, 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704, K.S.A. 1987 Supp. 55-901, 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-84-19, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

82-3-103a. Deviated holes; notice and hearing required. (a) The owner, operator, or persons responsible for a drilling operation shall give written notice to the conservation division before the commencement of drilling operations for any hole where intended deviation from the surface to the top of the producing formation exceeds 7°.

(b) Any hole drilled laterally into a formation for production or deviated in the manner stated in subsection (a) shall be permitted by the commission only after notice and hearing. (Authorized by K.S.A. 1987 Supp. 55-152; implementing K.S.A. 1987 Supp. 55-151; effective May 8, 1989.)

82-3-105. Well cementing. The use of cement in setting casing or sealing off producing formations or fresh and usable water formations shall be required. (Authorized by K.S.A. 1987 Supp. 55-152; implementing K.S.A. 1987 Supp. 55-156; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989.)

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

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

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

(continued)

(2) Table 1, which establishes minimum surface casing requirements and is incorporated by reference in commission order, dated October 15, 1985, docket no. 34,780-C (C-1825), shall be used to determine the required depth of the surface casing and the cementing requirements for the protection of fresh and usable water. Upon submission of additional information, adjustments to the required depth of the surface casing may be made by the commission. These adjustments shall be indicated on the drilling permit.

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

(B) An exception to the requirements set forth in Table 1, incorporated by reference in commission order, dated October 15, 1985, docket no. 34,780 (C-1825), may be granted by the director.

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

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

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

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

(B)(i) All additional casing which is next to the borehole shall be cemented by circulating cement to the surface from a point at least 50 feet below the base of the lowest known fresh and usable water, according to the requirements made pursuant to subsection (b). Cementing shall be completed with a portland cement blend except as provided by subsection (d)(3).

(ii) The operator shall notify the appropriate district office prior to the cementing of the additional casing. If a time period is specified by Table 1, incorporated by reference in commission order, dated October 15, 1985, docket no. 34,780-C (C-1825), the additional cementing shall be completed within the time period specified. If a time period is not specified in Table 1, incorporated by reference in commission order, dated October 15, 1985, docket no. 34,780-C (C-1825), the additional cementing shall be completed within a time period sufficient to allow compliance with K.A.R. 82-3-106(e). Extensions of the time period within which the additional cementing must be completed may be granted by the director.

(iii) A backside squeeze, the uncontrolled placement of cement in the annular space between the surface casing and production casing from the surface down, shall be permitted only upon request to the appropriate district office. Requests shall be granted only upon the approval of the cement evaluation method to be utilized and submitted as verification of cement placement.

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

(1) In setting surface casing, the surface hole diameter

shall be sufficiently larger than the surface casing to permit circulation of the cement.

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

(3) The use of any material other than a portland cement blend shall be prohibited except for the alternative cementing materials as defined by commission order, dated March 29, 1985, docket no. 34,780-C (C-1825).

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

(e) Affidavit. Each operator shall file a sworn affidavit with the conservation division setting out the type, amount, and method of cementing used on all casing strings in a wellbore. The affidavit shall be filed on the form provided by the conservation division within 120 days of the spud date of the well or as otherwise required by K.S.A. 82-3-130(b). Legible documentation of the cementing operations across fresh and usable water strata shall be attached to the affidavit. The documentation may consist of invoices, job logs, job descriptions, or other similar service company reports. Falsification of the documentation or the failure to complete alternate II cementing is punishable by a \$5000 penalty, and the well shall be shut-in until compliance with requirements of this regulation is achieved. (Authorized by K.S.A. 1987 Supp. 55-152; implementing K.S.A. 1987 Supp. 55-151, K.S.A. 1987 Supp. 55-152, 55-159, 55-164, as amended by L. 1988, Ch. 356, Sec. 164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-1, January 13, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

82-3-107. Preservation of well samples and logs. (a) Every person, firm, association, or corporation drilling or responsible for drilling service wells or drilling or recompleting holes for the purpose of exploration or production of oil or gas, excluding seismic "shotholes," shall preserve samples or drill cuttings, cores and all other information as required under subsection (c). Samples shall be delivered, at the prepaid expense of that person, to the Kansas geological survey, sample library, Wichita, Kansas. Cores shall be delivered, at the prepaid expense of that person, to the Kansas geological survey, Lawrence, Kansas. All other information shall be delivered to the conservation division.

(b)(1) Formation samples or drill cuttings normally saved in drilling or recompletion operations and any cores taken, shall be retained by the operator for 120 days after the spudding of the well.

(2) Upon request of the Kansas geological survey, samples shall be washed, and cut into splits or sets. One set shall be placed in sample envelopes and delivered to the sample library, Wichita, Kansas. Upon request of the Kansas geological survey, all cores or core longitudinal sections not required by the operator for well evaluation purposes shall be placed in stratigraphic sequence in adequate boxes, labelled with the well name, location and footage and delivered to the Kansas geological survey, Lawrence, Kansas.

(3) The operator shall be given notice that samples or cores are required by a notice appended to or on a copy of the notice of intention to drill returned to the operator by the conservation division or the Kansas geological survey. Delivery of the processed samples or cores shall be made within 120 days of the spud date or date of commencement of recompletion of the well.

(4) If retention of the core is required by the operator, designated Kansas geological survey staff members shall be provided unrestricted access to the core at the operator's facility during the operator's normal business hours. This access shall be subject to any confidentiality requests made under subsection (d).

(5) Operators in physical possession of cores requested by the Kansas geological survey shall not dispose of the cores without permission of the Kansas geological survey.

(6) The survey may request shallow samples from portions of the hole that may not normally be saved in drilling operations. The sample library shall accept all washed and cut samples whether or not they were requested.

(c) A copy of well histories, core analyses, electric logs, radioactivity logs, drilling time logs and similar wireline logs or surveys run by operators on all boreholes, excluding seismic "shotholes," and logs run to obtain geophysical data, shall be delivered to the conservation division, within 120 days of the spud date or date of commencement of recompletion of the well. The conservation division shall deposit the information with the Kansas geological survey.

(d) If a written request for confidentiality is made to the conservation division at the time of filing, any information, samples or cores filed as required in subsection (a), (b) or (c) shall be held in confidential custody by the survey for an initial period of one year from the filing date. All rights to confidentiality shall be lost if the filings are not timely, as provided in subsection (a), (b) and (c). Samples, cores, or information may be released prior to the expiration of the one-year period only upon written approval of the operator. If a request for an extension is made at least 30 days before the expiration of the initial one-year period, the period of confidentiality may be extended for one additional year.

(e) Exceptions to the provisions of this regulation may be granted upon a showing of good cause and after notice and hearing.

(f) Each wire line service company shall furnish to the conservation division on a form prescribed by the commission, a list of all logging services performed on each hole serviced in the state of Kansas each month. (Authorized by and implementing K.S.A. 1987 Supp. 55-152, K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

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

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

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

(3) the proposed well location restriction and proposed provisions or any exceptions thereto;

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

(5) the name and address of each operator or lessee of record in the area sought to be spaced;

(6) the name and address of each owner of record of the minerals in unleased acreage within the area sought to be spaced;

(7) the name and address, as shown by the applicant's books and records, of each person owning the royalty or leasehold interest in acreage sought to be spaced and operated by the applicant, or on which the applicant has a lease or an interest in the lease;

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

(9) the applicant's license number; and

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

(b) Notice of hearing. An original and four copies of the application shall be filed with the conservation division. The application shall be set for hearing by the commission. The applicant shall provide notice of the hearing. The notice shall state the time, place, and nature of the hearing. The notice shall be provided at least 30 days prior to the hearing to each operator or lessee of record, and owner of record of the minerals in unleased acreage in the area sought to be spaced. The applicant shall also publish notice pursuant to K.A.R. 82-3-135.

(c) Drilling prohibited. Once notice of the hearing has been provided, any drilling of wells within an area sought to be spaced under the provisions of this regulation and before commission approval of the well spacing proposal shall be prohibited unless the intended well location conforms to the most restrictive location provision sought in the pending application or applications. An exception to this requirement may be granted after notice and hearing or when a notice of intent to drill which does not conform to the proposed location provisions is accompanied by waivers of objection signed by each operator, unleased mineral owner, and lessee entitled to notice in subsection (b). (Authorized by K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; implementing K.S.A. 1987 Supp. 55-605, as amended by L. 1988, Ch. 356, Sec. 169, 55-706, K.S.A. 55-603, as amended by L. 1988, Ch. 356, Sec. 167, 55-703a, 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

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

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

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

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

(continued)

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

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

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

(g) The interval between all plugs shall be filled with an approved heavy mud-laden fluid of not less than 36 viscosity (A.P.I. full funnel method) and a weight of not less than nine pounds per gallon, or a bridge shall be set at all plugging intervals.

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

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

(j) The commission may tag plugs pursuant to the cooperative government/industry quality control program under guidelines acceptable to the director of the conservation division. (Authorized by K.S.A. 1987 Supp. 55-152; implementing K.S.A. 1987 Supp. 55-152, K.S.A. 55-156, 55-157, K.S.A. 1987 Supp. 55-159; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended T-87-3; amended May 1, 1986; amended May 1, 1988; amended May 8, 1989.)

82-3-120. Operator or contractor licenses: application, contents and approval. (a) On application to the commission upon a form prescribed and furnished by the commission, and accompanied by a fee of \$100.00 plus \$25.00 per rig, and upon approval by the commission, a license shall be issued to the applicant.

(b) The application for a license shall be verified and filed with the commission showing:

(1) The name under which the applicant transacts or intends to transact business and the correct mailing address of that business. If the applicant is a partnership or association, the application shall set forth the name and address of each partner or member of the partnership or association. If the applicant is a corporation, the application shall contain the names and addresses of the principal officers;

(2) the number of rigs sought to be licensed;

(3) copies of property tax receipts on all rigs; and

(4) any other information as the forms provided may require.

(c) The application for license shall be signed and verified by the applicant if a natural person, by a partner or a member if a partnership or association and by an executive officer, if a corporation.

(d) Upon approval of the application, a license shall be issued to the applicant. The license shall be in full force

and effect for one year unless suspended or revoked by the commission.

(e) Application shall be made to renew the license yearly. A \$100 fee plus \$25 per rig is required with each renewal.

(f) Upon revocation of a license, no new license shall be issued to an applicant until after the expiration of one year from the date of that revocation.

(g) Licensees shall notify the conservation division in writing of any change in information supplied on the license application. (Authorized by K.S.A. 1987 Supp. 55-152; implementing K.S.A. 1987 Supp. 55-155; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989.)

82-3-123. Well bore; commingling of production. (a) Commingling of production from more than one source of supply shall be permitted if the total production potential is less than the allowable for a single common source of supply for the immediate area and after application and approval by the commission. Commingling shall be prohibited if the commission finds that waste or a violation of correlative rights is likely to result.

(b) The maximum well allowable for a well in which commingled production is approved shall be the allowable for the deepest source of supply as provided in K.A.R. 82-3-203, special orders or K.A.R. 82-3-312.

(c) Commingling of production when one or more sources of supply are prorated shall be permitted only after notice and hearing. In addition to the notice requirements in subsection (e), notice shall be provided to the purchasers of gas if the applicant requests the commingling of more than one source of supply of gas subject to a proration order.

(d) Each original application for commingling and one copy shall be filed with the conservation division. The application shall be submitted to the commission on the form provided by the commission and shall be accompanied by:

(1) A description of the well with a plat attached showing the location of the subject well, the location of other wells on the lease, the location of offset wells within a ½ mile radius of the subject well, and for each of these wells, the name of the lessee of record or the operator;

(2) the names of the upper and lower limits of the sources of supply to be commingled, with proposed perforations or open holes noted;

(3) a wireline log of the subject well;

(4) the production potential of oil, water, gas or a combination for each source of supply;

(5) the total production for the formations sought to be commingled; and

(6) the applicant's license number.

(e) Each application shall be supported by an affidavit certifying service of a copy of the application without attachments to each operator or lessee of record within a ½ mile radius of the subject well. When the application is accompanied by waivers of right to protest executed by the above noticed parties, the application may be approved without hearing; otherwise, it shall be held in abeyance for 15 days from the date of filing. If a protest is not filed with the commission within 15 days from the date of filing and if the commission has no objection, the application may be approved without hearing; otherwise, a hearing shall be held. The applicant shall provide notice of the hearing not less than 30 days before the hearing

date to each offset operator or lessee of record within a ½ mile radius of the subject well. The applicant shall also publish notice as required by K.A.R. 82-3-135.

(f) A new commingling application shall be required if the operator desires to open an additional source of supply that was not included in the initial application. (Authorized by and implementing K.S.A. 55-603, as amended by L. 1988, Ch. 356, Sec. 167; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

82-3-123a. Well bore; commingling of fluids. (a) Well bore commingling of fluids from one or more intervals with fluids from a productive interval, also known as a dump flood, shall be permitted after application and approval by the commission. Commingling shall be prohibited if the commission finds that waste or a violation of correlative rights is likely to result.

(b) Each original application for commingling and one copy shall be filed with the conservation division. The application shall contain the following information:

(1) A plat map showing the location of the subject well, the location of other wells on the lease, the location of offset wells within a ½ mile radius of the subject well and the lessee of record or operator's names of all the wells;

(2) the intervals to be commingled, with proposed perforations or open holes noted;

(3) a well construction diagram of the subject well; and

(4) an estimate of the amount of fluids to be commingled.

(c) Each application shall be supported by an affidavit certifying service of a copy of the application without attachments to each operator or lessee of record within a ½ mile radius of the subject well. When the application is accompanied by waivers of right to protest executed by the above noticed parties, the application may be approved without hearing; otherwise, it shall be held in abeyance for 15 days from the date of filing. If a protest is not filed with the commission within 15 days from the date of filing and if the commission has no objection, the application may be approved without hearing; otherwise, a hearing shall be held. The applicant shall provide notice of the hearing not less than 30 days before the hearing date to each offset operator or lessee of record within a ½ mile radius of the subject well. The applicant shall also publish notice as required by K.A.R. 82-3-135. (Authorized by and implementing K.S.A. 55-603, as amended by L. 1988, Ch. 356, Sec. 167; effective May 8, 1989.)

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

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

(1) A description of the well with a plat attached showing the location of the subject well, the location of all other wells on the lease, the location of all offset wells within a ½ mile radius of the subject well, and for each

of these wells, the name of the lessee of record or the operator. Well depths and producing sources of supply shall be properly designated on the plat;

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

(3) a wireline log of the subject well;

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

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

(6) a description of storage facilities;

(7) a description and diagram of the proposed wellhead to pipeline installation; and

(8) the applicant's license number.

(c) Each application shall be supported by an affidavit certifying service of a copy of the application without attachments to each operator or lessee of record within a ½ mile radius of the subject well. When the application is accompanied by waivers of right to protest executed by the above noticed parties, the application may be approved without hearing; otherwise, the application shall be held in abeyance for 15 days from the date of filing. If a protest is not filed with the commission within 15 days from the date of filing, the application may be approved without hearing; otherwise, a hearing shall be held. The applicant shall provide notice of the hearing not less than 30 days before the hearing date to each offset operator or lessee of record within a ½ mile radius of the subject well. The applicant shall also publish notice as is required by K.A.R. 82-3-135.

(d) All dual and multiple completions shall be made and operated under the direction of the commission. Packers shall not be installed, removed, reinstalled, or replaced in such a well, except upon notice to and with the approval of a representative of the commission. If one of the producing sources of supply is abandoned, the plugging of the abandoned source of supply shall be in accordance with the requirements of the commission.

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

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

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

(continued)

(h) The allowable for each source of supply shall be determined according to K.A.R. 82-3-203(b) or K.A.R. 82-3-312 for non-prorated common sources of supply or according to the basic proration order for prorated common sources of supply, or both.

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

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

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

(l) Tentative approval for dual or multiple-completed wells may be granted by the commission based on extenuating circumstances. Final approval may be granted after proper application. (Authorized by K.S.A. 55-602; implementing K.S.A. 1987 Supp. 55-605, as amended by L. 1988, Ch. 356, Sec. 169, 1987 Supp. 55-706, K.S.A. 55-603, as amended by L. 1988, Ch. 356, Sec. 167; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

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

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

(c) The affidavit of completion shall be filed regardless of the manner in which the well is completed, including a well which is dry and abandoned. The affidavit of completion shall be on forms furnished by the commission. The affidavit shall be accompanied by wireline logs of the well, if run.

(d) If a service company is utilized for cementing in casing or sealing off producing or fresh and usable water formations, the operator shall report invoice numbers referencing the work performed on the affidavit of completion. If a service company is not used, the operator shall file a report of cementing methods, including the quantity of cement used, with the conservation division along with the affidavit of completion. (Authorized by and implementing K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 8, 1989.)

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

a proposed order to the conservation division within 20 days after receipt of the transcript.

(b) Upon a request made at the close of a conservation division hearing, the commission or its designated hearing examiner may extend the time within which a proposed order shall be submitted or may entirely waive the requirement.

(c) Any party of record may submit a proposed order within the same time period required of an applicant in a conservation division hearing.

(d) For matters considered pursuant to K.A.R. 82-3-143, the applicant shall submit a proposed order to the conservation division simultaneously with the application. (Authorized by and implementing K.S.A. 1987 Supp. 55-152, K.S.A. 55-602, 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; effective, May 1, 1986; amended May 8, 1989.)

82-3-140. Tertiary recovery project certification. (a) Each application for certification of a tertiary recovery project to the Kansas department of revenue shall be submitted to the commission and shall be accompanied by:

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

(b) The original and four copies of the application shall be filed with the conservation division.

(c) The applicant shall publish notice of the hearing as is required by K.A.R. 82-3-135. (Authorized by K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; implementing K.S.A. 1987 Supp. 79-4217; effective, T-87-46, December 19, 1986; effective, May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

82-3-142. Use of prepared testimony. Pursuant to K.A.R. 82-1-229, the direct or redirect examination of a witness appearing before the commission in matters held on the conservation division's monthly docket shall be presented in written question-and-answer form. The required format for prepared testimony shall be that format established in K.A.R. 82-1-229(b). Prepared testimony for an applicant's case-in-chief shall be filed with the conservation division at least 20 days before the hearing. Prepared testimony for an intervenor or protestant's case-in-chief shall be filed with the conservation division at least 10 days before the hearing. (Authorized by and implementing K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; effective May 8, 1989.)

82-3-143. Summary proceedings; procedure. (a) Applications for reinstatement of cancelled underage, assignment of gas allowables, replacement wells, well location exceptions, and other monthly docket matters as permitted by the commission, may be considered and approved by the commission without hearing.

(b) Notice of applications qualifying for a summary procedure shall be mailed or delivered in accordance with the applicable filing rule or regulation governing the application and published on or before the date the application is mailed to or filed with the commission.

(c) The notice shall show:

- (1) The nature of the application;

(2) that the application is pending before the commission;

(3) the legal description of the well or wells involved; and

(4) language that, unless a written protest is received by the conservation division within 15 days after the notice is published, the application will be granted without hearing.

(d) Notice shall be published in the Wichita Eagle-Beacon and in the official county newspaper of each county in which lands affected by the application are located. If any protest or objection is filed, or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. In the event a protest or objection is filed, the applicant shall provide notice of the hearing in accordance with the applicable rule or regulation governing the application. The applicant shall also publish notice as required by K.A.R. 82-3-135. (Authorized by and implementing K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; effective May 8, 1989.)

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

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

(b) Well allowables for non-prorated pools. Allowables shall be assigned on an individual well basis. The maximum lease allowable shall be the sum of the individual well productivities or allowables, whichever is less. The allowables for each well in nonprorated pools shall be set by the following depth schedule and shall take effect from the date of first production:

Pool Depth Range	Maximum allowable bbls/well/day
0 to 2,500	50
over 2,500 to 4,000	53
over 4,000 to 4,500	56
over 4,500 to 5,000	62
over 5,000 to 5,500	70
over 5,500 to 6,000	78
over 6,000	88

(c) Exception. After notice and hearing, an allowable may be assigned and acreage may be attributed to a given nonprorated well at variance to the allowable assigned and acreage attributed to a well of similar depth as set out in subsection (b). The applicant for such an exception shall file a verified application that shows:

(1) the exact location of the well and the acreage attributed to the well;

(2) the allowable requested;

(3) the geological name of the producing formation;

(4) the top and bottom depths of the producing formation;

(5) the names and addresses of each operator or lessee of record and each unleased mineral owner within a ½ mile radius of the subject well, and an affidavit indicating

the date service of a copy of the application was made to each; and

(6) any other information the commission may require. (Authorized by K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168; implementing K.S.A. 1987 Supp. 55-605, as amended by L. 1988, Ch. 356, Sec. 169, K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 8, 1989.)

82-3-205. Overage. Within any given month, no producer shall produce more than 15 percent in excess of the net allowable established for any well or lease. All overproduction from wells or leases which have produced in excess of their allowable for any month shall be equalized by deductions from future allowables established for the wells or the leases. Whenever a well or lease accumulates an overproduction in excess of two times its monthly allowable, the well or lease shall have its production restricted to 25 percent of its monthly allowable until the overproduction is equalized. If a protest is filed within 15 days of the date on which an operator is notified that the well or lease will have its production restricted to 25 percent of its monthly allowable, notice shall be given and a hearing shall be held. The commission may also, on its own motion, order such a well or lease to be shut-in, after notice and hearing. (Authorized by and implementing K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 8, 1989.)

82-3-305. Gas to be metered. (a) Well, lease or unitized property. All gas, when produced or sold, shall be metered with an approved meter of sufficient capacity. Gas may be metered from a lease or unitized property as a whole if it is shown that ratable taking can be maintained. Meters shall not be required for gas produced and used on the lease for development purposes and lease operations or for use in primary dwellings.

(b) Meter charts and records. Each party who owns, maintains, or operates the metering device used to record gas sales from each lease in gas fields shall keep the original field record consisting of magnetic tapes, meter charts, or records of gas purchased in a permanent file for a period of two years, and this information shall be made available to the commission.

(c) By-passes. By-passes shall not be connected around meters in a manner that will permit the improper taking of gas. (Authorized by and implementing K.S.A. 1987 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989.)

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

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

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

(continued)

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

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

(c) Not less than 30 days before commencing or plugging a well or test hole as referred to in subsection (b), the person, firm or corporation desiring to commence drilling or plugging operations shall give the public utility and the commission notice in writing, by registered mail, of the date desired for commencement of drilling or plugging the well.

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

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

(f) If any objections or complaints are filed, or if the commission deems that there should be a hearing on the recommendation of the public utility, a hearing shall be held. The person, firm, corporation or agency requesting the hearing shall provide notice of the hearing not less than 30 days prior to the hearing date to each person, firm or corporation seeking to drill or plug a test hole and to the public utility. Notice shall also be provided pursuant to K.A.R. 82-3-135.

(g) Following receipt of the recommendations proposed by the public utility or the hearing, the manner, methods and materials to be used in the sealing off or plugging operation shall be prescribed by the commission. Operations shall not commence until the manner, methods and materials to be used have been prescribed by the commission.

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

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

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

(k) Special orders shall be issued when required and shall prevail over the general rules and regulations if a conflict occurs. (Authorized by K.S.A. 1987 Supp. 55-152, K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168; implementing K.S.A. 1987 Supp. 55-605, as amended

by L. 1988, Ch. 356, Sec. 169, 55-706, K.S.A. 55-1203; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1988; amended May 8, 1989.)

82-3-400. Application, approval, place of injection or disposal, and records. (a) Enhanced recovery fluids injection or disposal operations and enhanced recovery natural gas injection or disposal operations shall be permitted only upon application to and approval by the commission. Before any formations are approved for use, determinations shall be made that they are separated from fresh and usable water formations by impervious beds to give adequate protection to the fresh and usable water formations.

(b) In reviewing applications for injection or disposal wells, the protection of hydrocarbons and water resources and oil and gas advisory committee recommendations concerning safe depths for injection or disposal for all producing areas in the state shall be considered by the commission.

(c) If no additional information, including well logs, formation tests, water quality data, or water well data, is made available by the operator, Table II, incorporated by reference in commission order, dated August 1, 1987, docket no. 156,397-C (C-22,607), hereby incorporated by reference, shall be used by the commission in determining the minimum depth for the injection of salt water.

(d) All injection and disposal well applications filed on and after December 8, 1982, which require wellhead pressure to inject fluids shall inject the fluids through tubing under a packer set immediately above the uppermost perforation or open hole zone, except as provided in K.A.R. 82-3-404. The packer shall be set opposite an interval of casing protected by cement.

(e) Each owner or operator of an injection or disposal well that is injecting fluid into a subsurface formation shall:

(1) Keep a current and accurate record to be preserved for five years of the amount and kind of fluid injected into the well; and

(2) submit a report to the commission on or before March 1 of the following year showing for the previous calendar year the amount and kind of fluid injected or disposed of into each well and any other information that may be required.

(f) Emergency authority to inject or dispose of fluids at an alternate location, in the event a facility is shut-in for maintenance, testing, repairs or by order of the commission, may be granted by the commission. (Authorized by K.S.A. 1987 Supp. 55-152, 55-901; implementing K.S.A. 1987 Supp. 55-151, K.S.A. 55-153, K.S.A. 1987 Supp. 55-901, 55-1003, as amended by L. 1988, Ch. 356, Sec. 172; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-46, December 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

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

(b) The original and two copies of each application shall be verified and filed with the commission and shall show:

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

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

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

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

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

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

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

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

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

(10) the names and addresses of the operators shown in paragraph (b)(3) above who were notified of the application, and evidence that the notice was given;

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

(12) the applicant's license number; and

(13) any other information that the commission requires.

(c) If the application is for disposal into a formation producing within a ½ mile radius of the applicant's well, the disposal zone shall be below the oil-water contact or 50 feet below the base of the producing zone. For the purposes of this subsection, "disposal zone" means that stratigraphic interval which contains little or no commercially productive hydrocarbons and which is salt-water bearing and "producing zone" means that stratigraphic interval which contains, or appears to contain, a common accumulation of commercially productive hydrocarbons.

(d) In addition to the requirements set out in subsection (b), applications for dually completed injection and production or disposal and production wells shall show that the producing interval lies above the injection or disposal interval. Before a well is dually completed the applicant shall demonstrate that the well has mechanical integrity pursuant to K.A.R. 82-3-405 from a point immediately above the producing interval to the surface.

(e) Upon cessation of commercial production from the producing interval of a dually completed injection or disposal well, the injection or disposal authority shall be cancelled by the commission unless the operator, through the filing of an amendment shows:

(1) The perforations at the producing interval are sealed;

(2) the casing above the injection or disposal packer has mechanical integrity pursuant to K.A.R. 82-3-405; and

(3) the tubing-casing annulus is filled with a corrosion-inhibiting fluid.

(f) Approval of the design of any proposed well may be obtained prior to actual construction of the well. Each applicant desiring design approval shall place the words "design approval" at the top of the application for enhanced recovery or disposal operations. The design approval application shall be subject to the requirements set forth in subsections (b), (g) and (j) of this regulation.

(1) Each applicant shall be notified by the commission of its approval of the well design if:

(A) All requirements set forth in subsections (b), (g) and (j) of this regulation have been met;

(B) the design of the proposed well will protect fresh and usable water; and

(C) no objections or complaints have been filed pursuant to subsection (h) of this regulation.

(2) Upon completion of each well construction, a copy of the well completion report, on the form prescribed and furnished by the commission, shall be submitted to the commission. The application for the injection of fluid into the proposed well for enhanced recovery or disposal purposes shall be approved, if there are not significant differences between actual construction and the approved designed construction of the proposed well and the mechanical integrity of the well has been tested pursuant to K.A.R. 82-3-405.

(g) When issuing an order approving injection or disposal, the following factors shall be considered by the commission:

(1) Maximum injection or disposal rate;

(2) maximum surface pressure, formation pressure, pressure at the formation face or all of the above;

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

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

(5) the construction of all oil and gas wells within a ¼ mile radius of the proposed injection or disposal well, including all abandoned, plugged, producing, and other injection or disposal wells, to ensure that fluids introduced into the proposed injection or disposal zone will be confined to that zone. If deemed necessary by the conservation division to ensure protection of fresh and usable water, this radius may be determined pursuant to 40 C.F.R. § 146.6(a)(2) promulgated under Part C of the Safe Water Drinking Act, 42 U.S.C. § 300f *et seq.*

(h) Applications may be filed for more than one injection or disposal well on the same lease or on more than one lease. The applicant shall provide the requested information for each well included in the application.

(i) Each application shall be executed by the operator of the proposed injection plan or disposal well.

(j) Each applicant shall give notice of the application by mailing or delivering a copy of the application to the landowner on whose land the well is located, to each operator of a producing or drilling well and to each unleased mineral owner within a ½ mile radius of the proposed injection or disposal well. Notice shall be mailed or delivered on or before the date the application is filed with the commission. Notice of the application shall be published in at least one issue of the official county news-

(continued)

paper of each county in which the lands involved are located.

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

(l) If any objection or complaint is filed, or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. The applicant shall provide notice of the hearing not less than 15 days prior to the hearing date. The notice shall be provided to the landowner on whose land the well is located, to each operator of a producing or drilling well and to each unleased mineral owner within a ½ mile radius of the proposed injection or disposal well. Notice shall also be provided pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 1987 Supp. 55-901, 55-152; implementing K.S.A. 1987 Supp. 55-605, as amended by L. 1988, Ch. 356, Sec. 169, 55-706, 55-152, 55-1003, as amended by L. 1988, Ch. 356, Sec. 172; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, December 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989.)

82-3-402. Casing and cement. Injection and disposal wells shall be cased and the casing cemented in such a manner that damage will not be caused to hydrocarbon sources or fresh and usable water sources. Surface casing shall be set and cemented in the following manner: (a) In existing wells to be converted to injection or disposal use, all additional casing which is next to the bore hole shall be cemented by circulating cement to the surface from a point at least 50 feet below the base of the lowest known fresh and usable water. If cement fails to circulate to the surface, staged squeezes shall be required to protect and isolate fresh and usable water resources. Cementing shall be completed with a portland cement blend, except as provided by K.A.R. 82-3-106(d)(3).

(b) The operator shall notify the appropriate district office prior to the cementing of the additional casing. A backside squeeze, the uncontrolled placement of cement in the annular space between the surface casing and the production casing from the surface down, shall be permitted only upon request to the appropriate district office. Requests shall be granted only upon the approval of the cement placement.

(c) An exception to the cementing requirements of subsection (a) may be granted by the director. A written request for exception shall be submitted to the conservation division and shall include cement evaluation logs demonstrating that the proposed alternate process adequately protects fresh and usable water resources. The alternate process must be proposed to be performed between the casing and the borehole at a point at least 50 feet below the base of the lowest known fresh and usable water resources to ensure protection of fresh and usable water resources.

(d) When the injection or disposal zone lies stratigraphically above the Wellington salt and when the wellbore has penetrated into or through the salt, a cement plug of at least 50 feet in length shall be placed in the bore hole or casing below the injection or disposal zone and above the salt. However, if the plug is inside the casing,

the annular space between the casing and the well bore shall be protected with cement through the same interval. (Authorized by K.S.A. 1987 Supp. 55-152, 55-901; implementing K.S.A. 55-1003, as amended by L. 1988, Ch. 356, Sec. 172, K.S.A. 1987 Supp. 55-152, 55-157, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989.)

82-3-405. Mechanical integrity requirements. (a) Each injection or disposal well shall be completed, equipped, operated, and maintained in a manner that will prevent pollution of fresh and usable water, damage to sources of oil or gas, and that will confine fluids to the interval or intervals approved for injection or disposal.

An injection or disposal well shall be considered to have mechanical integrity if there are no significant leaks in the tubing, casing or packer. Mechanical integrity shall be established on each well by one of the following methods:

(1) Pressure test. The annulus above the packer, or the injection casing in wells not equipped with a packer, shall be pressure tested at least once every five years under the supervision of a representative of the operator. The date for such a test shall be mutually agreed upon by the operator's representative and a representative of the commission. Test results shall be verified by the operator's representative. A minimum of 25 percent of the tests conducted each year shall be witnessed by a representative of the commission. The test shall be conducted in accordance with subsections (b) or (c). Injection or disposal wells without tubing shall be tested in accordance with K.A.R. 82-3-404.

(2) Alternative tests. Alternative test methods which are approved by the commission, including radioactive tracer or temperature surveys, may be used to establish mechanical integrity when conditions are appropriate. The test shall be run at least once every five years under the supervision of a representative of the operator. The date for such a test shall be mutually agreed upon by the operator's representative and a representative of the commission. Test results shall be verified by the operator's representative, and shall be interpreted as specified in commission-approved procedures. A minimum of 25 percent of the tests conducted each year shall be witnessed by a representative of the commission.

(3) Monitoring. Once a month, the operator shall monitor and record, during actual injection, the pressure or fluid level in the annulus and other such information as deemed necessary by the commission. An annual report of information logged shall be made to the commission.

(b) Before operating a well drilled or converted to injection or disposal after December 8, 1982, an operator choosing to use a pressure test for the initial mechanical integrity test shall perform the test in the following manner:

(1) Wells constructed with tubing and a packer shall be pressure tested with the packer in place. A fluid pressure of 300 psi shall be applied. If the operator requests a pressure in excess of 300 psi on the disposal or injection application, a test pressure up to the requested pressure may be required. The duration of the test shall be at least 30 minutes. Maintenance of the fluid pressure during the test shall provide assurance of the integrity of the injection casing.

(2) For wells constructed with tubing and no packer, a retrievable plug or packer shall be set immediately

above the uppermost perforation or open hole zone. A fluid pressure of 300 psi shall be applied. The duration of the test shall be at least 30 minutes. Maintenance of the fluid pressure during the test shall provide assurance of the integrity of the injection casing.

(3) For wells constructed with tubing and no packer, a method of pressure testing known as fluid depression may be conducted with prior approval and under guidelines established by the commission. The fluid in the well shall be depressed with gas pressure to a point in the wellbore immediately above the perforations or open hole interval. The minimum calculated pressure required to depress the fluid in the wellbore shall be no less than 100 psig.

(4) In lieu of paragraph (b)(3), the casing may be tested prior to perforating, upon approval of the commission. A fluid pressure of 300 psi shall be applied. If the operator requests a pressure in excess of 300 psi on the disposal or injection application, a test pressure up to the requested pressure may be required. The duration of the test shall be at least 30 minutes. Maintenance of the fluid pressure during the test shall provide assurance of the integrity of the injection casing.

(c) No well shall be permitted to operate without first having shown its mechanical integrity.

(d) Any well failing to demonstrate mechanical integrity by one of the above methods shall have no more than 90 days from the date of initial failure in which to either:

(i) repair and retest the well to demonstrate mechanical integrity;

(ii) plug the well; or

(iii) isolate the leak or leaks to demonstrate that the well will not pose a threat to fresh or usable water resources or endanger correlative rights.

(e) An operator choosing a pressure mechanical integrity test on a well permitted for injection or disposal before December 8, 1982 or on a well having passed an initial pressure mechanical integrity test as specified in subsection (b) shall conduct the test in the following manner:

(1) Wells located in areas having salt water bearing zones with sufficient bottom hole pressure to sustain a static fluid level at or above fresh or usable water bearing zones shall be pressure tested as specified in paragraphs (b)(1) and (2) except that the maximum required test pressure shall be limited to 300 psi.

(2) Wells located in areas without salt water bearing zones with sufficient bottom hole pressure to sustain a static fluid level at or above fresh or usable water bearing zones shall be pressure tested as specified in paragraphs (b)(1) and (2) except that the maximum required test pressure shall be limited to 100 psi.

(3) For wells constructed with tubing and no packer, a method of pressure testing known as fluid depression may be conducted with prior approval and under guidelines established by the commission. The fluid in the well shall be depressed with gas pressure to a point in the wellbore immediately above the perforations or open hole interval. The minimum calculated pressure required to depress the fluid in the wellbore shall be no less than 100 psig. (Authorized by K.S.A. 1987 Supp. 55-152, 55-901; implementing K.S.A. 1987 Supp. 55-1003, as amended by L. 1988, Ch. 356, Sec. 172, 55-152, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 8, 1989.)

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

(b) submit a report to the commission showing, for the previous calendar year, the monthly average wellhead pressure, maximum wellhead pressure, amount and kind of fluid injected into each well, and any other performance information that may be required by the commission. The report shall be submitted on or before March 1 of the following year. (Authorized by and implementing K.S.A. 1987 Supp. 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-87-46; amended May 1, 1987; amended May 8, 1989.)

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

(1) the name and address of the present operator and the operator's license number;

(2) the name and location of the well being transferred;

(3) the order number and date of the order authorizing injection;

(4) the zone or zones of injection;

(5) the proposed effective date of transfer;

(6) the signature of the present operator and the date signed;

(7) the name and address of the new operator and the operator's license number; and

(8) the signature of the new operator and the date signed.

(b) A letter shall be mailed by the commission to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the approved transfer authorizing the injection or disposal shall be mailed to the new operator. The former operator may be required by the commission to conduct a mechanical integrity test as a condition of the transfer. (Authorized by K.S.A. 1987 Supp. 55-152, 55-901; implementing K.S.A. 1987 Supp. 55-1003, as amended by L. 1988, Ch. 356, Sec. 172, 55-152, 55-901, effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended, T-87-46; amended May 1, 1987; amended May 8, 1989.)

82-3-409. Authorization for existing injection or disposal wells. Each injection or disposal well authorized by order of the commission on or before December 8, 1982 shall be considered an existing injection or disposal well. Injection or disposal shall be prohibited in any existing well unless the operator had filed, by May 1, 1983, an inventory of existing injection or disposal wells on the form prescribed by the commission. (Authorized by K.S.A. 1987 Supp. 55-152, 55-901; implementing, K.S.A. 1987 Supp. 55-152, 55-901, 55-1003, as amended by L. 1988, Ch. 356, Sec. 172; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 8, 1989.)

JUDITH McCONNELL
Executive Secretary

Doc. No. 007594

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14-18-29	Revoked	V. 7, p. 794
14-18-30	Revoked	V. 7, p. 794
14-18-32	Revoked	V. 7, p. 794
14-18-33	Revoked	V. 7, p. 794
14-19-8	Revoked	V. 7, p. 794
14-19-9	Revoked	V. 7, p. 794
14-19-11	Revoked	V. 7, p. 794
14-19-12	Revoked	V. 7, p. 794
14-19-13	Revoked	V. 7, p. 794
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14-19-37	New	V. 7, p. 794-801
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14-20-2	Revoked	V. 7, p. 801
14-20-4	Revoked	V. 7, p. 801

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14-20-10	Revoked	V. 7, p. 801
14-20-14		
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14-20-39	New	V. 7, p. 801-809
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14-21-20	New	V. 7, p. 809-816
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14-22-14	New	V. 7, p. 816-821
14-22-16		
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14-22-20	New	V. 7, p. 822
14-23-1		
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14-23-15	New	V. 7, p. 822-826
14-23-3	Amended	V. 7, p. 1402

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23-1-10	Amended	V. 7, p. 367
23-1-12	New	V. 7, p. 367
23-2-7	Amended	V. 7, p. 368
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23-2-15	Amended	V. 7, p. 371
23-2-16	New	V. 7, p. 372
23-3-13	Amended	V. 7, p. 1504
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23-5-8	New	V. 7, p. 1504, 1505
23-5-1		
through		
23-5-8	New	V. 7, p. 1639, 1640
23-7-7	Amended	V. 7, p. 1506
23-7-7	Amended	V. 7, p. 1640
23-8-2	Amended	V. 7, p. 1506
23-18-1	Amended	V. 7, p. 373
23-18-3	New	V. 7, p. 373
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23-21-14	New	V. 7, p. 374-376

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26-1-5	Amended	V. 7, p. 1334

26-1-7	New	V. 7, p. 1334
26-2-1	Amended	V. 7, p. 1335
26-2-3	Amended	V. 7, p. 1335
26-2-5	Amended	V. 7, p. 1336
26-2-6	Amended	V. 7, p. 1336
26-2-9	New	V. 7, p. 1336
26-3-1	Amended	V. 7, p. 1337
26-3-4	Amended	V. 7, p. 1337
26-3-5	Amended	V. 7, p. 1338
26-3-6	Amended	V. 7, p. 1338
26-4-1	Amended	V. 7, p. 1059
26-4-4	Amended	V. 7, p. 1338
26-5-1	Amended	V. 7, p. 1338
26-5-2	Amended	V. 7, p. 1338
26-5-8	New	V. 7, p. 1339
26-6-1	Amended	V. 7, p. 1339
26-6-2	Amended	V. 7, p. 1340
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26-6-6	Amended	V. 7, p. 1340

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28-4-285		
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28-4-294	New	V. 7, p. 1770-1773
28-4-525		
through		
28-4-529	New	V. 7, p. 714
28-14-2	Amended	V. 7, p. 714
28-15-35	Amended	V. 7, p. 714
28-15-36	Amended	V. 7, p. 714
28-16-56a	Amended	V. 7, p. 714
28-17-6	Amended	V. 7, p. 714
28-17-20	Amended	V. 7, p. 714
28-17-21	New	V. 7, p. 714
28-19-7	Amended	V. 7, p. 714
28-19-8	Amended	V. 7, p. 714
28-19-17f	Amended	V. 7, p. 715
28-19-18	Amended	V. 7, p. 715
28-19-19	Amended	V. 7, p. 715
28-19-61		
through		
28-19-66	Amended	V. 7, p. 715
28-19-69		
through		
28-19-75	Amended	V. 7, p. 715
28-19-84		
through		
28-19-96	Amended	V. 7, p. 715
28-19-98		
through		
28-19-108	Amended	V. 7, p. 715
28-19-108a	New	V. 7, p. 715
28-19-109	Amended	V. 7, p. 715
28-19-119		
through		
28-19-121a	Amended	V. 7, p. 715
28-19-123	Amended	V. 7, p. 715
28-19-124	Amended	V. 7, p. 715
28-19-125	Amended	V. 7, p. 715
28-19-127		
through		
28-19-141	Amended	V. 7, p. 715
28-19-149	Amended	V. 7, p. 715
28-19-150	Amended	V. 7, p. 715
28-19-153	Amended	V. 7, p. 715
28-19-154	Amended	V. 7, p. 715
28-19-155	Amended	V. 7, p. 715
28-19-158	Amended	V. 7, p. 715
28-19-159	Amended	V. 7, p. 715
28-31-1		
through		
28-31-4	Amended	V. 7, p. 715
28-31-6	Amended	V. 7, p. 715
28-31-8	Amended	V. 7, p. 715
28-31-8a	Amended	V. 7, p. 715
28-31-9	Amended	V. 7, p. 715
28-31-10	Amended	V. 7, p. 715
28-31-14	Amended	V. 7, p. 715
28-33-1	Amended	V. 7, p. 716

28-33-2		
through		
28-33-10	Revoked	V. 7, p. 716
28-35-146	Amended	V. 7, p. 716
28-35-147	Amended	V. 7, p. 716
28-39-77	Amended	V. 8, p. 200
28-39-83	Amended	V. 7, p. 716
28-39-87	Amended	V. 7, p. 716
28-39-114		
through		
28-39-129	Revoked	V. 7, p. 716
28-39-130	Revoked	V. 7, p. 716
28-39-131	Revoked	V. 7, p. 716
28-39-139		
through		
28-39-143	Revoked	V. 7, p. 716
28-39-200	Revoked	V. 8, p. 201
28-39-202		
through		
28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203
28-39-300		
through		
28-39-312	New	V. 7, p. 716
28-39-400		
through		
28-39-411	New	V. 7, p. 716
28-50-1	Amended	V. 7, p. 716
28-50-2	Amended	V. 7, p. 716
28-50-4	Amended	V. 7, p. 716
28-50-5		
through		
28-50-9	Amended	V. 7, p. 716
28-50-9	Amended	V. 7, p. 1354
28-50-14	Amended	V. 7, p. 716
28-60-1		
through		
28-60-9	Amended	V. 7, p. 716
28-60-1		
through		
28-60-6	Amended	V. 7, p. 1740, 1741
28-60-7	Revoked	V. 7, p. 1742
28-60-9	Amended	V. 7, p. 1742
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28-65-3	Amended	V. 7, p. 1399

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30-4-35	Amended	V. 7, p. 717
30-4-36	Amended	V. 7, p. 717
30-4-41	Amended	V. 7, p. 717
30-4-50	Amended	V. 7, p. 1402
30-4-50	Amended	V. 7, p. 1437
30-4-54	Amended	V. 7, p. 717
30-4-56	Amended	V. 7, p. 717
30-4-57	Amended	V. 7, p. 1402
30-4-57	Amended	V. 7, p. 1437
30-4-58	Amended	V. 7, p. 1403
30-4-62	Amended	V. 7, p. 1403
30-4-62	Amended	V. 7, p. 1438
30-4-63	New	V. 7, p. 1403
30-4-63	Amended	V. 7, p. 1439
30-4-74	Amended	V. 7, p. 1404
30-4-75	Amended	V. 7, p. 717
30-4-78	Amended	V. 7, p. 717
30-4-80	Amended	V. 7, p. 1404
30-4-90	Amended	V. 7, p. 1404
30-4-91	Amended	V. 7, p. 718
30-4-95	Amended	V. 7, p. 1404
30-4-100	Amended	V. 7, p. 718
30-4-101	Amended	V. 7, p. 1404
30-4-102	Amended	V. 7, p. 1404
30-4-106	Amended	V. 7, p. 1404
30-4-108		
through		
30-4-113	Amended	V. 7, p. 718, 719
30-4-108	Amended	V. 7, p. 1404
30-4-110	Amended	V. 7, p. 1404
30-4-113	Amended	V. 7, p. 1404

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30-4-120	Amended	V. 7, p. 1404
30-4-120	Amended	V. 7, p. 1440
30-4-130	Amended	V. 7, p. 719
30-5-58	Amended	V. 7, p. 1404
30-5-58	Amended	V. 7, p. 1441
30-5-58	Amended	V. 7, p. 1868
30-5-59	Amended	V. 7, p. 720
30-5-65	Amended	V. 7, p. 720
30-5-70	Amended	V. 7, p. 720
30-5-71	Amended	V. 7, p. 720
30-5-75	New	V. 7, p. 721
30-5-81	Amended	V. 7, p. 1405
30-5-81	Amended	V. 7, p. 1880
30-5-81	Amended	V. 7, p. 1868
30-5-81b	Amended	V. 7, p. 1405
30-5-81b	Amended	V. 7, p. 1444
30-5-81t	Amended	V. 7, p. 721
30-5-82	Amended	V. 7, p. 1868
30-5-83	Amended	V. 7, p. 1869
30-5-83a	Amended	V. 7, p. 721
30-5-84	Amended	V. 7, p. 721
30-5-84a	Amended	V. 7, p. 721
30-5-86	Amended	V. 7, p. 1869
30-5-86a	Amended	V. 7, p. 721
30-5-86b	Amended	V. 7, p. 721
through		
30-5-86e	Revoked	V. 7, p. 721
30-5-87	Amended	V. 7, p. 1869
30-5-87a	Amended	V. 7, p. 1869
30-5-88	Amended	V. 7, p. 1405
30-5-88	Amended	V. 7, p. 1869
30-5-88	Amended	V. 7, p. 1881
30-5-89	Amended	V. 7, p. 1869
30-5-92	Amended	V. 7, p. 1869
30-5-100	Amended	V. 7, p. 1869
30-5-100	Amended	V. 7, p. 1445
30-5-101	Amended	V. 7, p. 1869
30-5-102	Amended	V. 7, p. 722
30-5-103	Amended	V. 7, p. 1869
30-5-104	Amended	V. 7, p. 1869
30-5-106a	Amended	V. 7, p. 722
30-5-108	Amended	V. 7, p. 1869
30-5-110	Amended	V. 7, p. 722
30-5-110a	Amended	V. 7, p. 722
30-5-112	Amended	V. 7, p. 1869
30-5-113	New	V. 7, p. 1869
30-5-113a	New	V. 7, p. 722
30-5-114	New	V. 7, p. 722
30-5-114a	New	V. 7, p. 723
30-5-150	Amended	V. 7, p. 723
30-5-151	Amended	V. 7, p. 723
30-5-152	Amended	V. 7, p. 723
30-5-154	Amended	V. 7, p. 723
30-5-155	Amended	V. 7, p. 1869
30-5-156	Amended	V. 7, p. 723
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30-5-163	Amended	V. 7, p. 723, 724
30-5-67	Amended	V. 7, p. 724
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30-5-171	Amended	V. 7, p. 724
30-6-35	Amended	V. 7, p. 724
30-6-36	Amended	V. 7, p. 724
30-6-41	Amended	V. 7, p. 1405
30-6-53	Amended	V. 7, p. 1405
30-6-53	Amended	V. 7, p. 1869
30-6-54	Amended	V. 7, p. 724
30-6-56	Amended	V. 7, p. 1405
30-6-57	Amended	V. 7, p. 724
30-6-58	Amended	V. 7, p. 1405
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30-6-74	Amended	V. 7, p. 1405
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30-6-78	Amended	V. 7, p. 1406
30-6-79	Amended	V. 7, p. 725
30-6-86	New	V. 7, p. 1869
30-6-103	Amended	V. 7, p. 1406
30-6-103	Amended	V. 7, p. 1869
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30-6-113	Amended	V. 7, p. 725, 726
30-6-106	Amended	V. 7, p. 1406
30-6-107	Amended	V. 7, p. 1406
30-6-107	Amended	V. 7, p. 1870

30-6-108	Amended	V. 7, p. 1406
30-6-109	Amended	V. 7, p. 1406
30-6-112	Amended	V. 7, p. 1406
30-6-113	Amended	V. 7, p. 1407
30-10-1a	Amended	V. 7, p. 1870
30-10-1b	Amended	V. 7, p. 1870
30-10-2	Amended	V. 7, p. 727
30-10-3	Amended	V. 7, p. 727
30-10-4	Amended	V. 7, p. 727
30-10-7	Amended	V. 7, p. 1870
30-10-9	Amended	V. 7, p. 727
30-10-11	Amended	V. 7, p. 1870
30-10-15a	Amended	V. 7, p. 1871
30-10-15b	Amended	V. 7, p. 1871
30-10-16	Amended	V. 7, p. 1871
30-10-17	Amended	V. 7, p. 1871
30-10-18	Amended	V. 7, p. 1871
30-10-19	Amended	V. 7, p. 1871
30-10-20	Amended	V. 7, p. 1871
30-10-21	Amended	V. 7, p. 1871
30-10-23a	Amended	V. 7, p. 727
30-10-24	Amended	V. 7, p. 1871
30-10-25	Amended	V. 7, p. 728
30-10-28	Amended	V. 7, p. 1873
30-10-29	Amended	V. 7, p. 728
30-22-30	Amended	V. 7, p. 728
30-22-32	Amended	V. 7, p. 729
30-31-2	Amended	V. 7, p. 729
30-31-3	Amended	V. 7, p. 729
30-31-4	Amended	V. 7, p. 729
30-46-1	Amended	V. 7, p. 729
through		
30-46-6	New	V. 7, p. 729, 730
30-46-1	Amended	V. 7, p. 729
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30-46-6	Revoked	V. 7, p. 1873
30-46-10	Amended	V. 7, p. 1873
through		
30-46-17	New	V. 7, p. 1873, 1874
30-51-1	Amended	V. 7, p. 1873, 1874
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30-51-5	New	V. 7, p. 730, 731

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36-27-3	Amended	V. 7, p. 217
36-27-4	Amended	V. 7, p. 217
36-27-5a	New	V. 7, p. 217
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36-27-7	Amended	V. 7, p. 217
36-27-8	Amended	V. 7, p. 218
36-27-11	Amended	V. 7, p. 218
36-27-12	Amended	V. 7, p. 218
36-27-13	Amended	V. 7, p. 219

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38-10-7	New	V. 7, p. 222

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40-1-29	Revoked	V. 7, p. 584
40-1-36	Amended	V. 7, p. 584
40-2-14	Amended	V. 7, p. 585
40-2-15	Amended	V. 7, p. 586
40-2-16	Amended	V. 7, p. 586
40-2-22	Amended	V. 7, p. 586
40-3-12	Amended	V. 7, p. 588
40-3-33	Amended	V. 7, p. 588
40-4-22	Amended	V. 7, p. 591
40-4-35	Amended	V. 7, p. 2058
40-4-35a	New	V. 7, p. 2059
40-4-37	New	V. 7, p. 1329
40-5-107	Amended	V. 7, p. 592
40-5-108	Amended	V. 7, p. 592
40-5-109	Amended	V. 7, p. 593

40-7-7	Amended	V. 7, p. 593
40-7-13	Amended	V. 7, p. 1838
40-9-118	Amended	V. 7, p. 593
40-10-15	Amended	V. 7, p. 593

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44-6-141	Amended	V. 7, p. 309
44-7-104	Amended	V. 7, p. 309
44-11-111	Amended	V. 7, p. 2031
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44-11-114	Amended	V. 7, p. 2032
44-11-116	Amended	V. 7, p. 2032
44-11-119	Amended	V. 7, p. 2032
44-11-121	Amended	V. 7, p. 2032
44-11-122	Amended	V. 7, p. 2032
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44-11-125	Revoked	V. 7, p. 2033
44-11-128	Amended	V. 7, p. 2033
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44-12-327	New	V. 7, p. 311
44-12-401	Amended	V. 7, p. 311
44-12-601	Amended	V. 7, p. 311
44-13-402	Amended	V. 7, p. 313
44-13-704	Amended	V. 7, p. 313
44-15-101b	Amended	V. 7, p. 313
44-15-102	Amended	V. 7, p. 313
44-16-103	Amended	V. 7, p. 1875
44-16-104	Amended	V. 7, p. 1875
44-16-108	Amended	V. 7, p. 1875

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-4-7	Amended	V. 7, p. 219
45-7-1	Amended	V. 7, p. 219
45-9-1	Amended	V. 7, p. 219

AGENCY 47: MINED-LAND CONSERVATION AND RECLAMATION BOARD

Reg. No.	Action	Register
47-2-75	Amended	V. 7, p. 409
47-3-42	Amended	V. 7, p. 410
47-7-2	Amended	V. 7, p. 411
47-9-1	Amended	V. 7, p. 411
47-10-1	Amended	V. 7, p. 412
47-12-4	Amended	V. 7, p. 412

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-49-1	Amended	V. 7, p. 223

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-3-1	Amended	V. 7, p. 399
50-4-2	Amended	V. 7, p. 400

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-2-5	Amended	V. 7, p. 514
51-7-8	Amended	V. 7, p. 514
51-9-7	Amended	V. 7, p. 515
51-15-2	Amended	V. 7, p. 515
51-24-3	Amended	V. 7, p. 515
through		
51-24-7	New	V. 7, p. 515-517

AGENCY 53: STATE RECORDS BOARD

Reg. No.	Action	Register
53-3-1	New	V. 7, p. 1739
53-4-1	New	V. 7, p. 1739

AGENCY 54: KANSAS STATE LIBRARY

Reg. No.	Action	Register
54-3-3	Amended	V. 7, p. 1943

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 7, p. 18
60-11-104a	New	V. 7, p. 2056
60-11-104a	New	V. 8, p. 14
60-13-102 through 60-13-108	New	V. 7, p. 361, 362
60-15-101 through 60-15-104	Amended	V. 7, p. 1612, 1613
60-15-101 through 60-15-104	Amended	V. 7, p. 2056, 2057

AGENCY 61: BOARD OF BARBER EXAMINERS

Reg. No.	Action	Register
61-1-19	Amended	V. 7, p. 401
61-3-7	Amended	V. 7, p. 401
61-3-22	Amended	V. 7, p. 401
61-3-26	New	V. 7, p. 401

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 7, p. 362
63-1-5	Amended	V. 7, p. 363
63-1-7	Revoked	V. 7, p. 364
63-1-8	Revoked	V. 7, p. 364
63-1-14 through 63-1-18	Revoked	V. 7, p. 364
63-1-20	Revoked	V. 7, p. 364
63-1-21	Revoked	V. 7, p. 364
63-1-22	Revoked	V. 7, p. 364
63-2-8	Revoked	V. 7, p. 364
63-2-13	Amended	V. 7, p. 364
63-3-10	Amended	V. 7, p. 365
63-3-13	Amended	V. 7, p. 365
63-4-1	Amended	V. 7, p. 365
63-5-1	New	V. 7, p. 365
63-5-2	New	V. 7, p. 365
63-6-1 through 63-6-8	New	V. 7, p. 365, 366

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-6-6	Revoked	V. 7, p. 358
65-6-8	Amended	V. 7, p. 358
65-6-11	Amended	V. 7, p. 358
65-6-12	Amended	V. 7, p. 358
65-6-17	Revoked	V. 7, p. 358
65-6-24	Revoked	V. 7, p. 358
65-6-25	Amended	V. 7, p. 358
65-6-30	Amended	V. 7, p. 359
65-6-31	Revoked	V. 7, p. 360
65-6-32	Revoked	V. 7, p. 360
65-6-33	Amended	V. 7, p. 360
65-6-37	New	V. 7, p. 360
65-7-3	Revoked	V. 7, p. 360
65-7-10	Revoked	V. 7, p. 360

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-2	Amended	V. 8, p. 252
68-2-5	Amended	V. 7, p. 327
68-2-20	Amended	V. 7, p. 327
68-5-1	Amended	V. 7, p. 327
68-5-11	Revoked	V. 8, p. 252
68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253
68-7-13	Amended	V. 7, p. 329
68-7-14	Amended	V. 7, p. 329
68-8-1	Amended	V. 7, p. 329
68-9-1	Amended	V. 8, p. 253

68-11-1	Amended	V. 7, p. 329
68-11-2	Amended	V. 7, p. 330
68-12-2	New	V. 7, p. 330
68-13-1	New	V. 7, p. 330
68-20-1	Amended	V. 8, p. 254
68-20-11	Amended	V. 7, p. 330
68-20-15a	Amended	V. 7, p. 331
68-20-16	Amended	V. 8, p. 255
68-20-18	Amended	V. 7, p. 332

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-23	New	V. 7, p. 406
69-3-24	New	V. 7, p. 406
69-3-25	New	V. 7, p. 407
69-11-1	Amended	V. 7, p. 407

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-1-3	Revoked	V. 7, p. 358
70-5-1	Amended	V. 7, p. 1264

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-14	Revoked	V. 7, p. 377
71-1-15	New	V. 7, p. 377
71-2-1 through 71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202a	Amended	V. 7, p. 377
74-5-203	Amended	V. 7, p. 377
74-7-2	Amended	V. 7, p. 378
74-8-2	Amended	V. 7, p. 378
74-8-5	New	V. 7, p. 378
74-12-1	New	V. 7, p. 378

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-12	Revoked	V. 7, p. 1503
75-6-13	Revoked	V. 7, p. 1503
75-6-19	Revoked	V. 7, p. 1943
75-6-24	Amended	V. 7, p. 1328
75-6-26	Amended	V. 7, p. 1396
75-6-27	Revoked	V. 7, p. 1503
75-6-28	Revoked	V. 7, p. 1503
75-6-29	New	V. 7, p. 1943

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 7, p. 401
81-3-2	Amended	V. 7, p. 1534
81-3-2	Amended	V. 7, p. 1606
81-4-1	Amended	V. 7, p. 401
81-5-6	Amended	V. 8, p. 132
81-5-6	Amended	V. 8, p. 333
81-5-8	Amended	V. 7, p. 402
81-7-1	Amended	V. 7, p. 1534
81-8-1	Amended	V. 7, p. 405
81-9-1	Amended	V. 7, p. 405

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-231	Amended	V. 7, p. 413
82-1-231a	New	V. 7, p. 416
82-3-101	Amended	V. 7, p. 417
82-3-103	Amended	V. 7, p. 420
82-3-106 through 82-3-109	Amended	V. 7, p. 421-423

82-3-112	Amended	V. 7, p. 423
82-3-117	Amended	V. 7, p. 424
82-3-123	Amended	V. 7, p. 424
82-3-124	Amended	V. 7, p. 424
82-3-131	Amended	V. 7, p. 425
82-3-132	Amended	V. 7, p. 426
82-3-135	Amended	V. 7, p. 426
82-3-138	Amended	V. 7, p. 426
82-3-140	Amended	V. 7, p. 427
82-3-141	New	V. 7, p. 427
82-3-202	Amended	V. 7, p. 427
82-3-204	Amended	V. 7, p. 428
82-3-207	Amended	V. 7, p. 428
82-3-300	Amended	V. 7, p. 428
82-3-302	Revoked	V. 7, p. 428
82-3-304	Amended	V. 7, p. 428
82-3-306	Amended	V. 7, p. 429
82-3-311	Amended	V. 7, p. 429
82-3-312	Amended	V. 7, p. 429
82-3-400	Amended	V. 7, p. 430
82-3-401	Amended	V. 7, p. 430
82-3-502	Amended	V. 7, p. 431
82-3-602	Amended	V. 7, p. 432
82-3-603	Amended	V. 7, p. 432
82-4-3	Amended	V. 7, p. 432
82-4-20	Amended	V. 7, p. 433
82-4-65	Amended	V. 7, p. 433
82-11-1 through 82-11-7	New	V. 8, p. 297, 298
82-11-1 through 82-11-9	New	V. 8, p. 377-383

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 7, p. 1398
86-1-11	Amended	V. 7, p. 1398
86-1-13	Amended	V. 7, p. 408
86-1-16	New	V. 7, p. 1398
86-3-6a	Amended	V. 7, p. 408
86-3-18	Amended	V. 7, p. 408
86-3-22	New	V. 7, p. 409

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-10	New	V. 7, p. 465
88-3-11	New	V. 7, p. 465
88-3-12	New	V. 7, p. 1632
88-8-1 through 88-8-8	New	V. 7, p. 465, 466
88-9-1 through 88-9-6	New	V. 7, p. 1632, 1633
88-10-6	Amended	V. 7, p. 466
88-11-7	Amended	V. 7, p. 467
88-13-1	Amended	V. 7, p. 1807
88-13-1	Amended	V. 7, p. 1944
88-13-4	Amended	V. 7, p. 1808
88-13-4	Amended	V. 7, p. 1944
88-13-11	Amended	V. 7, p. 1808
88-13-11	Amended	V. 7, p. 1945
88-14-1 through 88-14-4	New	V. 7, p. 467
88-15-1	Amended	V. 7, p. 1809
88-15-1	Amended	V. 7, p. 1910
88-15-2	Amended	V. 7, p. 1809
88-15-2	Amended	V. 7, p. 1910
88-16-1	Amended	V. 7, p. 1810
88-16-1	Amended	V. 7, p. 1911
88-16-1a	Amended	V. 7, p. 1810
88-16-1a	Amended	V. 7, p. 1911
88-16-2	Amended	V. 7, p. 1810
88-16-2	Amended	V. 7, p. 1912
88-16-5	Amended	V. 7, p. 1811
88-16-5	Amended	V. 7, p. 1912
88-17-2	New	V. 7, p. 468
88-17-3	New	V. 7, p. 468
88-17-4	New	V. 7, p. 468

(continued)

88-18-1 through 88-18-8	New	V. 7, p. 1814, 1815
88-19-1 through 88-19-4	New	V. 7, p. 1815

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27	Amended	V. 7, p. 517
91-1-27b	Amended	V. 8, p. 94
91-1-28	Amended	V. 7, p. 518
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-44	Amended	V. 7, p. 518
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-101b	New	V. 7, p. 519
91-1-107a	Amended	V. 8, p. 96
91-1-110b	New	V. 7, p. 520
91-1-112a	Amended	V. 7, p. 521
91-1-128a	Amended	V. 8, p. 96
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-146d	Amended	V. 7, p. 522
91-1-146e	New	V. 7, p. 523
91-1-147	Revoked	V. 7, p. 523
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22 through 91-12-25	Amended	V. 7, p. 523-528
91-12-24	Revoked	V. 7, p. 1709
91-12-24a	New	V. 7, p. 1709
91-12-26	Revoked	V. 7, p. 1710
91-12-28	Amended	V. 7, p. 1710
91-12-31	Amended	V. 7, p. 529
91-12-32	Amended	V. 7, p. 529
91-12-40	Amended	V. 7, p. 530
91-12-50 through 91-12-55	Amended	V. 7, p. 531-534
91-12-58	Amended	V. 7, p. 535
91-12-61	Amended	V. 7, p. 1711
91-12-62	Amended	V. 7, p. 536
91-12-72	Amended	V. 7, p. 536
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-25-1a	Amended	V. 7, p. 537
91-25-1c	Amended	V. 7, p. 538
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 7, p. 539
91-31-5	Amended	V. 7, p. 540
91-31-6	Amended	V. 7, p. 540
91-31-7	Amended	V. 8, p. 103
91-31-9	Amended	V. 7, p. 542
91-31-11	Amended	V. 7, p. 542
91-31-12a through 91-31-12h	Amended	V. 7, p. 542-544
91-31-12a	Amended	V. 8, p. 104
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1 through 91-33-9	Amended	V. 7, p. 545-549
91-33-1	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
91-34-1 through 91-34-14	New	V. 7, p. 549-553
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Amended	V. 7, p. 649
92-1-2	Amended	V. 7, p. 650
92-1-3	Amended	V. 7, p. 650
92-1-4 through 92-1-8	Revoked	V. 7, p. 650
92-12-106	New	V. 7, p. 650
92-13-10	Amended	V. 7, p. 651
92-19-3	Amended	V. 7, p. 651
92-19-5	Amended	V. 7, p. 651
92-19-6	Amended	V. 7, p. 651
92-19-8	Amended	V. 7, p. 651
92-19-9	Revoked	V. 7, p. 652
92-19-10	Amended	V. 7, p. 652
92-19-12	Amended	V. 7, p. 652
92-19-16	Amended	V. 7, p. 652
92-19-18	Amended	V. 7, p. 653
92-19-19	Amended	V. 7, p. 653
92-19-23	Amended	V. 7, p. 653
92-19-24	Amended	V. 7, p. 654
92-19-28	Amended	V. 7, p. 654
92-19-30	Amended	V. 7, p. 655
92-19-30a	New	V. 7, p. 656
92-19-31	Revoked	V. 7, p. 656
92-19-32	Amended	V. 7, p. 656
92-19-40	Amended	V. 7, p. 657
92-19-41	Revoked	V. 7, p. 657
92-19-46	New	V. 7, p. 657
92-19-47	New	V. 7, p. 657
92-19-49 through 92-19-59	New	V. 7, p. 658-662
92-19-61 through 92-19-66	New	V. 7, p. 662, 663
92-19-66a through 92-19-66d	New	V. 7, p. 664-666
92-19-67 through 92-19-80	New	V. 7, p. 666-670
92-19-80	Revoked	V. 7, p. 1036
92-20-11	Amended	V. 7, p. 1632
92-20-13	Amended	V. 7, p. 671
92-21-6	Amended	V. 7, p. 671
92-21-8	Amended	V. 7, p. 672
92-21-10	Amended	V. 7, p. 672
92-21-14	Amended	V. 7, p. 672
92-24-9	Amended	V. 7, p. 672
92-24-10	Amended	V. 7, p. 672
92-24-11	Amended	V. 7, p. 673
92-24-13	Amended	V. 7, p. 673
92-24-15 through 92-24-19	Amended	V. 7, p. 673, 674
92-24-20	Revoked	V. 7, p. 674
92-24-21 through 92-24-24	Amended	V. 7, p. 674
92-26-1 through 92-26-7	Amended	V. 7, p. 675-676
92-51-41	Amended	V. 7, p. 676
92-52-1	Amended	V. 7, p. 676

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-1-1 through 94-1-9	Revoked	V. 7, p. 469
94-2-1 through 94-2-12	Amended	V. 7, p. 469-473
94-3-1	Amended	V. 7, p. 473
94-3-2	Amended	V. 7, p. 473

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 7, p. 468
99-8-9	New	V. 7, p. 468

99-31-1	Amended	V. 8, p. 132
99-31-2 through 99-31-6	Amended	V. 7, p. 1838, 1839
99-32-1 through 99-32-6	Amended	V. 7, p. 468, 469

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-2-1	Revoked	V. 7, p. 474
100-2-3	Amended	V. 7, p. 474
100-2-5	Revoked	V. 7, p. 474
100-2-6	Revoked	V. 7, p. 474
100-5-1	Amended	V. 7, p. 474
100-5-2	Amended	V. 7, p. 474
100-5-3	Revoked	V. 7, p. 475
100-8-4	Amended	V. 7, p. 475
100-9-2	Revoked	V. 7, p. 475
100-10-1	Revoked	V. 7, p. 475
100-10a-1 through 100-10a-6	New	V. 7, p. 475-476
100-11-5	New	V. 7, p. 476
100-12-1	Amended	V. 7, p. 476
100-15-3	New	V. 7, p. 476
100-19-1	Amended	V. 7, p. 476
100-22-2	New	V. 7, p. 477
100-42-1	Revoked	V. 7, p. 477
100-42-2	Amended	V. 7, p. 477
100-46-5	Amended	V. 7, p. 477
100-54-1 through 100-54-9	New	V. 7, p. 477-480
100-55-8	New	V. 7, p. 480-483
100-60-7	Revoked	V. 7, p. 483
100-60-8 through 100-60-14	New	V. 7, p. 483-485

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-1a	Amended	V. 8, p. 204
102-2-4b	Amended	V. 7, p. 462
102-2-7	Amended	V. 7, p. 463
102-3-1	New	V. 7, p. 1258
102-3-2	Amended	V. 7, p. 464
102-3-3 through 102-3-13	New	V. 7, p. 1258-1263
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-2	New	V. 7, p. 464
102-4-3 through 102-4-11	New	V. 8, p. 205-209
102-4-3 through 102-4-11	New	V. 8, p. 335-339

AGENCY 104: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
104-1-1	Revoked	V. 7, p. 398
104-1-2	New	V. 7, p. 398

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-2-1	Amended	V. 7, p. 1579
105-3-1	Amended	V. 7, p. 1579
105-3-2	Amended	V. 7, p. 1579
105-5-2	Amended	V. 7, p. 1579
105-5-6	Amended	V. 7, p. 1579
105-5-7	Amended	V. 7, p. 1580
105-5-8	Amended	V. 7, p. 1580
105-7-8	Amended	V. 7, p. 406
105-9-4	Revoked	V. 7, p. 1580
105-10-1	Amended	V. 7, p. 1580

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 7, p. 1581
108-1-1	Amended	V. 7, p. 1611

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 7, p. 485
109-2-5 through 109-2-8	Amended	V. 7, p. 486-488
109-5-1	Amended	V. 7, p. 489
109-5-3	Amended	V. 7, p. 490
109-6-1	New	V. 7, p. 491
109-8-1	New	V. 8, p. 163
109-9-1	New	V. 8, p. 163
109-9-2	New	V. 8, p. 164
109-9-3	New	V. 7, p. 1635
109-9-4	New	V. 8, p. 164
109-10-1 through 109-11-8	New	V. 8, p. 164-166

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-1-1	Amended	V. 7, p. 434
110-1-2	Amended	V. 7, p. 434
110-2-1	New	V. 7, p. 434
110-2-2	New	V. 7, p. 435
110-3-1 through 110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 13
111-2-1	Amended	V. 7, p. 1995
111-2-5	New	V. 8, p. 13
111-2-6	New	V. 8, p. 134
111-2-7	New	V. 8, p. 376
111-2-8	New	V. 8, p. 376
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
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AGENCY 112: KANSAS RACING COMMISSION

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State of Kansas
OFFICE OF SECRETARY OF STATE

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that the following bill 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.

BILL GRAVES
Secretary of State

(Published in the *Kansas Register*, March 23, 1989.)

HOUSE BILL No. 2056

AN ACT concerning school districts; relating to lobbying and employment of lobbyists thereby.

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

Section 1. (a) The board of education of any school district is hereby authorized to offer employment to and employ lobbyists and other persons for lobbying and to pay any expenses incurred in connection therewith from the general fund of the school district.

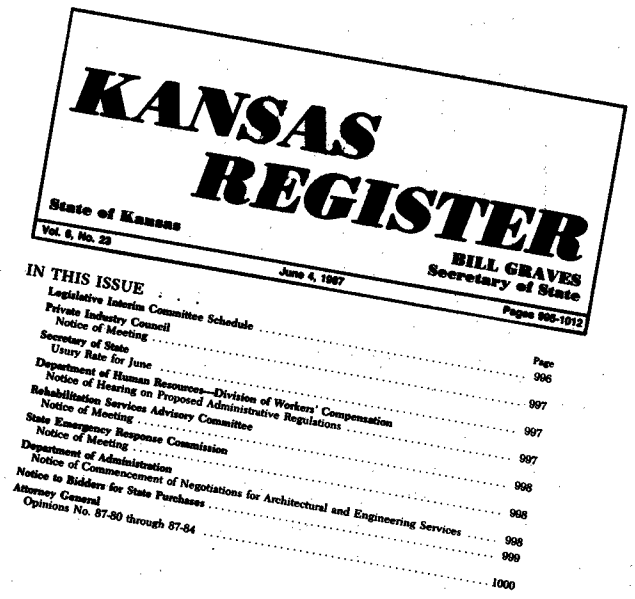
(b) All expenditures heretofore made for the payment of expenses incurred by any school district in connection with or for the purpose of lobbying or the employment of lobbyists are hereby validated and approved in all respects, together with all proceedings authorizing such expenditures, and such expenditures and proceedings shall be valid as though they had been duly and legally authorized originally.

(c) As used in this section, the terms "lobbyist" and "lobbying" shall have the meanings respectively ascribed thereto in article 2 of chapter 46 of Kansas Statutes Annotated.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

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