

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

Attorney General

Opinion No. 90-19

Schools—Special Education; Exceptional Children—Enrollment by Parent or Guardian; Compulsory Attendance; Duties of Boards of Education, Secretary of Social and Rehabilitation Services, County and District Attorneys.

Minors—Kansas Code for Care of Children; General Provisions—Duty to Investigate and File Petition. Daniel M. Metz, Attorney for Unified School District No. 298, Lincoln, February 22, 1990.

Exceptional children, except for those exceptional children determined to be gifted children, are required to enroll for and attend the special education services that are indicated by the individualized education programs of the exceptional children. These special education services may be provided by the public school system or a private source.

K.S.A. 1989 Supp. 72-1113 establishes the duties of the local board of education, the secretary of Social and Rehabilitation Services, and the county attorney when it is alleged that the exceptional child is not receiving the necessary special education services. The designated employee of the school district shall report to the appropriate official, based on the age of the child, all cases of exceptional children not receiving special education services. The appropriate official is then required to conduct an

investigation to determine if the exceptional child may be designated a child in need of care. Cited herein: K.S.A. 1989 Supp. 38-1502; K.S.A. 38-1510; 38-1521; K.S.A. 1989 Supp. 38-1523; K.S.A. 38-1529; 72-961; 72-963; 72-972; 72-975; 72-977; 72-1066; 72-1111; K.S.A. 1989 Supp. 72-1113. RDS

Opinion No. 90-20

Public Records, Documents and Information—Records Open to Public—Records of a Utility or Other Public Service; Information Held by the Department of Revenue Concerning Tax Exemptions and Refunds. Phil Martin, State Senator, 13th District, Pittsburg, February 22, 1990.

K.S.A. 1989 Supp. 45-221(a)(26) does not require the Department of Revenue to disclose records concerning a utility company's sales tax refund and exemption information. Pursuant to K.S.A. 1989 Supp. 45-221(a)(1) and K.S.A. 79-3614, unless subject to the exceptions cited therein, the Department of Revenue has been legislatively directed to refuse a request for disclosure of information derived from returns filed or investigations conducted under the Kansas retailers' sales tax act. Cited herein: K.S.A. 17-7511; 40-2807; 45-217; K.S.A. 1989 Supp. 45-221; K.S.A. 79-3234; 79-34,113; 79-3483; 79-3601; 79-3602; 79-3614. TMN

Robert T. Stephan
Attorney General

Doc. No. 008903

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State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 32,500 cubic yard detention dam, Site 11-7 in Brown County, will be received by the Wolf River Watershed Joint District No. 66 at the district office, P.O. Box 216, Robinson 66532, until 7 p.m. on March 20, and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from and reviewed at the Wolf River Watershed office, (913) 544-6686, or from Novak & Lay, 720 Oregon St., Hiawatha 66434, (913) 742-7441.

Kenneth F. Kern
Executive Director

Doc. No. 008898

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

Monday, March 19, 1990

27050

University of Kansas, Kansas State University,
University of Kansas Medical Center and Wichita State
University—Biochemicals and diagnostics

27244

Department of Transportation—Lubricants

83003

State Corporation Commission—Well monitoring and
site restoration services, Montgomery County

83012

University of Kansas—Video tape editing equipment

83077

University of Kansas—Premise distribution cabling
system

Tuesday, March 20, 1990

27113

University of Kansas Medical Center—Diagnostics
and therapeutic drug screening items

27409

Statewide—Catheters (Class 07), supplemental items

28205

Department of Administration, Division of Facilities
Management—Carpet squares with installation

28213

Adjutant General's Department—Refuse collection
service, Fort Leavenworth

83021

Department of Transportation—Pickup mounted tool
boxes, air compressors and fuel tanks, various locations

83026

Kansas State University—Light fixtures

83047

Department of Social and Rehabilitation Services—
Vending machine, vending machine coin mechanisms

83082

Kansas Neurological Institute—Miscellaneous canned
goods

Wednesday, March 21, 1990

83045

University of Kansas Medical Center—
Chromatography systems

83046

Kansas State University—Veterinary ultrasound
system

Thursday, March 22, 1990

A-6197, A-6196

Osawatomie State Hospital—Window replacement
Adair "A" building, and wood door replacement and
replacement of north exterior wall of the work activity
building

28215

Statewide—Lawn tractor/mowers

83051

University of Kansas Medical Center—Tissue
processor

83052

University of Kansas Medical Center—Microscope

83053

University of Kansas—Office furniture

83063

Department of Transportation—Aggregate, various
locations

83064

Kansas Correctional Industries—Livestock trailer

83065

Department of Transportation—Digital portable
spectrum analyzer communications service monitor,
various locations

83067

Kansas State University—Lab analyzer

83068

Kansas Highway Patrol—Aircraft engine overhaul

83081

Winfield State Hospital and Training Center—
Miscellaneous canned goods

Friday, March 23, 1990

28211

Kansas Correctional Industries—Shipping cartons and
inserts

Friday, March 30, 1990

27043

Statewide—X-ray film and supplies

Nicholas B. Roach
Director of Purchases

Doc. No. 008904

State of Kansas**State Conservation Commission****Notice to Contractors**

Sealed bids for the construction of a 41,000 cubic yard detention dam, Site 8-2 in Brown County, will be received by the Wolf River Watershed Joint District No. 66 at the district office, P.O. Box 216, Robinson 66532, until 7 p.m. on March 27, and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from and reviewed at the Wolf River Watershed office, (913) 544-6686, or from Novak & Lay, 720 Oregon St., Hiawatha 66434, (913) 742-7441.

Kenneth F. Kern
Executive Director

Doc. No. 008912

State of Kansas**Secretary of State****Usury Rate for March**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of March 1, 1990, through March 31, 1990, is 11.75 percent.

Bill Graves
Secretary of State

Doc. No. 008902

State of Kansas**Secretary of State****Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited February 15, 1990, for failure to file an annual report and pay the annual franchise tax as required by the Kansas general corporation code.

Domestic Corporations

Asla, Gaeddert, Hickman, and Lee, Inc., Newton, KS.
A. T. Myers & Sons, Inc., Merriam, KS.
A.T.H. Insurance Services, Inc., Sharon Springs, KS.
Abilene Plaza, Inc., Wichita, KS.
Advanced Equity, Inc., Wichita, KS.
Alps Corporation, a Kansas Close Corporation,
Overland Park, KS.
Altrusa Club of Wichita, Kansas, Wichita, KS.
American Marine Products, Inc., Iola, KS.
Architectural Millwork, Inc., Hutchinson, KS.
B and N Electric, Inc. (A Close Corp),
Independence, KS.
Biomune, Inc., Lenexa, KS.
Bitsies, Inc., Olathe, KS.
Bluestem Development Company, Inc., Emporia, KS.
Brighton Place West, Inc., Topeka, KS.

Cidco Group, Inc., Denver, CO.
Computermaster, Inc., Wichita, KS.
Constructive Computing Company, Inc.,
Kansas City, KS.
Cooper Brothers Farms, Inc., Moran, KS.
Crystal Ball, Inc., Manhattan, KS.
Delavan Townhome Homeowners Association,
Kansas City, MO.
Donald A. Shapley, Inc., Stilwell, KS.
Eaton's Men's Shop, Inc., Topeka, KS.
F & M Oil Co., Inc., Wichita, KS.
Fitness Concepts, Inc., Wichita, KS.
Foxridge Development, Inc., Shawnee Mission, KS.
Franklin Finance, Inc., Overland Park, KS.
Freestyle Sign Co. Inc., Wichita, KS.
Fry, White & Reeves, P.A., Wichita, KS.
Garden City Lodge No. 1404 Benevolent and
Protective Order of Elks of the United States of
America, Garden City, KS.
G. L. Yarrow, Inc., Wakefield, KS.
Hardy Property Management, Inc.,
Prairie Village, KS.
Hickerson Construction Co., Inc., Wichita, KS.
Highberger Farms, Inc., Westphalia, KS.
Home Sweet Home Interiors, Ltd.,
Overland Park, KS.
Hyatt Answering Service, Inc., Wichita, KS.
I Care Recovery Home, Inc., Topeka, KS.
Inland Development Company, Inc., Kansas City, KS.
Instant Construction and Development, Inc.,
Wichita, KS.
Irons, Inc., Minneola, KS.
Jantz-Femco, Inc., McPherson, KS.
J. E. R., Inc., Topeka, KS.
Just Enterprises, Inc., Holton, KS.
K.C. Development, Inc., Florence, KS.
Kansas Contracting Corporation, Shawnee Mission, KS.
Kansas Jaycees' Cerebral Palsy Foundation, Inc.,
El Dorado, KS.
Kansas Organization of Sexual Assault Centers, Inc.,
Wichita, KS.
Kastens Plumbing & Heating, Inc., Atchison, KS.
Kentek International, Inc. (A Close Corporation),
Leawood, KS.
Leemark Farms, Inc., Colwich, KS.
L.H. Taylor Construction Company, Inc.,
Leawood, KS.
Little Apple Realty, Inc., Manhattan, KS.
Logan Construction Co., Olathe, KS.
McGovern Sales Agency, Inc., Overland Park, KS.
Mid-West Crane Rental, Inc., Garden City, KS.
Midcontinent Gymnastics Booster Club, Inc.,
Overland Park, KS.
Mr. B's Pool & Grill, Inc., Olathe, KS.
New Tyler Hotel Corporation, Overland Park, KS.
Phi XI House Corporation of Delta Delta Delta,
Wichita, KS.
Phoenix Agricultural Group, Inc., Lawrence, KS.
Pipestone, Inc., Wichita, KS.
Professional Building Maintenance Co., Wichita, KS.
Putnam Construction Inc., Wichita, KS.
Ramoka, Inc., Wichita, KS.

Redemption Managers of Kansas Corporation, A Close Corporation, Overland Park, KS.
 Redemption Managers of Kansas, Inc., A Kansas Close Corporation, Overland Park, KS.
 Redemption Managers of Kansas, Incorporated, A Kansas Close Corporation, Topeka, KS.
 Roman Life Investments Wichita, Inc., Topeka, KS.
 Ron Bray Construction, Inc., Monument, Co.
 Sagebrush Cattle, Inc., Garden City, KS.
 SCS Retrofit, Inc., Elk Falls, KS.
 Search Drilling Co., Wichita, KS.
 Smith Audio Visual, Inc., Topeka, KS.
 Snow Mover, Inc., Manhattan, KS.
 Sunshine Valley Christian School Inc., Scott City, KS.
 Source Associates, Inc., Olathe, KS.
 Sport Cache Bait and Tackle, Inc., Baldwin, KS.
 Status Condominiums Inc., Wichita, KS.
 Talley's Wholesale Supply, Inc., Kansas City, KS.
 The Cad Room, Inc., Wichita, KS.
 The Metropolitan Area Juvenile Delinquency Prevention Corporation, Wichita, KS.
 Topeka Insulation & Supply Co., Inc., Topeka, KS.
 Topsy's Shoppes, Inc., of Kansas, Kansas City, KS.
 United Alternator Inc., Chanute, KS.
 Westland Communities, Inc., Wichita, KS.
 W. L. Schmidt Co., Inc., Wichita, KS.
 Woman's Club of Manhattan, Kansas, Manhattan, KS.

Foreign Corporations

A.A.A. Shoe Corp., Lee's Summit, MO.
 Aim Products, Inc., Olathe, KS.
 Am International, Inc., Chicago, IL.
 American Health Group, Inc., Chicago, IL.
 Case Investment, Inc., Harbor Beach, FL.
 Century Discount Company, Inc., Lakewood, CO.
 Chemetics International (U.S.), Inc., Vancouver, British Columbia.
 Continental Distributors, Inc., Chesterfield, MO.
 CRSS of Illinois, Inc., Houston, TX.
 Damson Institutional Oil & Gas Corporation, Houston, TX.
 DLT Corporation, Mission, KS.
 Gandalf Data, Inc., Wheeling, IL.
 Giant Minerals Corporation, Spokane, WA.
 Holmes Drywall Supply, Inc., Kansas City, MO.
 Kansas Drilling & Well Service, Inc., Casper, WY.
 Kuhlman Diecasting Company, Monroe City, MO.
 Liberty Military Sales, Inc., Houston, TX.
 National Construction Services, Inc., Plano, TX.
 Ozark Exploration, Inc., Quincy, IL.
 Patton-Tully Transportation Company, Memphis, TN.
 R.C. Williams Capital & Securities Corp., Arlington, TX.
 Synergistic Communications Group, Inc., Overland Park, KS.
 Taco Tico Acquisition Corp., Dallas, TX.
 The A. I. Root Company of Iowa, Council Bluffs, IA.
 The Millgard Corporation, Livonia, MI.
 Western Envelope Manufacturing Company, Kansas City, MO.

Bill Graves
 Secretary of State

Doc. No. 008893

State of Kansas Behavioral Sciences Regulatory Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Saturday, April 7, at the Rodeway Inn, I-435 and Metcalf, Overland Park, to consider the adoption of an amended temporary and permanent rule and regulation of the Behavioral Sciences Regulatory Board regarding psychology fees.

All interested parties may submit written comments prior to the hearing to the Behavioral Sciences Regulatory Board, Room 855-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. 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 amended regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Behavioral Sciences Regulatory Board as the basis for making changes to the proposed regulation. Copies of the regulation may be obtained by writing to the board office.

The following is a summary of the proposed regulation:

K.A.R. 102-1-13. Fees.

This regulation is amended to reflect the purchase price of the national psychology examination, which increased from \$90 to \$135.

Each applicant seated for the examination will now be required to pay \$175, 20 percent (\$35) of which goes directly to the state general fund. A breakdown of the fee is as follows:

Exam fee	\$175
Less 20 percent state general fund	(35)
Less examination cost	(140)
Net revenue board fee fund	\$ 5

The board anticipates approximately 30 applicants per year. There should be minimal or no economic impact on the general public.

Mary Ann Gabel
 Executive Director

Doc. No. 008899

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced in the 1990 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 February 22-28:

House Bills

HB 3071, by Committee on Appropriations: An act concerning public warehouses; relating to the penalty fee for late licenses; amending K.S.A. 1989 Supp. 34-230 and repealing the existing section.

Senate Bills

SB 746, by Committee on Ways and Means: An act creating the secretary of state's legal publications fee fund; amending K.S.A. 75-433, 75-436, 77-430 and 77-431 and K.S.A. 1989 Supp. 45-107 and repealing the existing sections.

SB 747, by Committee on Federal and State Affairs: An act concerning insurance; amending the health care provider insurance availability act; relating to coverage of liability for certain acts; amending K.S.A. 40-3408 and K.S.A. 1989 Supp. 40-3403 and repealing the existing sections.

SB 748, by Committee on Ways and Means: An act concerning the state correctional institutions; effecting certain consolidations and name changes; affecting definitions and conforming statutory references; amending K.S.A. 8-113, 8-607, 9-2010, 17-5412, 17-5811, 17-5812, 19-521, 20-208, 21-4203, 21-4602, 21-4605, 21-4620, 22-3710, 22-3711, 22-3712, 22-3713, 22-3719, 22-3720, 22-3722, 22-4001, 22-4002, 22-4006, 22-4011, 22-4012, 22-4013, 41-405, 42-396, 42-3, 104, 44-619, 47-421, 50-127, 59-103, 65-1812, 66-175, 74-4914a, 75-3058, 75-3765, 75-3790, 75-4228, 75-4362, 75-4503, 75-4610, 75-5202, 75-5209, 75-5210, 75-5211, 75-5212, 75-5218, 75-5220, 75-5225, 75-5226, 75-5229, 75-5246, 75-5247, 75-5247a, 75-5249, 75-5250, 75-5251, 75-5252, 75-5253, 75-5254, 75-5255, 75-5256, 75-5257, 75-5258, 75-5259, 75-5260, 75-5262, 75-5263, 75-5264, 75-5265, 75-5266, 75-5282, 75-5285, 75-52,116, 75-52,122, 75-52,124, 76-176, 76-1305, 76-2473, 76-2474 and 79-1408 and K.S.A. 1989 Supp. 2-213 and 21-4603, and repealing the existing sections; also repealing K.S.A. 75-5261, 75-5283 and 75-52,115 and K.S.A. 1989 Supp. 21-4603c.

SB 749, by Committee on Federal and State Affairs: An act relating to taxation; concerning the taxation of certain rental motor vehicles; amending K.S.A. 79-3603 and 79-3620 and repealing the existing sections.

SB 750, by Committee on Ways and Means: An act concerning the state historical society; relating to the secretary thereof; amending K.S.A. 75-3148 and repealing the existing section.

SB 751, by Committee on Ways and Means: An act concerning compensation of certain district court personnel; amending K.S.A. 20-361 and repealing the existing section.

B 752, by Committee on Federal and State Affairs: An act concerning insurance; relating to the holding of securities of an insurance company; amending K.S.A. 40-2a20 and 40-2b20 and repealing the existing sections.

SB 753, by Committee on Federal and State Affairs: An act concerning the Kansas healing arts act; relating to penalties for violations thereof; amending K.S.A. 65-2862 and repealing the existing section.

SB 754, by Committee on Federal and State Affairs: An act concerning insurance; concerning certain deposits required of life insurance companies; amending K.S.A. 40-405 and K.S.A. 1989 Supp. 40-404 and repealing the existing sections.

SB 755, by Committee on Federal and State Affairs: An act enacting the state certified real estate appraisers act; providing for certification and regulation of certain real estate appraisers; prohibiting certain acts and providing penalties for violations.

SB 756, by Committee on Federal and State Affairs: An act concerning the disposition of unclaimed property act; relating to its application to certain intangible property originated or issued by this state, a political subdivision of this state or any entity incorporated, organized or created in this state.

SB 757, by Committee on Federal and State Affairs: An act concerning insurance; authorizing certain insurance companies to issue policies under plans for apportionment of risk among insurers of applicants for professional liability insurance; amending K.S.A. 1989 Supp. 40-12a06 and repealing the existing section.

SB 758, by Committee on Federal and State Affairs: An act concerning the Kansas bureau of investigation; relating to powers of members of the bureau; amending K.S.A. 75-712 and repealing the existing section.

SB 759, by Committee on Federal and State Affairs: An act concerning the Kansas public employees retirement system; relating to normal retirement date and disability benefits for certain employees of the Kansas department of wildlife and parks.

SB 760, by Committee on Federal and State Affairs: An act concerning medical care and services; providing for certification and regulation of private agencies reviewing such care and services for certain purposes; prescribing penalties for certain acts.

SB 761, by Committee on Federal and State Affairs: An act concerning microbreweries; amending K.S.A. 1989 Supp. 41-308b and repealing the existing section.

SB 762, by Committee on Ways and Means: An act concerning the Kansas lottery act; relating to personnel of the Kansas lottery; amending K.S.A. 1989 Supp. 74-8703 and repealing the existing section.

SB 763, by Committee on Ways and Means: An act concerning transfers of money from the state gaming revenues fund to the county reappraisal fund; amending K.S.A. 79-4802 and 79-4804 and repealing the existing sections.

House Concurrent Resolutions

HCR 5050, by Committee on Public Health and Welfare: A concurrent resolution memorializing Congress to develop and take action on a system to provide universal access to basic health care for all citizens.

HCR 5051, by Committee on Public Health and Welfare: A concurrent resolution memorializing Congress to take appropriate action to cure inequities in Social Security benefits to the Notch Year beneficiaries.

HCR 5052, by Committee on Taxation: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

HCR 5053, by Representative Snowbarger: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

House Resolutions

HR 6038, by Representative Webb: A resolution congratulating Wichita, Kansas, on being selected the host city for the 1990 Miss USA Pageant.

HR 6039, by Representative Littlejohn: A resolution designating March, 1990, as Professional Social Work month.

HR 6040, by Representative Buehler: A resolution congratulating and commending the Claflin High School football team and its coach, Gregg Webb, on finishing second in the 1989 Eight Man Division 1 Football Championship in Kansas.

HR 6041, by Representative Gross: A resolution congratulating and commending Vernon Kisner on being selected Master Teacher of U.S.D. 489.

HR 6042, by Representative Baker: A resolution deploring the action taken by the House Committee on Transportation on House Substitute for Senate Bill 129.

HR 6043, by Representatives Jenkins and Flower: A resolution congratulating and commending The Leavenworth-Jefferson Electric Co-operative on its 50th anniversary.

HR 6044, by Representative Sebelius: A resolution congratulating and commending the Hayden High School girls' cross country team and its coach, Kathy Strecker, on winning the 1989 Class 4A State Cross Country Championship in Kansas.

Senate Resolutions

SR 1818, by Senator McClure: A resolution congratulating and commending Carla Patterson on winning the 1990 International Pancake Race.

Doc. No. 008913

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to DAVOL, a subsidiary of C. R. Bard, Inc., Cranston, Rhode Island, to install and operate medical products sterilization equipment at 700 E. 22nd, Lawrence. The pollutant of concern from this type of operation is ethylene oxide (EtO), which is used as the sterilizing agent in the process. EtO has been classified by the U.S. Environmental Protection Agency carcinogen assessment group (CAG) as a suspected human carcinogen.

After the sterilizing of batch quantities of medical products, the largest part of the EtO will be discharged to a scrubber unit that will convert most of the EtO to ethylene glycol. Unconverted EtO, as well as small quantities of residual EtO in the sterilization vessels and sterilized medical products, will be discharged to the atmosphere through elevated vents on the facility roof. Dispersion modeling conducted by the Bureau of Air and Waste Management (BAWM), KDHE, predicted a maximum off-facility ambient concentration of 0.44 micrograms EtO per cubic meter of air on an annual average basis.

At the present time, there are no state or federal established ambient air emission standards for EtO. Permitting of this type of pollutant source is, however, subject to review under the Kansas Air Toxics Strategy (KATS) adopted by the BAWM. After review and evaluation of the permit application from DAVOL, the BAWM regards this proposed facility as being capable of complying with the KATS.

Written materials, including the permit application and information relating to the application submitted by DAVOL, draft permit, permit summary and analysis of the BAWM describing the basis for the proposed permit are available for public inspection during normal business hours through April 6 by contacting Patricia Simpson, BAWM, 808 W. 29th, Lawrence 66046, (913) 842-4600.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request for hearing must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before April 6.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008900

State of Kansas

Board of Hearing Aid Examiners

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 11 a.m. Monday, April 9, in the board room of the Holiday West, 605 Fairlawn, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Kansas Board of Hearing Aid Examiners.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Board of Hearing Aid Examiners, Attn: Sherry DuPerier, P.O. Box 252, Wichita 67201. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

K.A.R. 67-5-3. Renewal fee; responsibility of licensee. The amendment to this regulation increases the annual license fee from \$25 to \$50. This increase will enable the fee fund agency to operate on a financially sound basis.

The amendment benefits the state general fund as 20 percent of all revenues remain with the state. Licensees will be affected by having increased fees, but the impact will be minimal. This increase will return the fee level to the amount assessed prior to 1984 reductions.

There are no anticipated costs to either state agencies or employees as a result of this change.

K.A.R. 67-5-4. Delinquent renewals; penalties. Amendment to this regulation increases the fee for delinquent renewals from \$5 to \$100, and for extended delinquent renewals from \$10 to \$200.

The change will encourage timely payment of the renewal fee. Additionally, this will assist the agency in collecting fees in the fiscal year in which they are due as the increase will significantly reduce delinquent payments, which automatically fall into the next fiscal year.

There are no anticipated costs to either state agencies or employees as a result of this change.

Sherry R. DuPerier
Chair

Doc. No. 008895

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.S.T. April 5, 1990, and then publicly opened:

District Four—Southeast

Greenwood—99-37 K-3136-01—K-99, Honey Creek bridge 31, 5.5 miles south of the west junction of U.S. 54, bridge replacement. (Federal Funds)

District Five—Southcentral

Sedgwick—135-87 K-2617-01—I-135, from the junction of I-235 north to Pawnee Street in Wichita, 3.1 miles, pavement reconstruction. (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. 008876

State of Kansas

Department of Health
and Environment

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Tuesday, March 20, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008914

(Published in the *Kansas Register*, March 8, 1990.)

Notice of Redemption
City of McPherson, Kansas
Industrial Revenue Bonds, Series A
(Johns-Manville Project)
Dated as of April 1, 1973
Cusip No. 582681AZ5

Notice is given pursuant to Section 4 of the ordinance of the city of McPherson, Kansas (the issuer), that there shall be redeemed at the office of the United Bank of Denver National Association, Denver, Colorado (the trustee), the total principal amount of \$25,000 of the city of McPherson, Kansas, Industrial Revenue Bonds, Series A (Johns-Manville Project), dated as of April 1, 1973, on April 1, 1990 (the redemption date), at a price equal to the principal amount thereof plus interest accrued thereon through March 31, 1990. On and after the redemption date, interest shall cease to accrue on the portion of the bonds called for redemption. The balance of the sinking fund requirement was satisfied by Manville's purchase of the bonds on the open market.

The following numbered bonds in the following principal amounts shall be redeemed:

Cusip	Bonds Numbered	Principal Called	Rate	Maturity Date
582681AZ5	80, 171	\$10,000 (\$5,000 per bond)	5.625%	04/01/93
582681AZ5	R-37	\$5,000	5.625%	04/01/93
582681AZ5	R-39	\$10,000	5.625%	04/01/93

Bonds may be redeemed at the office of the trustee, United Bank of Denver National Association, Corporate Trust Operations, 1700 Broadway, Denver, CO 80274-0082 (mailing address), or One United Bank Center, seventh floor, southwest window, 1700 Lincoln St., Denver (delivery address). All holders submitting their bonds must also submit a form W-9 in order to avoid a 20 percent backup withholding under the Interest and Dividend Tax Compliance Act of 1983. Failure to do so will result in a 20 percent backup withholding to the bondholder. The form W-9 may be obtained from the Internal Revenue Service.

By: United Bank of Denver National Association
as Trustee

Doc. No. 008894

State of Kansas
State Corporation Commission

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 10:30 a.m. Wednesday, April 11, in Hearing Room B of the State Corporation Commission, fourth floor, Docking State Office Building, 915 Harrison, Topeka, to consider proposed changes in existing rules and regulations and some new regulations of the State Corporation Commission.

The period of 30 days notice from the date of this publication to the date of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the executive director of the commission at the address above.

Copies of the proposed regulations and the economic impact statements may be obtained at the address above. Persons requesting a copy of the proposed regulations and economic impact statements, in accordance with K.S.A. 45-219, will be required to compensate the State Corporation Commission for the cost of reproduction.

All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to adoption of the proposed amendments. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for making amendments to the proposed changes.

Many of the proposed changes were made in order to make the rules consistent with the Kansas administrative procedure act (KAPA), K.S.A. 77-501 *et seq.* Other changes are grammatical in nature and are intended to make the rules more easily understood. Some changes were made for the purpose of better organization within the rules. Finally, other modifications were made so that the rules would be consistent with other rules of the conservation and transportation divisions, because these procedural rules will be used by all divisions of the commission.

The following is a brief summary of the proposed changes to the regulations. Adoption of the proposed amendments is anticipated to pose no economic impact to governmental units, persons subject to these rules and regulations, or to the general public, unless otherwise indicated.

K.A.R. 82-1-201. Title and prefatory matters. The amendment to this rule reflects the purpose of revising the rules. The changes in subsections (a) and (c) regarding effective dates are made because of changes in the procedure to promulgate rules. An additional change to subsection (c) is grammatical in nature.

K.A.R. 82-1-202. Scope and purpose. The amendment to subsection (a) is proposed to correctly identify the acts the commission administers.

K.A.R. 82-1-204. Definitions. The amendment to the definition of "party" in subsection (d) is proposed to bring the rule within the language of KAPA. The addition of the language defining "protestant" in subsection (j) is re-

lated to the Conservation Division. The change to subsection (n)(6) eliminates references to proposed reports, because the requirement of such reports was deleted from K.A.R. 83-1-230(m). The remaining changes in this section are intended for clarity and to be consistent with KAPA. Subsection (p) was added to define classes of utilities; these terms are used in various rules, but had not been defined.

K.A.R. 82-1-205. Office hours. The amendments adjust the commission's office hours to 8 a.m. to 5 p.m. and make grammatical changes.

K.A.R. 82-1-206. Communications. This section is amended to acknowledge time limits in KAPA and to make reference to a related conservation rule. The title "secretary" is also corrected to "executive director."

K.A.R. 82-1-207. Ex parte communications in non-KAPA proceedings. The title was amended to clarify this rule is the ex parte rule for non-KAPA proceedings. The ex parte rule for KAPA proceedings is found in K.S.A. 77-545. The other amendments are grammatical in nature.

K.A.R. 82-1-214. Commencement of a proceeding. The amendment to subsection (a) indicates when a "hearing" commences, as opposed to a "proceeding." This addition is consistent with K.S.A. 77-511. Subsection (b) has been deleted and moved to K.A.R. 82-1-218(d).

K.A.R. 82-1-215. Copies of pleadings and prefiled testimony. The amended rule increases the number of copies of pleadings and testimony that are filed to an original and seven copies, plus additional copies for other parties. This provides a seventh copy that will be distributed to the presiding officer, if that is someone other than the commissioners. The amendment also references a related conservation regulation, K.A.R. 82-3-101. The economic impact on business and persons regulated by the commission is likely to be minimal, adding only copying costs. The amendments should have a modest beneficial fiscal impact on the commission by eliminating the time and expense necessary to make extra copies of pleadings. The amendment to this regulation should not adversely impact the general public.

K.A.R. 82-1-216. Service of pleadings. The amendments in subsection (a) would permit service of pleadings by facsimile machine if the original is also served. The amendments in subsections (b)(1) and (b)(2) reflect changes to make the terminology and content consistent with KAPA, but does not substantively change the rule.

K.A.R. 82-1-217. Computation and extension of time. Amendments to this rule are grammatical in nature.

K.A.R. 82-1-218. Form and contents of pleadings. Additions proposed to this rule include language that has been moved from K.A.R. 82-1-214(b) and references related to conservation rules. In addition, subsection (d) is broadened to address not only "answers" but all "responsive pleadings."

K.A.R. 82-1-219. General rules relating to pleadings and other papers. The amendment to subsection (a) makes an exception for rate case filing requirements in K.A.R. 82-1-231. The amendments also reflect title changes, grammatical changes, and the removal of format requirements in subsection (a)(8) and redundant language in subsection (d).

K.A.R. 82-1-220. Complaints. The language in subsection (continued)

tion (c) is moved from K.A.R. 82-1-237(b). Additional changes are grammatical in nature.

K.A.R. 82-1-221. Exhibits and documentary evidence. The changes in subsection (a)(1) increase the number of copies to be filed from an original and six copies to an original and seven copies. The addition of subsection (a)(2) is intended to make the rule consistent with KAPA. The amendments in subsection (b) note Conservation Division filing requirements, along with some grammatical changes.

K.A.R. 82-1-222. Prehearing conferences; procedure. The amended rule applies in non-KAPA proceedings. KAPA provisions apply to KAPA proceedings. Other amendments are grammatical in nature or change the title of "examiner" to "presiding officer."

K.A.R. 82-1-225. Intervention. The changes to this rule make it consistent with KAPA section K.S.A. 77-521, and the rule applies in both KAPA and non-KAPA proceedings.

K.A.R. 82-1-227. Subpoenas. The amendments to this rule reflect KAPA terminology or are grammatical in nature.

K.A.R. 82-1-228. Hearings. The amendments to this rule reflect KAPA terminology or are grammatical in nature. Subsection (f) is amended to provide that smoking is not permitted on commission premises.

K.A.R. 82-1-229. Use of prefiled testimony. The amendment to the title and in subsection (b) of this rule reflect KAPA terminology. While the general rule requires prefiled testimony to be filed 10 days prior to hearing, the Conservation Division's current requirements are also noted in subsection (a). Other changes are grammatical in nature.

K.A.R. 82-1-230. Hearings; evidence and procedure. Some of the proposed changes in this rule are grammatical in nature. The language in current subsection (h) is deleted because K.S.A. 77-523 of KAPA discusses hearing procedures. The proposed changes in amended subsection (h) give more discretion to the presiding officer to permit late-filed exhibits. The proposals of amended subsection (i) would make the rule consistent with K.S.A. 77-524 and eliminate redundant language. The language deleted in subsection (m) *et eq.* is obsolete.

K.A.R. 82-1-231. Applications in rate cases. The proposed changes are made to require a utility to file the rate case application and schedules on computer diskette in addition to the standard mechanical copies. The regulation describes the types of diskettes, as well as format, which must be used. A second amendment requires financial statements submitted in rate case applications to have been audited by an independent CPA and an opinion rendered. These amendments are being made so that the time that staff requires to review rate filings will be shortened. The amended rule also includes the ability to ask for a waiver of the computer diskette filing requirement. A third amendment provides that data requests issued by technical staff will be answered by the time stated on the data request. If the data request cannot be answered within this time period, the applicant will provide technical staff with a written explanation of the failure to comply. This third amendment is the commission's current practice, except "written" explanations for failure to

comply have not previously been required. Amendments to this rule may increase some costs while decreasing other costs of businesses and persons regulated by the commission. The amendments should have a beneficial fiscal impact on units of government, and therefore on businesses and persons regulated by the commission. Specifically, the changes should accelerate the processing of rate cases and thereby reduce the cost of regulation. The amendments to this rule should not adversely impact the general public.

K.A.R. 82-1-231a. Applications in rate proceedings by rural electric distribution cooperative systems providing service to less than 15,000 customers. The rule currently provides a less extensive rate filing for certain electric cooperatives. The rule is being amended to require a filing on computer diskette and an audit by an independent CPA and an opinion rendered. A waiver provision regarding the computer filing is also provided. A third amendment requires that data requests issued by technical staff must be answered within seven calendar days, and a written explanation of failure to comply is also required. The seven-day time frame is required because staff is working under a shorter time frame for these expedited filings than is anticipated in a traditional rate case. Amendments to this rule may increase some costs while decreasing other costs of businesses and persons regulated by the commission. The amendments should have a beneficial fiscal impact on units of government, and therefore on businesses and persons regulated by the commission. Specifically, the changes should accelerate the processing of rate cases and thereby reduce the cost of regulation. The amendments to this rule should not adversely impact the general public.

K.A.R. 82-1-231b. Applications in rate proceedings by electric, gas, water and telephone utilities other than class A. This new rule provides a less extensive rate application procedure for small utilities other than certain electric cooperatives. This rule has been modeled after K.A.R. 82-1-231a and includes requirements for the rate application, evidence, and general procedure that are consistent with the requirements in K.A.R. 82-1-231a, as amended. The addition of this rule may increase some costs while decreasing other costs of businesses and persons regulated by the commission. The addition should have a beneficial fiscal impact on units of government, and therefore on businesses and persons regulated by the commission. Specifically, the changes should accelerate the processing of rate cases and thereby reduce the cost of regulation. This new regulation should not adversely impact the general public.

K.A.R. 82-1-232. Orders of the commission. Most amendments to this rule are grammatical in nature. Amendments to subsections (b)(1) and (b)(2) make the rule consistent with KAPA. Section (b)(2) provides that in a summary proceeding under KAPA, a party may file a petition requesting a hearing within 15 days after service of the order. The title "secretary" is changed to "executive director" in subsections (d) and (f); another amendment to subsection (d) provides that the signature of only one commissioner is required when the order suspends or cancels the authority of a motor carrier for failing to pro-

vide proof of insurance or reinstates the carrier for providing proof of insurance, provided the signature of the other two commissioners is ultimately obtained.

K.A.R. 82-1-234a. Discovery. The amendments to subsection (a) basically simplify the language of the rule. New subsection (b) provides that responses to data requests submitted by commission staff must be furnished within seven days of the date the information was requested, unless otherwise directed. The commission staff currently specifies due dates on its data requests; therefore, the seven-day requirement would apply unless the staff specified otherwise.

K.A.R. 82-1-235. Petitions for reconsideration; compliance with orders. Most amendments to this rule are grammatical in nature. The terms "application," "rehearing," and "application for rehearing" were changed to "petition," "reconsideration," and "petition for reconsideration" so that the terminology is consistent with KAPA.

K.A.R. 82-1-237. Investigation and hearing. The title was changed because the rule as amended has a narrower scope. Subsection (a) was deleted. Subsection (b) was deleted and moved to K.A.R. 82-1-220. The regulation as amended provides that the commission may investigate utilities under its jurisdiction upon its own motion.

K.A.R. 82-1-238. Transcripts. Subsection (a) is amended to provide that transcripts may be obtained from the commission if the reporter is a commission employee; otherwise, transcripts may be obtained directly from the outside reporter.

Judith McConnell
Executive Director

Doc. No. 008915

State of Kansas

Board of Regents

Notice of Hearing on Proposed Traffic Regulations at the University of Kansas

A hearing will be conducted at 3 p.m. Wednesday, April 11, in the Parking Department conference room, 1501 Irving Hill Road, University of Kansas, Lawrence, concerning the adoption of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at the University of Kansas. The following is a summary of the substance of the rules and proposed changes. While certain sections of the regulations have been renumbered and reorganized, the only substantive changes in the regulations are noted as follows:

1. General regulations. The current regulations specify who is subject to these rules and regulations, that all vehicles must have a valid parking permit, and hours of access to the central campus. No amendments are proposed.

2. Definitions. The current regulations specify, for the purpose of these regulations, the definitions of student, faculty, staff, visitors, dormitory visitor, medical parking needs, handicap parking, moped and motorcycle parking. The proposed amendment will change the class hours requirement for staff, so that any full-time staff member may purchase a staff permit.

3. Visitor parking. The current regulations specify conditions under which visitors may legally park at the University of Kansas. No amendments are proposed.

4. Parking permits. The current regulations establish procedures pertaining to parking permits and the types of permits available. No amendments are proposed.

5. Student, faculty, and staff parking. The current regulations establish procedures by which parking permits for vehicles may be obtained and appealed, and procedures for new employees. No amendments are proposed.

6. Permit fees. The current regulations specify the fees charged for parking permits. The proposed amendment would raise the rate for blue permits from \$70 to \$80, red from \$55 to \$65, yellow from \$40 to \$50, dormitory from \$23 to \$33, blue cycle from \$30 to \$35, red cycle from \$25 to \$30, moped from \$5 to \$10, service from \$100 to \$105, car pool from \$5 to \$10, and campus pass from \$30 to \$40.

7. Control of parking lots and zones. The current regulations specify times and locations for parking restrictions at the University of Kansas. The proposed amendment will make the blue portion of lot 41 a staff lot until 8:30 p.m. Lot 35 will become a staff lot until 8:30 p.m. and lot 17 will be opened at 5 p.m. Violators in lots 100 and 121 will be towed for no permit or wrong zone violations. Lot 91 will have eight additional red stalls; eight meters will be moved from lot 91 to lot 53. The meters in lot 129 will be removed and the lot will be signed, "no parking towaway zone."

8. Violations. The current regulations specify violations for which a vehicle may be ticketed and the cost of such violations. No amendments are proposed.

9. Payment of fees for violations. The current regulations specify the method and procedure for payment of violation notices, late payment, what constitutes excessive violations and consequences of excessive violations, and towing and impoundment procedures. No amendments are proposed.

10. Appeal of violation notices. The current regulations establish the procedures for appeals from a charge of misuse of parking area. No amendments are proposed.

11. Statutory authorization. The current regulations establish the authorization of the Board of Regents to promulgate regulations for the control of parking and traffic on the University of Kansas campus and to establish misuse fees for violations of the regulations. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments also may be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Edwyna Gilbert, Associate Dean, College Office, University of Kansas, Strong Hall, Room 206, Lawrence 66045.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008908

State of Kansas

Board of Regents

Notice of Hearing on
Proposed Traffic Regulations
at the University of Kansas
Medical Center—Kansas City

A hearing will be conducted at 1 p.m. Thursday, April 12, at the University of Kansas Medical Center, Battenfield Auditorium, Olathe and Rainbow Blvd., Kansas City, concerning the adoption of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas Medical Center.

The following is a summary of the substance of the proposed changes:

Rate Category	Current Rate	Proposed Rate	Increase	New Revenue
1. Day Cards	480	504	24	7320
2. Night Cards	100	112	12	1452
3. Night Nurse	.40	.60	.20	6720
4. Outpatient				5440
Growth (3 1/2%)			Total	20,932
Expense Reduction				
1. Move GRMT I from Facility Budget to Lot Budget				\$18,000
2. Move University Police Officer from Facility Budget to Police Budget				\$26,000

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments also may be submitted, but must be received prior to the hearing.

Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Melvin Williams, % Parking Services, University of Kansas Medical Center, B320A, 39th and Rainbow Blvd, Kansas City, KS 66103.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008907

State of Kansas

Board of Regents

Notice of Hearing on
Proposed Traffic Regulations
at Fort Hays State University

Public hearings will be conducted on succeeding Fridays, April 6 and April 13, at 3:30 and 1:30 p.m. respectively, in the Frontier Room of the Memorial Union, Fort Hays State University campus, Hays, concerning the adoption of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at Fort Hays State University.

The following is a summary of the major changes in the traffic and parking rules:

(1) All 1990-91 parking permits will be issued to an individual, not a specific vehicle. The permits will be of the hanging type and hung on the interior rearview mirror for automobiles and trucks. Motorcycles and mopeds with

cycle license plates shall display parking permits on the left front fork.

(2) Vehicles without parking permits may park in any Zone 1 parking lot after 2:30 p.m.

(3) Motorcycles will be required to have a permit in Zone 1. Motorcycles will not be required to have a permit in Zone 2.

(4) Faculty and staff with current permits are allowed to park in 15 and 30-minute restricted stalls. The designated time limit must be observed.

(5) Faculty/staff permits are required for all faculty/staff who park on campus in any type of parking stall.

(6) After five violations of the proposed regulations, vehicles will be subject to tow-off at owner's expense. This regulation applies to faculty/staff and visitors and any type of vehicle.

Interested persons will be given a reasonable opportunity at the two public hearings to present their views regarding the adoption of the proposed changes to the existing regulations. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement should be submitted to John Huber, Hearing Officer, Traffic and Parking Regulations, Room 238, Malloy Hall, Fort Hays State University, 600 Park St., Hays 67601.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008911

State of Kansas

Board of Regents

Notice of Hearing on
Proposed Traffic Regulations
at Emporia State University

A hearing will be conducted on the proposed changes to Emporia State University's traffic and parking regulations at 2 p.m. Tuesday, April 17, at the Memorial Union Messenger Room, Emporia State University campus, 1200 Commercial, Emporia.

The following is a summary of the substance of the proposed changes. Referenced articles reflect substantive changes to present regulations.

III. Change seven days to 14 days for request of fine waiver.

IV. Change fee schedule to reflect the following:

Permit Type	From	To
"A-B" school year	\$35.00	\$55.00
"A-B" semester only	\$21.00	\$33.00
"A-B" summer only	\$14.00	\$22.00
"A" school year	\$35.00	\$45.00
"A" semester only	\$21.00	\$27.00
"A" summer only	\$14.00	\$18.00
"B", "F", "G" school year	\$28.00	\$35.00
"B", "F", "G" semester only	\$17.00	\$21.00
"B", "F", "G" summer only	\$10.00	\$14.00
"C" school year	\$24.00	\$20.00
"C" semester only	\$15.00	\$12.00
"C" summer only	\$ 8.50	\$ 0.00

"M" school year	\$ 2.50	\$ 5.00
"B" weekly	\$ 2.00	\$ 3.00

Change word "sticker" to permits for clarification. Add statement on stolen permits for clarification. Remove statement concerning sticker removal.

IV. Remove statement listing particular groups (statement is redundant). Remove statement of \$5 fee for misuse of parking areas. Add statement of \$25 fee for illegal parking in handicap space; \$10 fee for illegal parking in fire lanes, no parking areas, and restricted areas; and \$5 fee for all other illegal parking. Change seven days to 14 days for filing an appeal. Change seven days to 14 days to assessment of failure to appeal penalty.

VII. Change seven days to 14 days to remain consistent with all areas.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008909

State of Kansas
Board of Regents
Notice of Hearing on
Proposed Traffic Regulations
at Kansas College of Technology

A public hearing will be conducted at 2 p.m. Wednesday, April 18, in the Resource Center audio-visual room, Kansas College of Technology, Salina, concerning the adoption of regulations governing traffic and parking facilities at Kansas College of Technology. The following is a summary of the substance of the rule in the section that has a proposed change and the proposed change.

Parking Permits: The current regulations state that reserved parking permits that are restricted to faculty and staff expire after the new issue is available for purchase on June 1 of each year. The proposed amendment provides that all parking permits expire annually after the new issue is available for purchase on July 31.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendment to the existing regulations. Written comments may also be submitted, but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to William H. Wunder, Vice President for Administration, Kansas College of Technology, 2409 Scanlan Ave., Salina 67401.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008910

State of Kansas

Board of Regents

Notice of Hearing on
Proposed Traffic Regulations
at Kansas State University

A hearing will be conducted at 3 p.m. Friday, April 20, in the Student Union Building, Big 8 Room, Kansas State University, Manhattan, concerning the adoption of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University. The following is a summary of the substance of the rules and proposed changes:

Revisions in wording and structure were made for the purpose of clarity. Fees for reserved stalls were increased in an attempt to keep the number of requests for reserved stalls at a reasonable level. The number of stalls that can be converted to reserved stalls is limited and the demand for reserved stalls is beginning to reach the limited supply. The visitor permit fee of \$2 per day for drive-in visitors is eliminated. The campus has many unattended entrances, making it very difficult to collect the visitor permit fee from each visitor. The funds generated by the visitor fee do not sufficiently offset the damage to the university's public image.

Temporary permits will be available at the Information Booth, northwest entrance to the Union parking lot on 17th Street, Monday through Friday, 7 a.m. to 5 p.m.

The following will be the new fee for reserved stalls:

8-hour reserved	\$175.00
24-hour reserved	\$265.00

Also, requests for refunds of \$10 or less will not be honored. Residents of halls other than Edwards Hall may purchase only a residence hall parking permit. Residents of Jardine Terrace and Edwards Hall may add general campus parking with a student or faculty/staff permit for an additional fee as given in the fee schedule.

Handicapped faculty, staff and students who wish to use handicapped spaces must purchase a parking permit that is identified for handicap parking. The spaces designated for handicapped parking on campus are not for eight-hour use while working or attending classes. Temporary handicap permits are available for purchase at the University Police office.

A misuse fee of \$50 was added.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments also may be submitted, but must be received prior to the hearing.

Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Dr. John Lambert, Director of Public Safety, Ward Hall, Kansas State University, Manhattan 66506.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008906

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Monday, March 19, 1990

RFQ 90 0947

Image Processing System

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 008897

State of Kansas

Board of Regents

Notice of Hearing on
Proposed Traffic Regulations at
the University of Kansas
School of Medicine—Wichita

A hearing will be conducted at 4:30 p.m. Wednesday, April 11, in the Roberts Amphitheatre at the University of Kansas School of Medicine, Wichita, concerning the adoption of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the university.

The following is a summary of the proposed changes:

1. Delete parking violation 6.2.10: "Backing into or pulling through a stall to park." This will no longer be a parking offense.
2. Increase the annual permit fee in the Tan Zone from \$40 to \$50.
3. Increase the annual permit fee in the Orange Zone from \$20 to \$25.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments also may be submitted but must be received prior to the hearing.

Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Dr. Edward Huyeke, University of Kansas School of Medicine-Wichita, 1010 N. Kansas, Wichita 67214.

Ted D. Ayres
General Counsel
Board of Regents

Doc. No. 008905

State of Kansas

Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet on Thursday, March 15, and Friday, March 16, at the board office, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka.

The Professional Engineer and Land Surveyor sections will meet at 1:30 p.m. March 15, and the Architect and Landscape Architect sections will meet 8:30 a.m. March 16. A full board meeting is scheduled for 10 a.m. March 16.

The meetings are open to the public.

Betty L. Rose
Executive Secretary

Doc. No. 008916

State of Kansas

Animal Health Department

Permanent Administrative
Regulations

Article 2.—BOVINE BRUCELLOSIS

9-2-1. Official vaccinate. (a) Official calfhood vaccinate means any heifer calf which has been officially vaccinated for brucellosis with an approved vaccine and which is permanently identified. Official calfhood vaccinates shall receive the reduced dose vaccination according to subsection (b).

(b) Female cattle of any breed or female bison receiving the reduced dose shall be vaccinated with an approved brucella abortus strain 19 vaccine containing from three to 10 billion live cells per two ml. dose, in accordance with the vaccine labeling, while from four through 10 months, or 120 to 299 days, of age. The vaccination shall be given by a veterinary services representative, representative of the state, or an accredited veterinarian. The veterinarian shall send to the livestock commissioner, within 10 days after date of vaccination, one copy of an official record of calfhood vaccination. One copy of the official record shall be given the owner and one copy shall be retained by the veterinarian. (Authorized by and implementing K.S.A. 47-608, as amended by L. 1989, ch. 156, § 15; 57-622, as amended by L. 1989, ch. 156, § 23; 47-657 as amended by L. 1989, ch. 156, § 48; amended April 23, 1990.)

A. T. Kimmell, D.V.M.
Kansas Livestock Commissioner

Doc. No. 008896

State of Kansas

Department of Administration

Temporary Administrative
RegulationsArticle 18.—MAXIMUM ALLOWANCE FOR
MILEAGE FOR USE OF A PRIVATELY OWNED
CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 24¢ per mile for the use of a privately-owned automobile;
- (3) 34¢ per mile for the use of a privately-owned airplane; or
- (4) 34¢ per mile for the use of a specially-equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

- (1) parking fees when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fare charged in travel:

- (1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and
- (2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(e) This regulation shall take effect on and after March 1, 1990. (Authorized by and implementing K.S.A. 75-3203, K.S.A. 75-3203a; effective May 1, 1979; amended, E-80-10; July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended T-1-2-28-90, March 1, 1990.)

Shelby Smith
Secretary of Administration

State of Kansas

State Corporation Commission

Permanent Administrative
RegulationsArticle 3.—PRODUCTION AND CONSERVATION
OF OIL AND GAS**82-3-100. General rules and regulations; exception.**

(a) General rules and regulations shall be statewide in application unless otherwise specifically stated. Special orders shall be issued when required, and shall prevail over general rules and regulations if a conflict occurs.

(b) An exception to the requirements of any regulation may be granted by the commission. Any interested party may file an application for exception. An original and four copies of the application shall be filed with the conservation division. The application for exception shall be set for hearing by the commission. The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by and implementing K.S.A. 1981 Supp. 55-152, 55-604, K.S.A. 55-704; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended April 23, 1990.)

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 for each of the prorated fields.

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

(8) "Casing" means tubular materials 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

(continued)

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 the privilege of each owner or producer in a common source of supply 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) "Dike" means a permanent structure constructed at or above the surface of the earth totally enclosing production facilities or lease equipment which is used to temporarily contain fluids resulting from oil and gas activities and which were discharged as a result of unforeseen circumstances.

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

(23) "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.

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

(25) "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.

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

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

(28) "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.

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

(30) "Enhanced recovery injection well" means a well into which fluids are injected to increase the recovery of hydrocarbons.

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

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

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

(34) "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.

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

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

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

(38) "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.

(39) "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.

(40) "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.

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

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

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

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

(45) "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.

(46) "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.

(47) "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.

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

(49) "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.

(50) "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.

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

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

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

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

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

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

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

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

(59) "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.

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

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

(62) "Reasonable market demand" means the amount

of crude petroleum or natural gas which must be produced to satisfy current rates of consumption.

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

(64) "Reserve pit" means a surface pond used to store spent drilling fluids and cuttings transferred from drilling pits.

(65) "Sensitive groundwater area" means a geographic area designated by the commission as having hydrogeologic, climatic, soil and other characteristics that make the area's fresh and usable groundwater vulnerable to pollution from oil and gas activities.

(66) "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;

(C) the disposal of salt water.

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

(68) "Solid" means a material or substance which does not flow freely at standard temperature and pressure.

(69) "Special order" means an order which is directed to specifically named persons or to a group which does not constitute a general class and which is dispositive of a particular matter as applied to a specific set of facts.

(70) "Spill" means any escape of salt water, oil, or refuse by overflow, seepage or otherwise from the vicinity of wells, tanks, pipelines, dikes 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.

(71) "Spud date" means the date of first actual penetration of the earth with a drilling bit.

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

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

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

(75) "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.

(76) "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.

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

(78) "Tertiary recovery process" means the process or processes described in K.S.A. 1987 Supp. 79-4217.

(79) "Treatment pit" means a surface pond used for the collection or treatment of fluids resulting from oil and gas activities.

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(80) "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.

(81) "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.

(82) "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.

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

(84) "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.

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

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

(87) "Workover pit" means a surface pond used to contain fluids during the performance of remedial operations on 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. 1989 Supp. 55-152, 55-171, 55-172, K.S.A. 55-602, 55-704, K.S.A. 1989 Supp. 55-604, 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; amended April 23, 1990.)

82-3-103. Notice of intention to drill; penalty.

(a)(1) The owner, operator, or persons responsible for a drilling operation shall give written notice of the intention to drill for approval by the conservation division before the commencement of drilling operations for:

(A) Exploratory holes anticipated to penetrate a salt water formation;

(B) the discovery or production of oil, gas or other minerals, including reentry of a previously plugged and abandoned well;

(C) a service well; or

(D) a storage well.

(2) The notice shall be received by the conservation division at least five days before any drilling is commenced.

(3) The notice shall contain:

(A) The operator's name, address, and commission license number;

(B) the contractor's name, address, and commission license number;

(C) the date on which drilling is anticipated to begin;

(D) the lease name, quarter section, section, range, township, county, and the distance of the proposed drilling location from the section's east and south lines;

(E) the distance to the nearest lease or unit boundary line;

(F) the estimated total depth of the well;

(G) the type of drilling equipment to be used;

(H) the depth of the deepest freshwater at the drill site;

(I) the depth to the bottom of the deepest usable water formation at the drill site;

(J) a plat map showing that the well will be properly located in relationship to other wells producing from the common source of supply, pursuant to K.A.R. 82-3-108, 82-3-207, 82-3-312, or special orders of the commission; and

(K) any other information which may be requested by the commission. The notice shall be on a form prescribed by the commission which shall be filled in completely and signed by the operator or the operator's agent.

(b) Surface casing and cementing requirements shall be given to the operator with the approved notice of the intention to drill. Prior to spudding the well, the operator shall notify the appropriate district office. Unless otherwise provided, inadequate installation of or the failure to install surface casing or to complete alternate II cementing pursuant to K.A.R. 82-3-106 shall each be punishable by a \$5000 penalty.

(c) The owner or operator shall not commence the drilling operation until after commission approval has been received. A copy of the approved notice of intent to drill shall be posted on each drilling rig. Drilling without an approved notice of intent to drill shall be punishable by a \$1000 penalty.

(d) Preliminary plugging instructions shall be given to the operator with the approved notice of intention to drill.

(e) The approval of the notice of intent to drill shall expire six months from the date of approval.

(f) If a written request for an extension stating the reason for extension is filed with the conservation division before the expiration date of the notice, a six-month extension of the approval may be granted by the director. Only one six-month extension shall be granted.

(g) Designation, by the operator, of the source of drilling water and the vested right or permit file number assigned by the division of water resources of the state board of agriculture on the written notice of intention to drill may be required by the commission. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-151, 55-152, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-103a. Deviated holes; horizontal drilling; notice and hearing required. (a) The owner, operator, or persons responsible for a drilling operation shall give written notice of the intention to drill for approval by 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 horizontally into a formation for production or deviated in the manner stated in subsection (a) may be permitted by the commission only after the operator has filed an original and four copies of an application with the conservation division. The application shall be set for hearing by the commission. The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-151; effective May 8, 1989; amended April 23, 1990.)

82-3-106. Cementing-in surface casing; penalty. (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 steel surface casing in the well, except as otherwise provided by paragraph (b)(2).

(2) Table I, which establishes minimum surface casing requirements as incorporated by reference in commission order, dated December 21, 1988, 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 steel surface casing may be made by the commission. These adjustments shall be indicated on the approved notice of intent to drill.

(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 I, as incorporated by reference in commission order, dated December 21, 1988, docket no. 34,780-C (C-1825), may be granted by the director.

(3) The failure to install surface casing shall be punishable by a \$5000 penalty, and any well not in compliance with the requirements of this regulation shall be shut-in until compliance is achieved.

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

(1) Alternate I. The surface casing shall be cemented to the surface with a portland cement blend. The surface casing shall be set and cemented below all fresh and usable water strata, according to the requirements made pursuant to subsection (b). An operator shall not drill to any depth 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 I, as incorporated by reference in commission order, dated December 21, 1988, 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 I, as incorporated by reference in commission order, dated December 21, 1988, 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. Requests for these extensions shall be made in writing and shall state the reason for extension. Requests shall be submitted to the director before the expiration of 120 days from the spudding of the well.

(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), which is incorporated by reference.

(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 within 120 days of the spud date of the well or as otherwise required by K.A.R. 82-3-130(b) on the form provided by the commission. Legible documentation of the cementing operations across fresh and usable water strata shall be attached to the affidavit. The documentation may consist

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of invoices, job logs, job descriptions, or other similar service company reports. Falsification of the documentation or the failure to complete alternate II cementing shall be punishable by a \$5000 penalty, and any well not in compliance with requirements of this regulation shall be shut-in until compliance is achieved. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-151, 55-152, 55-159, 55-162, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-1, January 13, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990.)

82-3-107. Preservation of well samples, cores, and logs; penalty. (a) Each operator 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 and retain samples or drill cuttings, cores and all other information as required under subsection (d).

(b) 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.

(c)(1) Upon request of the Kansas geological survey as specified in subsection (c) (2), samples shall be washed, and cut into splits or sets. One set shall be placed in labelled sample envelopes and delivered, at the prepaid expense of the operator, to the Kansas geological survey, 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, at the prepaid expense of the operator, to the Kansas geological survey, Lawrence, Kansas.

(2) 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.

(3) 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 (e).

(4) 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.

(5) 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.

(d) A copy of the affidavit of completion, core analyses, electric logs, radioactivity logs, and similar wireline logs or surveys run by operators on all boreholes, excluding seismic "shotholes," and logs run to obtain geo-physical

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. The failure to deliver the information to the conservation division shall be punishable by a \$500 penalty and operator license review.

(e) 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 subsections (c) or (d) shall be held in confidential custody 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 subsections (b), (c) and (d). 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.

(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 by the twentieth day of the month following the month in which the services were performed. Failure to submit or timely submit the list is punishable by a \$250 penalty. (Authorized by and implementing K.S.A. 1989 Supp. 55-152, 55-164, 55-604, K.S.A. 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; amended April 23, 1990.)

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

(b) Each oil well which is drilled to a total depth of less than 2000 feet, and which is drilled in one of the following counties, shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line: Allen, Anderson, Atchinson, Bourbon, Brown, Cherokee, Coffey, Crawford, Douglas, Elk, Franklin, Greenwood, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Shawnee, Wilson, Woodson, and Wyandotte. Each oil well which is drilled in Chautauqua County, and which is drilled to a total depth of less than 2500 feet, shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line.

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

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

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

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

(3) a list of the following:

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

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

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

(4) the acreage attributable to the well; and

(5) the allowable requested.

(e) Each application submitted under subsection (d) shall be accompanied by the proposed notice of the intention to drill and a plat, drawn to the scale of one inch equalling 1320 feet, that accurately shows:

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

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

(3) all adjacent properties and wells.

(f) Each applicant requesting an exception pursuant to subsection (c) shall publish notice of the application pursuant to K.A.R. 82-3-135a(b).

(g) Upon the issuance of an order by the commission granting the well location exception, the proposed notice of intention to drill shall be approved. The approval of the notice of intent to drill shall expire six months from the date of approval pursuant to the provisions of K.A.R. 82-3-103.

(h) Any well drilled nearer than the minimum distance required by subsection (a) or (b) from any lease or unit boundary line without a previously obtained exception from the commission shall be prohibited from producing either oil or gas until an appropriate allowable is determined.

(i) Whenever authority is granted to drill a well at a location other than specified by this regulation, the allowable shall be determined by the commission for the protection of the correlative rights of all persons entitled to share in the common source of supply in accordance with K.A.R. 82-3-207 and K.A.R. 82-3-312. (Authorized by K.S.A. 1989 Supp. 55-152, 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-605, 55-706, 55-152, 55-603, K.S.A. 55-703a; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-109. Application for well spacing, basic proration orders; evidence; hearing. (a) Contents. Any interested party may file an application for, or an application for amendments to, a well spacing or basic proration order. The application shall include the following:

(1) If the application is for amendment, a description of the nature of the amendment sought;

(2) The location, depth, and common source of supply from which a well or wells in the subject acreage are producing;

(3) a description of the acreage subject to the application, with an affirmation that all of the acreage is reasonably expected to be productive from the subject common source of supply;

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

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

(6) the name and address of each operator or lessee of record in the subject acreage, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(7) the name and address of each owner of record of the minerals in unleased acreage within the subject acreage, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(8) the name and address, as shown by the applicant's books and records, of each person owning the royalty or leasehold interest in the subject acreage and operated by the applicant, or on which the applicant has a lease or an interest in the lease, and a certificate of mailing indicating the date service of a copy of the application was made to each;

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

(10) the applicant's license number; and

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

(b) Evidence. Applicants for a spacing or basic proration order or for amendments adding or deleting acreage in an existing spacing or basic proration order shall file with the application the following evidence in support of the application:

(1) a net sand isopachus map of the subject common source of supply;

(2) a geological structure map of the subject common source of supply;

(3) to the extent practicable, a cross-section of logs representative of wells in the acreage affected by the application;

(4) any available drill stem test data;

(5) an economic analysis, including a reservoir or drainage study which supports the specific pattern sought in the application; and

(6) any other information which may be required by the commission.

(c) 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 publish notice of the hearing pursuant to K.A.R. 82-3-135.

(d) Drilling prohibited. Once notice of the hearing has been provided, any drilling of wells within an area sought to be spaced or prorated 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 provisions sought in the pending application or applications. An exception to this requirement may be granted after notice and hearing. (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-603, 55-605, 55-706, K.S.A. 55-703a, 55-704;

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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; amended April 23, 1990.)

82-3-110. Penalties for violations of well spacing, basic proration orders. (a) Any well drilled or being drilled in violation of an order or rule of the commission in effect at the time drilling commences shall be considered to be an unlawful location. Such a well shall be presumed to be in violation of correlative rights and to constitute waste. A show cause order to determine whether the drilling of the well was necessary to protect correlative rights or prevent waste may be issued by the commission, either upon receipt of a complaint or on the commission's own motion. A hearing shall be held after notice to all interested parties.

(b) If the commission determines that good cause has not been shown or that an exception should be denied, an order may be issued by the commission requiring the well to be permanently capped or plugged and abandoned in accordance with the rules of the commission, or production at a reduced rate may be permitted by the commission to ensure protection of correlative rights and the prevention of waste. (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-604, 55-605, K.S.A. 55-703a, 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

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

(1) plug the well; or

(2) file an application with the conservation division requesting temporary abandonment, on forms prescribed and furnished by the conservation division.

(b) Approval of temporary abandonment. No well shall be temporarily abandoned unless first approved by the conservation division. If the operations on any temporarily abandoned well or other inactive well are not resumed within a period of one year after the application has been approved, the well shall be deemed a permanently abandoned well, and the operator of the well shall comply with rules and regulations of the commission relating to the plugging of wells. Upon application to the conservation division prior to the expiration of the one-year period, and for good cause shown, the period may be extended by the conservation division for one year. Additional one-year extensions may be granted by the conservation division. The failure to file a notice of temporary abandonment is punishable by a \$100 penalty.

(c) Right of denial. After an application for temporary abandonment has been filed, the well is subject to inspection by the conservation division to determine whether its temporary abandonment may cause pollution of fresh and usable water resources. If necessary to prevent the pollution of fresh and usable water, temporary abandonment may be denied by the conservation division and the well may be required to be plugged or repaired

according to the direction of the conservation division and in accordance with its rules and regulations.

(d) Plugging of temporarily abandoned wells. At the expiration of the maximum temporary abandonment period, each well temporarily abandoned shall be plugged, repaired, or returned to operation in accordance with the rules and regulations. (Authorized by and implementing K.S.A. 1989 Supp. 55-152, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended April 23, 1990.)

82-3-113. Notice of intention to abandon well; supervision; penalty. (a) Before any work is commenced to abandon any well drilled for the discovery of oil or gas, or disposal of salt water, or to abandon injection wells for enhanced recovery, including any well drilled below the fresh and usable water level, the operator shall give written notice to the conservation division of the intention to abandon that well. The notice shall be upon forms prescribed and furnished by the conservation division and shall contain all of the information requested thereon. The failure to file a notice of intention to abandon a well shall be punishable by a \$100 penalty.

(b) Upon receipt of the notice, the notice shall be acknowledged by the conservation division by letter to the operator. The letter shall provide instructions to the operator, including the name of the district office which is to be notified, and a requirement that the operator submit a proposed plugging plan. The operator shall notify the appropriate district office no later than five days prior to the plugging.

(c) Exceptions from the notice requirement on the plugging of wells may be granted by the district office when:

(1) a drilling rig already at work on location is ready to commence plugging operations on a dry and abandoned well; or

(2) an emergency situation exists. In such a case the operator shall orally notify and present the plugging proposal to the district office. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-152, 55-159, 55-164, 55-173; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended April 23, 1990.)

82-3-117. Plugging report; penalty. Within 60 days after plugging any well drilled for discovery of oil or gas, disposal of salt water, or injection for enhanced recovery, the owner or operator of the well shall file a well plugging report with the conservation division setting forth the date of drilling, the location of the well, the method used in plugging the well, and all other information required by the commission. The report shall be made on the form prescribed by the commission and shall be verified by the operator. The failure to file a plugging report shall be punishable by a \$100 penalty. The operator shall be assessed the cost of the plugging as referred to in K.A.R. 82-3-118. Copies of well plugging records shall be furnished to any person requesting that information upon the payment of two dollars per copy. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-152, 55-158, 55-159, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1988; amended April 23, 1990.)

82-3-120. Operator or contractor licenses; application, contents and approval; penalty. (a) No operator or contractor shall undertake the activities of drilling, completing, servicing, plugging or operating any well for the purpose of recovering oil or gas without first obtaining or renewing a current license. A current license shall be maintained by all operators in physical control of any well whether or not the well is shut-in.

(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.

(h) The failure to obtain or renew an operator or contractor license before operating is punishable by a \$500 penalty. (Authorized by K.S.A. 1989 Supp. 55-152; implementing K.S.A. 1989 Supp. 55-155, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended April 23, 1990.)

82-3-122. Operators; complaints; hearing. A hearing may be conducted by the commission if it finds that there is reasonable cause to believe, or upon a written complaint charging, that any operator has violated any of the rules and regulations adopted by the commission pursuant to K.S.A. chapter 55. (Authorized by K.S.A. 1989 Supp. 55-152, implementing K.S.A. 1989 Supp. 55-152, 55-162; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended April 23, 1990.)

82-3-123. Well bore; commingling of production. (a) When applicable. 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) Allowable. 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) Notice. In addition to providing notice of the application as required in K.A.R. 82-3-135a(b), the applicant shall provide notice to the purchasers of gas if the applicant requests the commingling of more than one common source of supply of gas.

(d) Application. 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 1/2 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) Amendment unavailable. 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. 1989 Supp. 55-604, 55-605, K.S.A. 55-704; 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; amended April 23, 1990.)

82-3-123a. Well bore; commingling of fluids. (a) When applicable. 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) Application. 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 1/2 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) Notice. The applicant shall provide notice of the application pursuant to K.A.R. 82-3-135a(b). (Authorized by and implementing K.S.A. 1989 Supp. 55-604, 55-605; effective May 8, 1989; amended April 23, 1990.)

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82-3-124. Dual or multiple-completed wells. (a) When applicable. 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 after application and approval by the commission has been obtained.

(b) Application. Whenever an operator or producer desires to complete a well in more than one common 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 1/2 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 common 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) Notice. The applicant shall provide notice of the application pursuant to K.A.R. 82-3-135a(b).

(d) Commission supervision. 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) Plugging. If any common 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) Packer testing. 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 measure-

ments, chemical analysis of oil, water, and gas, and any other tests which indicate the effectiveness of the packer.

(g) Packer leakage. 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.

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

(j) Installation charge. 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) Revocation. 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) Approval. 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. 1989 Supp. 55-605, 55-706, 55-603; 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; amended April 23, 1990.)

82-3-126. Tank and truck identification; penalty. (a) Tanks. All oil tanks, tank batteries, tanks used for salt water collection or disposal, and tanks used for sediment oil treatment or storage shall be identified by a sign posted on, or not more than 50 feet from the tank or tank battery. The sign shall be of durable construction and shall be large enough to be legible under normal conditions at a distance of 50 feet. The sign shall identify:

(1) the name and license number of the operator;

(2) the name of the lease being served by the tank; and

(3) the location of the tank by unit name, section, township, range, and county.

(b) The failure to post an identification sign shall be punishable by a \$100 penalty.

(c) Trucks. Every truck, tank wagon or other vehicle transporting crude petroleum oil, sediment oil, water or brine produced in association with the production of oil or gas shall have the name and address of the owner or lessee painted or otherwise durably marked on both sides of the vehicle. (Authorized by and implementing K.S.A. 55-1503, 55-1504, K.S.A. 1989 Supp. 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

82-3-128. Reports and permits; penalty. Verification of any information necessary to administer these rules and regulations or any commission order may be required by the conservation division. The failure to verify requested information shall be punishable by a \$100 penalty. (Authorized by and implementing K.S.A. 1989 Supp. 55-604, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

82-3-129. Commission reports; costs. A charge shall be assessed for commission reports as follows:

Report	Cost
Table "B" oil proration	\$12.00/year
Gas proration schedules	\$18.00/year
List of prorated oil fields	\$25.00/printout
List of prorated gas fields	\$25.00/printout
List of licensed operators	\$50.00/printout
Gas well testing manual	\$6.50/manual
List of state-wide pluggings	\$12.00/year
Monthly list of intents to drill	\$12.00/year
Daily list of intents to drill	\$52.00/year
Hugoton/Panoma computer tapes	\$140.00/year

(Authorized by K.S.A. 1989 Supp. 55-604; implementing K.S.A. 1989 Supp. 55-176, 55-609; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

82-3-130. Completion reports; penalty. (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. The failure to file or file the affidavit of completion within 120 days of the spud date of the well shall be punishable by a \$500 penalty.

(d) Each operator shall attach legible documentation to the affidavit of completion showing the type, amount, and method of cementing used on all casing strings in the wellbore. The documentation may consist of invoices, job logs, job descriptions, or other similar service company reports. (Authorized by and implementing K.S.A. 1989 Supp. 55-604, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 8, 1989; amended April 23, 1990.)

82-3-131. Vacuum and high volume pumps; application and approval. (a) Upon application, the installation and use of vacuum pumps in fields which are nearly depleted and the installation and use of high volume pumps may be permitted by the commission. A high volume pump is one which is capable of producing total fluids in excess of 2500 barrels per day. No application for commission approval shall be required for the installation and

use of vacuum or high volume pumps in a field which is unitized for secondary recovery operations.

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

(1) The applicant's license number;

(2) the name, location, and producing formation of the well or wells to be pumped;

(3) a plat map showing the subject well or wells, the location of all oil and gas wells on the lease, and the location of all offset wells within a 1/2 mile radius of the subject well or wells and their operators' names;

(4) the anticipated maximum daily production of oil, water, and gas;

(5) for vacuum pump applications, an estimate of the remaining recoverable hydrocarbon reserves underlying the subject lease;

(6) for high volume pump applications, the size and capacity of the pump to be used and the estimated oil-water ratio; and

(7) any additional information the commission may require.

(c) Each applicant shall provide notice of the application pursuant to K.A.R. 82-3-135a(b). (Authorized by and implementing K.S.A. 1989 Supp. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-133. Penalties for overproduction. (a) The production of oil or gas in violation of the provisions of a basic proration order, or otherwise in violation of the statutes or the rules and regulations of the commission, shall be deemed unlawful and shall be presumed to violate correlative rights and to constitute waste.

(b) Upon receipt of a complaint or on its own motion, a well may be ordered to be shut in by the commission. The well shall remain shut in until the unlawful production is made up. The violating operator may make application for an exception to the order by showing that the unlawful production was necessary to protect correlative rights or to prevent waste. The exception may be granted by the commission after proper notice and hearing.

(c) Upon a determination by the commission that it is necessary and required, the following may be ordered:

(1) The well sealed or padlocked for any period of time the commission may determine;

(2) production at a reduced rate to ensure the protection of correlative rights and the prevention of waste;

(3) a penalty of \$500; or

(4) any combination of the orders enumerated in paragraphs (c)(1), (2), or (3). (Authorized by K.S.A. 1989 Supp. 55-164, 55-604; implementing K.S.A. 1989 Supp. 55-603, 55-605, 55-703; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

82-3-134. (Authorized by and implementing K.S.A. 55-152, K.S.A. 55-604, 55-704; effective May 1984; revoked April 23, 1990.)

82-3-135. Notice of hearings. (a) Scope. The notice requirements in this regulation apply to each hearing arising under any rule or regulation or statutory provision

(continued)

for the conservation of crude oil and natural gas or for the protection of fresh and usable water, heard by the commission or any agent appointed by the commission.

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

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

(2) A copy of the notice of the hearing shall be mailed by the commission to each person who has filed for the purpose of receiving notice. The notice shall be mailed not less than 10 days prior to the hearing date.

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

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

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

(2) A copy of the notice of the hearing shall be mailed by the commission to each person who has filed for the purpose of receiving notice. The copy of the notice shall be mailed not less than 10 days prior to the hearing date.

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

(d) Proof of notice. If the commission is required to publish notice, it shall be proven by commission staff that notice has been properly published. Acceptable proof of notice may include an affidavit sworn by the commission staff that notice has been perfected. Anyone who initiates the hearing shall provide that notice has been properly published. An affidavit sworn by the person who initiates the hearing certifying that notice has been perfected may be accepted as proof of notice. The affidavit shall be filed with the commission on or before the hearing date.

(e) Filing for the purpose of receiving notice. Anyone who desires to receive notice of any hearings shall file annually with the conservation division that person's name, address and other information as may be reasonably required by the commission. The filing shall be on a form required by the commission and shall be accompanied by an annual \$50 fee. (Authorized by K.S.A. 1989 Supp. 55-152, 55-604, K.S.A. 55-602, 55-704; implementing K.S.A. 1989 Supp. 55-605, 55-706; effective, T-85-51, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended April 23, 1990.)

82-3-135a. Notice of application. (a) Scope. Except as otherwise provided in K.A.R. 82-3-100, 82-3-103a, 82-3-109, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, the notice requirements in this regulation apply to each application for an order filed pursuant to any rule or regulation, special order, or statutory provision for the conservation of crude oil and natural gas or for the protection of fresh and usable water.

(b) Production matters. Except as otherwise provided in K.A.R. 82-3-100, 82-3-103a, 82-3-109, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, each applicant for an order filed pursuant to K.A.R. 82-3-100 *et seq.*, 82-3-200 *et seq.*, and 82-3-300 *et seq.* shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage; and

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage.

(c) Environmental matters. Each applicant for an order filed pursuant to K.A.R. 82-3-400 *et seq.* and 82-3-600 *et seq.* shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage;

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage; and

(3) the landowner on whose land the well affected by the application is located.

(d) Publication of notice. Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of applications relating to production matters shall also be published in at least one issue of the Wichita Eagle newspaper.

(e) Protest. Once notice of the application is published pursuant to subsection (d), the application shall be held in abeyance for 15 days pending the filing of any protest pursuant to K.A.R. 82-3-135b. If a valid protest 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 publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 1989 Supp. 55-152, 55-604, K.S.A. 55-602, 55-704, K.S.A. 1989 Supp. 55-901; implementing K.S.A. 1989 Supp. 55-605, 55-706, 55-901, 55-1003; effective April 23, 1990.)

82-3-135b. Protesters. Any protest against the granting of an application for an order filed pursuant to the provisions of K.A.R. 82-3-135a shall be considered under the following conditions:

(a) A protest may be filed by any person having a valid interest in the application. Protests shall be in writing and shall clearly identify the name and address of the protester and the title and docket number of the proceeding. The protest shall include a clear and concise statement of the direct and substantial interest of the

protester in the proceeding, including specific allegations as to the manner in which the grant of the application will cause waste, violate correlative rights or pollute the water resources of the state of Kansas.

(b) If the protester opposes only a portion of the proposed application, the protester shall state with specificity the objectionable portion.

(c) The protest shall be filed in triplicate with the conservation division within 15 days after publication of the notice of the application as required in K.A.R. 82-3-135a. Failure to file a timely protest shall preclude the interested person from appearing as a protestor.

(d) Each protester shall serve the protest upon the applicant at the same time or before the protester files the protest with the conservation division. The protest shall not be served on the applicant by the conservation division.

(e) To secure consideration of a protest, the protester shall offer evidence or a statement or participate in the hearing. (Authorized by K.S.A. 1989 Supp. 55-152, 55-604, K.S.A. 55-602, 55-704, K.S.A. 1989 Supp. 55-901; implementing K.S.A. 1989 Supp. 55-605, 55-706, 55-901, 55-1003; effective April 23, 1990.)

82-3-138. New pool and discovery allowable application. (a) New pool application. Each new pool application for certification to the Kansas department of revenue shall be submitted to the conservation division on the form provided by the commission and shall be accompanied by:

- (1) The affidavit of completion;
- (2) a copy of the results of a state-supervised production test, showing volumes of oil, gas and water;
- (3) the names and addresses of each operator or lessee of record and each unleased mineral owner within a 1/2 mile radius of the subject well;
- (4) the exhibits and evidence needed to substantiate the applicant's claim of a new pool; and
- (5) any other information required by the commission.

(b) Each newly discovered pool shall be recognized only upon the approval of an application. An oil discovery allowable may be granted to wells completed in a newly discovered pool when the applicant designates the discovery allowable request on the application. When only new pool certification is requested, the applicant shall not be required to provide notice. When a discovery allowable is requested, with or without a new pool certification request, the applicant shall provide notice of the application pursuant to K.A.R. 82-3-135a(b).

(c) Discovery allowable. An oil discovery allowable may be granted to wells completed in a newly discovered pool at any time within 24 months from the date of first oil production from the discovery well. The oil discovery allowable shall be equal to 1 1/2 times the current daily allowable which would be assigned to the well had it not been completed in a newly discovered pool. The current daily allowable shall be determined by using the allowables set pursuant to K.A.R. 82-3-203 or the daily allowable as established by a basic proration order.

(1) A discovery allowable may be assigned to wells in a newly discovered pool for one of the following periods of time, whichever occurs first:

(A) A period not to exceed 24 months from the date of the first oil production from the discovery well; or

(B) until further development has connected the pool with another pool which existed prior to the discovery pool.

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

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

(4) Any discovery allowable may be reduced temporarily to reflect the market demand determination. If reduction is required, the time for production of the discovery allowable may be extended by the commission.

(5) Discovery allowables may be obtained for each newly discovered pool in the same well bore if the well is completed in such a manner that production from a newly discovered pool is not commingled with production from any other pool in the well bore.

(6) Development wells in the newly discovered pool may be granted a discovery allowable after the approval of an application by the commission. The discovery allowable for a development well is effective on the date of first oil production from the well through the expiration of the allowable period for the discovery well for the pool. (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-603, 79-4217; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-139. (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; revoked April 23, 1990.)

82-3-140. Tertiary recovery project certification. (a) Any interested party may file an application for certification of a tertiary recovery project. Each application for certification of a tertiary recovery project to the Kansas department of revenue shall be submitted to the conservation division and shall be accompanied by the following:

- (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 applicant shall publish notice of the application pursuant to K.A.R. 82-3-135a(b). (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 79-4217; effective, T-87-46, December 19, 1986; effective May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990.)

82-3-141. Recompletion report; penalty. (a) Within 120 days of the date of commencement of recompletion of a well, the operator shall file an original and two copies of an affidavit of recompletion with the conservation division.

(b) The affidavit of recompletion shall be filed regardless of the manner in which the well is completed. The

(continued)

affidavit of recompletion shall be on forms furnished by the commission. If requested by the commission, the affidavit shall be accompanied by wireline logs of the well, if run. The failure to file or file the affidavit of recompletion within 120 days of the spud date of the well is punishable by a \$500 penalty. (Authorized by and implementing K.S.A. 1989 Supp. 55-164, 55-604; effective May 1, 1988; amended April 23, 1990.)

82-3-142. (Authorized by and implementing K.S.A. 1988 Supp. 55-604, K.S.A. 55-704; effective May 8, 1989; revoked April 23, 1990.)

82-3-143. (Authorized by and implementing K.S.A. 55-604, as amended by L. 1988, Ch. 356, Sec. 168, 55-704; effective May 8, 1989; revoked April 23, 1990.)

82-3-201. Underage. Whenever an oil well fails to produce its allowable, this shortage or underage shall be carried forward for two months upon the monthly proration report of the commission. The well shall be permitted to produce the underage in addition to its designated allowable. If the commission determines, however, that a proration unit is incapable of producing its allowable, the accrued underages shall be cancelled. Whenever shortages are attributable to the lack of transportation facilities, these shortages shall not be accrued for more than 60 days from the date of the initial productivity test, except as otherwise ordered by the commission. (Authorized by and implementing K.S.A. 1989 Supp. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended April 23, 1990.)

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. 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 one-half 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.

(d) An interested party may file an application for an exception to the well allowable provisions of this regulation. 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 publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 1989 Supp. 55-604; implementing K.S.A. 1989 Supp. 55-605; 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 8, 1989; amended April 23, 1990.)

82-3-205. (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; revoked April 23, 1990.)

82-3-206. Assessment. An oil conservation assessment to pay the conservation division expenses, and administration costs not otherwise provided for, shall be made as follows:

(a) A charge of 13.5 mills on each barrel of crude oil or petroleum marketed or used each month shall be assessed to each producer. The charge and assessment shall only apply to the first purchase of oil from the producer.

(b) The first purchaser of the production shall deduct the assessment per barrel of oil marketed or used from the lease each month before paying for production. The first purchaser shall remit the assessment to the conservation division when making regular oil payments.

(c) The assessment shall be remitted each month in a single check. The purchaser shall account for the deductions under this order on the regular payment statements to producers and royalty owners or other interested persons. (Authorized by K.S.A. 1989 Supp. 55-604; implementing K.S.A. 1989 Supp. 55-176, 55-609; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended April 23, 1990.)

82-3-208. Venting or flaring of gas. (a) The commission may, without hearing, permit venting or flaring of casing-head gas, other than sour casing-head gas. The operator shall file an affidavit with the conservation division. The affidavit shall state:

- (1) The well has 25 mcf/d or less of casing-head gas

available for sale as established by a state-supervised test; and

(2) The casing-head gas value is uneconomic to market because a pipeline connection is not feasible, or the price received would not allow reasonable recovery of the investment required to market such gas and the direct expense attributable thereto.

(b) The affidavit shall also include the following statement: "The operator has made a diligent effort to obtain a market for the gas and the volume of casing-head gas produced from this well will not economically justify a pipeline connection."

(c) If the total volume produced and available for sale from a well is in excess of 25 Mcfd, the venting or flaring of a specified amount of casing-head gas may be permitted by the commission upon application and after notice and hearing. In making such a determination, the following shall be considered by the commission:

- (1) the availability of a market or of pipeline facilities;
- (2) probable recoverable gas reserves;
- (3) the necessity for maintenance of gas pressure in the formation to protect the nonwasteful production of oil;
- (4) the feasibility of reinjection of such gas;
- (5) a reasonable testing period;
- (6) any anticipated change in the gas/oil ration;
- (7) the applicant's compliance with the department's air quality regulations in K.A.R. 28-19-6 et seq.; and
- (8) any other fact or circumstance having bearing on the reasonableness of the request.

(d) An interested party may file an application to vent or flare a total volume of casing-head gas in excess of 25 mcf from a well. 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 publish notice of the hearing pursuant to K.A.R. 82-3-135.

(e) The application shall include the following:

- (1) The name and address of each operator or lessee of record within a one-half mile radius of the subject well, and a certificate of mailing indicating the date service of a copy of the application was made to each;
- (2) the name and address of each owner of record of the minerals in unleased acreage within a one-half mile radius of the subject well, and a certificate of mailing indicating the date service of a copy of the application was made to each; and
- (3) the name and address, as shown by the applicant's books and records, of each person owning the royalty or leasehold interest in the acreage upon which the well is located, and a certificate of mailing indicating the date service of a copy of the application was made to each.

(f) When required by the commission, all casing-head gas vented or flared under this rule shall be metered and the charts or records retained for a period of two years. Such information shall be reported to the commission semiannually or as designated by the commission. Continuing jurisdiction with authority to terminate the venting or flaring of casing-head gas when necessary shall lie with the commission. (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; and implementing K.S.A. 55-102, K.S.A. 1989 Supp. 55-604, K.S.A. 55-702, 55-704, K.S.A. 1989 Supp. 55-605; effective May 1, 1984; amended May 1, 1986; amended April 23, 1990.)

82-3-209. Flaring of sour gas. (a) The flaring of sour casing-head gas may be permitted by the commission. In making such a determination, the following factors shall be considered by the commission:

- (1) the availability of a market or of pipeline facilities;
- (2) probable recoverable gas reserves;
- (3) the necessity for maintenance of gas pressure in the formation to protect the nonwasteful production of oil;
- (4) the feasibility of reinjection of sour gas;
- (5) any anticipated change in the gas/oil ratio;
- (6) the hydrogen sulfide content of the gas;
- (7) the feasibility of desulfurization of the gas;
- (8) the proposed flaring facility;
- (9) the applicant's compliance with the department's air quality regulations in K.A.R. 28-19-6 et seq.; and
- (10) any other fact or circumstance having bearing on the reasonableness of the request.

(b) Any interested party may file an application for the flaring of sour casing-head gas from a well. 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 publish notice of the hearing pursuant to K.A.R. 82-3-135.

(c) The application shall include the following:

- (1) The name and address of each operator or lessee of record within a one-half mile radius of the subject well, and a certificate of mailing indicating the date service of a copy of the application was made to each;
- (2) the name and address of each owner of record of the minerals in unleased acreage within a one-half mile radius of the subject well, and a certificate of mailing indicating the date service of a copy of the application was made to each.

(3) the name and address, as shown by the applicant's books and records, of each person owning the royalty or leasehold interest in the acreage upon which the well is located, and a certificate of mailing indicating the date service of a copy of the application was made to each.

(d) When required by the commission, all sour gas flared under this regulation shall be metered and analyzed for its hydrogen sulfide content. Such information shall be reported to the commission semi-annually or as designated by the commission. The flaring of sour gas may be terminated by the commission when necessary. (Authorized by K.S.A. 1989 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 55-102, K.S.A. 1989 Supp. 55-604, K.S.A. 55-702, K.S.A. 1989 Supp. 55-703, K.S.A. 55-704, K.S.A. 1989 Supp. 55-706; effective May 1, 1987; amended April 23, 1990.)

82-3-300. Application for allowable in prorated pools; notice. (a) Assignment of allowable. An allowable shall not be granted by the commission to any gas well in a prorated common source of supply unless an application has been filed with the conservation division and duly verified.

Each application shall show:

- (1) The exact location of the well and the acreage attributed to the well;
- (2) the common source of supply from which the well is producing;
- (3) the name and address of the purchaser, if known;

(continued)

(4) the names and addresses of each person owning a royalty interest in the acreage to be attributed, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(5) a plat showing the location and approximate depths of all wells and dry holes which have been drilled within one mile from the acreage to be attributed;

(6) the applicant's license number; and

(7) any other information the commission may require.

(b) Assignment of allowable with exceptions. Each application for the granting of an allowable for any gas well in a prorated common source of supply which involves exceptions to a basic proration order shall, in addition to the requirements established in subsection (a), include the following:

(1) The names and addresses of all operators of producing acreage abutting or adjoining the acreage to be attributed, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(2) the names and addresses of all lessees of record of non-producing acreage abutting or adjoining the acreage to be attributed, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(3) the names and addresses of all owners of record of the minerals in, or royalty of unleased acreage abutting or adjoining, the acreage to be attributed, and a certificate of mailing indicating the date service of a copy of the application was made to each;

(4) the names and addresses of all persons owning the royalty or leasehold interests in acreage abutting or adjoining the acreage to be attributed which is operated by the applicant or on which the applicant has a lease or an interest in the lease, and a certificate of mailing indicating the date service of a copy of the application was made to each; and

(5) a statement advising each person listed in paragraph (1)-(4) of this subsection that the person has 15 days in which to file a protest to the application with the conservation division pursuant to the provisions of K.A.R. 82-3-135b.

(c) Notice of the application. In addition to mailing a copy of the application to the persons described in paragraph (a) (4) and subsection (b), notice of the application shall be published in at least one issue of the official county newspaper of each county in which lands affected by the application are located and in the Wichita Eagle newspaper.

(d) Protest. Once notice of the application is published pursuant to subsection (c) and mailed to the persons described in paragraph (a) (4) and subsection (b), the application shall be held in abeyance for 15 days from the date of publication or mailing, whichever is later, pending the filing of any protest pursuant to K.A.R. 82-3-135b. If a valid protest 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 publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-705b, K.S.A. 1989 Supp. 55-706; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1988; amended April 23, 1990.)

82-3-300a. Reinstatement of cancelled underage. (a)

A cancelled underage for any gas well producing from a common source of supply governed by a basic proration order which provides for the reinstatement of cancelled underage shall not be reinstated by the commission unless an application has been filed with the conservation division and duly verified.

Each application shall show:

(1) The exact location of the well and the acreage attributed to the well;

(2) the common source of supply from which the well is producing;

(3) the name and address of the purchaser, if known, and a certificate of mailing indicating the date the application was served;

(4) the volume of underage available to be reinstated and the date of its cancellation;

(5) the applicant's license number; and

(6) any other information the commission may require.

(b) Notice of the application shall be published in at least one issue of the official county newspaper of each county in which lands affected by the application are located and in the Wichita Eagle newspaper. (Authorized by and implementing K.S.A. 55-704, K.S.A. 1989 Supp. 55-706; effective April 23, 1990.)

82-3-303. Procedural rules for determination of open flow of a gas well. In the absence of field rules to the contrary, the open flow capacity of a gas well shall be determined by flowing the well into a pipeline for a period of 24 to 72 hours, as required to attain stabilization through approved metering equipment. This procedure shall be known as a one point stabilized flow test. The rate of flow shall be recorded on a standard orifice meter chart, either graphically or mathematically. The rate of flow at the end of the period shall be extrapolated to atmospheric pressure by using the characteristic well slope as determined from a multi-point back-pressure test.

(a) Multi-point back-pressure test. A multi-point back-pressure test shall be taken for determination of characteristic well slope, "n," as determined from the equation

$$Q = C(P_{c2} - P_{w2})^n$$

where:

Q = the rate of flow, using MCF per day at 14.65 pounds per square inch absolute and 60°F;

C = the performance coefficient of the well;

P_c = wellhead shut-in pressure, expressed in pounds per square inch absolute and using the casing or tubing pressure, whichever is higher;

P_w = static wellhead working pressure, expressed in pounds per square inch absolute, at the termination of each flow period. Except as otherwise provided, the casing pressure shall be used if the annulus is open to the formation. If the annulus is not open to the formation so that the pressure cannot be measured on a static column, the tubing pressure shall be used if the flowing pressure is corrected for friction. All squared pressures shall be expressed in thousands; and

n = a numerical exponent characteristic of the particular well, referred to as "slope."

Multi-point back pressure tests shall be limited to one per commercial gas well. A second test shall be permitted for a commercial gas well only if the well is recompleted into a separate common source of supply or for good cause shown.

The basic procedures for taking a multi-point back pressure test shall be as follows:

(1) The well shall be shut-in for 72 hours plus or minus six hours, and the shut-in pressure taken. This shut-in pressure shall be considered stabilized unless readings taken with commission-approved equipment at a shorter period are higher. In this event, the highest recorded pressure during the test shall be used as the shut-in pressure. When the shut-in period appreciably affects the surface pressure, appropriate correction of the surface pressure shall be made in order to account for the pressure due to the liquid column.

(2) If the well being tested has a pipeline connection, it shall be flowed for at least 24 hours before the shut-in period at a rate high enough to clear the well of liquids.

(3) A series of at least four flow tests shall be taken. The test shall be run in an increasing flow rate sequence. In the case of high liquid ratio wells, a decreasing flow rate sequence may be used if the increasing sequence method will not give point alignment. When the decreasing sequence method is used, a statement giving the reasons why the use of this method is necessary, with a copy of the data taken on increasing sequence, shall be furnished to the commission.

(4) Each flow test shall extend for a maximum period of two hours. If the wellhead working pressure does not decline more than 0.1 percent of the wellhead shut-in pressure during any 15 minute period before the end of the two-hour flow period, the pressure may be recorded and the next flow test started. All subsequent flow periods shall be of the same duration.

(5) When the back pressure curve cannot be drawn through at least three of the plotted points, the well shall be retested. If upon retest a curve cannot be drawn through at least three of the plotted points, an average curve shall be drawn through the points of the test if the slope of the curve will not be more than 1.0 nor less than 0.5.

(6) If the curve drawn through at least three points of the back pressure test has a slope greater than 1.0 or less than 0.5, the well shall be retested. If upon retest the slope of the curve is greater than 1.0, a curve with a slope of 1.0 shall be drawn through the data point corresponding to the highest rate of flow. If upon retest the slope of the curve is less than 0.5 a curve with a slope of 0.5 shall be drawn through the data point corresponding to the lowest rate of flow.

(7) All tests shall be subject to review and approval by a representative of the state corporation commission.

(8) The lowest rate of flow on the test shall be at a rate high enough to keep the well clear of liquids.

(9) If possible, the working wellhead pressure at the lowest rate of flow shall be drawn down at least five percent of the well's shut-in pressure, and if possible, 25 percent of the well's shut-in pressure at the highest rate of flow. If data cannot be obtained in accordance with the foregoing provisions, a written explanation shall be furnished to the commission.

(10) Correction for the compressibility of flowing gas shall be made in accordance with approved commission methods.

(11) When the static wellhead working pressure reading cannot be obtained due to packer or dual completion, the pressure shall be calculated by using approved tables.

(12) If a satisfactory test cannot be obtained on wells whose indicated open flow is 500 mcf or less, an exception to the foregoing procedure may be granted by the commission and a slope of 0.85 may be assigned to the well.

(13) Upon completion of the test, all the calculations shall be shown on any approved form and shall be accompanied by a back pressure curve neatly plotted on equal scale log paper of at least three-inch cycles.

(b) One-point stabilized flow test.

(1) An initial one-point stabilized flow test shall be made within 30 days from the date of first production of gas into a pipeline and additional tests shall be taken yearly or as ordered by the commission. Upon the completion of all flow tests, a copy of the flow calculations shall be submitted to the commission.

(2) Immediately after the shut-in wellhead pressure is taken, the well shall be opened into the pipeline and gas shall be produced for the subsequent 24 to 72 hours at the test rate as required to reach stabilization. During this time the working pressure at the wellhead shall be maintained as nearly as possible at 85 percent of the wellhead shut-in pressure, expressed in pounds per square inch gauge, or as closely to it as operating conditions in the field will permit.

(3) The wellhead working pressure shall never be more than 95 percent or less than 75 percent of the wellhead shut-in pressure of the well being tested unless, in the judgment of the commission's representative, it is impractical to maintain the pressure within these limits. In such a case, the well shall be produced at maximum capacity through either the tubing or the annulus, whichever will give the greater drawdown.

(4) The open flow shall be calculated by use of the following formula. Flow shall be measured by an approved meter throughout the test period, and the wellhead and meter pressures shall be measured at the close of the test period by gauges approved for use in the manual of back-pressure testing of gas wells for the state of Kansas written pursuant to commission order dated May 15, 1957, docket number 34,780-C (C-1825), which is hereby adopted by reference.

The rate at which the well is producing at the end of the flow period shall be considered the stabilized producing rate corresponding to the wellhead working pressure existing at that time, if the rate is not greater than the average producing rate for the entire flow period. The observed stabilized producing rate shall be converted to open flow by use of the following formula:

$$OF = R \text{ times } \left[\frac{(P_c^2 - P_a^2)}{(P_c^2 - P_w^2)} \right]^n$$

where:

OF = Open flow, expressed in MCF/D.

(continued)

- R = Stabilized producing rate, expressed in MCF per day at 14.65 pounds per square inch absolute and 60°F.
- P_a = Atmospheric pressure, expressed in pounds per square inch absolute.
- P_c = Wellhead shut-in pressure of the well, expressed in pounds per square inch absolute.
- P^w = Stabilized wellhead working pressure at rate R, expressed in pounds per square inch absolute.
- n = Characteristic well slope as determined by the multi-point back-pressure test.

(5) Shut-in wellhead pressure shall be measured after the well has been shut in for approximately 72 hours. The well shall not be shut in for less than 66 hours nor more than 78 hours at the time the shut-in pressure is taken. If the representative of the commission believes that the shut-in pressure taken upon a well is incorrect, the representative may require that the well be blown to clean fluids from the well bore, or may take any other reasonable steps that may be necessary to get a true pressure reading upon the well. If more than one shut-in pressure is taken upon a well during the test period, the highest shut-in pressure obtained shall be used in calculating the open flow of the well.

(c) Metering devices. An orifice meter or a critical flow prover in good operation condition shall be the only acceptable metering devices.

(d) Gas venting. Gas shall not be vented except when absolutely necessary. (Authorized by K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1987; amended April 23, 1990.)

82-3-304. Tests of gas wells; penalty. (a) Initial certified tests run in conformance with K.A.R. 82-3-303 or special orders shall be filed with the commission within 60 days of first gas sales. Tests shall be conducted under the supervision of the conservation division whether a representative is present or not. In prorated fields, all gas produced into a pipeline shall be counted against the allowables.

(b) Tests may be witnessed by a representative of any producer, purchaser, or transporter in the field. Any producer, purchaser, or transporter may request notification of the time the tests will commence from the operator of the well on which a test is to be run.

(c) An annual test shall be run in accordance with these rules except on gas wells used for domestic purposes where gas is not sold and on wells which had an absolute open flow of 65 mcf of gas per day or less at the time of the last current test, in the absence of special orders issued by the commission. Such minimum wells will be exempt from further testing unless the well becomes capable of producing more than 65 mcf of gas per day or unless otherwise ordered by the commission. The test shall be effective during the next succeeding year. Additional tests may be required by the commission at any time. The test shall become effective the first day of the month following receipt of test results by the conservation division.

(d) Each operator of a gas well shall be responsible for conducting all tests required to obtain an allowable for

the well. Each operator shall submit one copy of the test required under subsection (c) to the conservation division and one copy to the purchaser to confirm the allowable as determined by these rules or by special orders.

(e) Any gas produced and sold without the required test shall be illegal production.

(f) The failure to submit an annual gas well test shall be punishable by a \$500 penalty. (Authorized by K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-306. Reports of gas produced. Each party who owns, maintains, or operates the metering device used to record gas produced from each lease or well in gas fields shall file a monthly report showing the amount of gas actually metered on each lease. The report shall be filed with the conservation division on or before the 20th day of the succeeding month in which the production occurred. Extensions of the time period within which the report must be filed may be granted by the director. The form used for reporting shall be furnished by the commission. (Authorized by and implementing K.S.A. 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1988; amended April 23, 1990.)

82-3-307. Gas conservation assessment. An assessment to pay the conservation division expenses, and other costs in connection with the administration of the gas conservation regulations not otherwise provided for, shall be made as follows:

(a) A charge of 4.0 mills shall be assessed on each 1,000 cubic feet of gas sold or marketed each month. The assessment shall apply only to the first purchaser of gas.

(b) The first purchaser of the production, shall, before paying for the production, deduct an amount equal to the assessment for every 1,000 cubic feet of gas produced and removed from the lease each month. The purchaser shall remit the amounts deducted to the conservation division of the commission at the same time, and for the same period, as the purchaser makes regular gas payments.

(c) The remittances may be made each month in a single check, if the purchaser desires. No accounting by the purchaser shall be required except to show all deductions on the regular payment statements to producers and royalty owners or other interested parties.

(d) The assessment established by the commission shall not apply to gas that is being returned to the ground for repressuring purposes within the field, but shall apply to gas that is produced and removed from the lease and returned to the ground for storage purposes. (Authorized by K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-711; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990.)

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

(a) Any 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

(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. Notice of the hearing shall be published 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. (Authorized by K.S.A. 1989 Supp. 55-152, 55-604, K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-605, 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; amended April 23, 1990.)

82-3-312. Gas allowables and drilling unit. In the absence of basic proration orders issued by the commission, the following provisions shall apply to all gas wells.

(a) Standard daily allowable. The standard daily allowable for a gas well is limited to 25 percent of the well's actual open flow potential. All wells shall be entitled to a minimum daily allowable of 65 Mcf. The actual open flow potential of each well shall be measured pursuant to K.A.R. 82-3-303.

(b) Standard drilling unit. A standard drilling unit shall be 10 acres. Except as otherwise provided by K.A.R. 82-3-108(c), the well for that unit shall be located at least 330 feet from any lease or unit boundary.

(c) Acreage—attribution unit. Unless a well location exception is granted, any gas well which is located nearer than 330 feet to any lease or unit boundary line shall have acreage attributed to it by the establishment of an acreage-attribution unit. The width of each unit shall be defined as being twice the distance from the well to the nearest lease or unit boundary line. The length of the unit shall be defined to be the same as the width.

(d) Acreage attributable. When any gas well is located nearer than 330 feet to any lease or unit boundary line, the standard daily allowable or minimum allowable shall be reduced in the same proportion that the acreage attribution to the well bears to 10 acres.

(e) Exceptions may be granted and adjustments to the allowables may be made by the commission to protect correlative rights, prevent waste and give the full allowable where:

(1) Location exceptions have been granted for man-made structures or topographic features;

(2) no interference with drainage of adjacent wells can be shown by competent evidence; or

(3) actual interference is less than the reduced allowable. (Authorized by K.S.A. 55-704; implementing K.S.A. 1989 Supp. 55-703; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended April 23, 1990.)

82-3-400. Application, approval, place of injection or disposal, and records; penalty. (a) Enhanced recovery fluids injection or disposal operations and enhanced recovery natural gas injection or disposal operations shall be permitted only upon application to the conservation division and upon 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

(continued)

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) For all injection and disposal well applications which require wellhead pressure to inject fluids, filed on and after December 8, 1982, the operator 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 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.

(g) The failure to obtain commission approval before beginning injection or disposal operations shall be punishable by a penalty of \$1,000 to first-time violators, \$5,000 to second-time violators, and \$10,000 and operator license review to third-time violators. In addition, each injection or disposal well found to be operating without commission approval shall be shut-in until compliance is achieved. (Authorized by K.S.A. 1989 Supp. 55-152, 55-164, 55-901; implementing K.S.A. 1989 Supp. 55-151, K.S.A. 55-153, K.S.A. 1989 Supp. 55-901, 55-1003; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990.)

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.

(b) The original and two copies of each application shall be verified and filed with the conservation division 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 $1/2$ mile radius of the injection or disposal well;

(3) the name and address of each operator of a producing or drilling well within a $1/2$ 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 $1/2$ 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) an electric log run to the surface or a log showing lithology or porosity of geological formations encountered in the injection or disposal well, including an elevation reference. If such a log is unavailable, an electric log to surface or a log showing lithology or porosity of geological formations encountered in wells located within a one-mile radius of the subject well;

(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 $1/2$ 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; and

(B) the design of the proposed well will protect fresh and usable water.

(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 1/4 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. Section 146.6(a)(2) promulgated under Part C of the Safe Water Drinking Act, 42 U.S.C. Section 300(f) *et seq.*, effective June 24, 1980, which is hereby adopted by reference.

(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 pursuant to the provisions of K.A.R. 82-3-135a(c). 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 newspaper 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. (Authorized by K.S.A. 1989 Supp. 55-901, 55-152; implementing K.S.A. 1989 Supp. 55-605, 55-706, 55-152, 55-1003; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May

1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990.)

82-3-403. Notice of commencement and discontinuance of injection or disposal operations; penalty. (a) Immediately upon the commencement of injection or disposal operations, the applicant shall notify the conservation division of the date of commencement.

(b) Within 90 days after permanent discontinuance of injection or disposal operations, the operator of the project shall notify the conservation division of the date of the discontinuance and the reasons for discontinuance, and shall follow the provisions of K.A.R. 82-3-111 for plugging and abandonment of the well.

(c) The failure to notify the commission of commencement or permanent discontinuance of injection or disposal operations shall be punishable by a \$100 penalty. (Authorized by K.S.A. 1989 Supp. 55-152, 55-164, 55-901; implementing K.S.A. 1989 Supp. 55-152, K.S.A. 55-156, 55-157, K.S.A. 1989 Supp. 55-901, 55-1003; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended April 23, 1990.)

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

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

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

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

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

(4) Each wellhead shall be equipped with a pressure observation valve on the tubing and the tubing-case annulus.

(5) A positive annulus pressure shall be maintained and monitored.

(6) Annulus pressure and injection surface pressure shall be monitored and recorded monthly and kept by the operator for five years.

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

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

(continued)

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

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

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

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

(5) It shall be the sole responsibility of the operator of the tubingless completion to maintain the well so that the mechanical integrity tests can be performed as specified, or the well shall be immediately plugged and abandoned by displacing cement from the bottom of the well to the surface. (Authorized by K.S.A. 1989 Supp. 55-152, 55-901; implementing, K.S.A. 1989 Supp. 55-152, 55-901, 55-1003; effective, T-83-44, Dec. 8, 1982, effective May 1, 1983; amended May 1, 1984; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended April 23, 1990.)

82-3-405. Mechanical integrity requirements; penalty. (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 and no fluid movement into fresh or usable water. 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. The failure to test a well to show its mechanical integrity shall be punishable by a \$1000 penalty.

(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 unless otherwise approved by the appropriate district office. (Authorized by K.S.A. 1989 Supp. 55-152, 55-901; implementing K.S.A. 1989 Supp. 55-1003, 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; amended April 23, 1990.)

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

(b) Amendments of any injection or disposal well order may be made only upon application to the conservation division and upon approval by the commission. Each application shall be submitted on the form prescribed and furnished by the conservation division. The applicant shall give notice of the application to amend pursuant to the provisions of K.A.R. 82-3-135a(c).

(c) An operator shall not be required to file an application to amend any injection or disposal well order but shall file with the conservation division a notice of modification on a form prescribed and furnished by the conservation division for order modifications for one or more of the following purposes:

- (1) the operator seeks to decrease the maximum injection pressure; or
- (2) the operator seeks to decrease the maximum injection rate; or
- (3) the operator seeks to add or delete leases disposing into permitted injection wells on the application as long as the maximum authorized injection rate or pressure is not exceeded.

(d) Mechanical failures or other conditions which indicate a well is not, or may not be, directing the injected fluid into the permitted or authorized zone may be cause to shut-in the well. If the condition may endanger any fresh or usable water source or oil or gas resources, the operator shall orally notify the commission within 24 hours. Written notice of a well failure shall be submitted to the commission within five days of the occurrence together with a plan for testing and repairing the well. Results of the testing and well repair shall be reported to the commission, and all information shall be included in the annual monitoring report to the commission. Any

mechanical downhole well repair performed on the well that was not previously reported shall also be included in the annual report.

(e) The failure to obtain commission approval of any amendment, other than the modifications designated in subsection (c), before resuming injection or disposal operations shall be punishable by a \$500 penalty. (Authorized by K.S.A. 1989 Supp. 55-152, 55-164, 55-901; implementing K.S.A. 1989 Supp. 55-152, 55-901, 55-1003; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended April 23, 1990.)

82-3-407. Records; penalty. Each 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 conservation division 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.

(c) The failure to file or timely file an annual injection report shall be punishable by a \$100 penalty. (Authorized by and implementing K.S.A. 1989 Supp. 55-152, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 8, 1989; amended April 23, 1990.)

82-3-408. Transfer of authority to inject; penalty.

(a) Authority to operate an injection or disposal well shall not be transferred from one operator to another without the approval of the conservation division. The conservation division shall be notified in writing of the intent to transfer authority to operate 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.

(c) The failure to file a notice of intent to transfer authority to operate an injection or disposal well shall be

(continued)

punishable by a \$100 penalty. (Authorized by K.S.A. 1989 Supp. 55-152, 55-164, 55-901; implementing K.S.A. 1989 Supp. 55-1003, 55-152, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 8, 1989; amended April 23, 1990.)

82-3-410. Assessment of costs. An assessment to pay the costs incurred by the conservation division in reviewing, processing and approving each injection or disposal application shall be payable upon the filing of an application as follows:

(a) Injection wells. (1) A fee of \$200 shall be assessed to each applicant for injection authority to cover review of the initial pilot well only. A fee of \$100 shall be assessed on each additional well included in the initial injection application except where the well depth of each additional well is less than 1000 feet. Each additional well having a depth of less than 1000 feet shall be assessed a fee of \$50.

(2) A fee of \$100 for each well shall be assessed to each applicant for an amendment to the initial injection well order adding an injection well or wells except where the well depth of each additional well sought to be amended into the initial order is less than 1000 feet. Each amendment adding an injection well having a depth of less than 1000 feet shall be assessed a fee of \$50 for each added well.

(3) A fee of \$100 shall be assessed to each applicant for an amendment to the initial injection well order seeking to make a significant change in the construction of an injection well, to add an injection well to an authorized waterflood, or to increase either the maximum injection pressure or the maximum injection rate.

(4) A fee of \$50 shall be assessed for any other amendment of the initial injection order, except no fee shall be assessed for those modifications specified in K.A.R. 82-3-406(c).

(b) Disposal wells.

(1) A fee of \$200 shall be assessed to each applicant for disposal authority.

(2) A fee of \$100 shall be assessed to each applicant for an amendment to the initial disposal order seeking to make a significant change in the construction of the disposal well or to increase either the maximum disposal pressure or the maximum disposal rate.

(3) A fee of \$50 shall be assessed for any other amendment to the initial disposal order, except no fee shall be assessed for those modifications specified in K.A.R. 82-3-406(c).

(c) Fee nonrefundable. Once paid, each fee is nonrefundable. (Authorized by K.S.A. 1989 Supp. 55-152, 55-901; implementing K.S.A. 1989 Supp. 55-176, 55-152, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended April 23, 1990.)

82-3-600a. Surface pond permit revocation. The director of the conservation division may revoke any surface pond permit when fresh or usable water resources are in danger of becoming polluted by the use of the surface pond or when the operator of a surface pond is not in compliance with the permit requirements. Any surface pond for which the permit has been revoked shall be

closed pursuant to K.A.R. 82-3-602. (Authorized by K.S.A. 1989 Supp. 55-152, 55-171; implementing K.S.A. 1989 Supp. 55-152, 55-162, 55-171, 74-623; effective April 23, 1990.)

82-3-603. Spill notification and clean-up; penalty; lease maintenance. (a) Each operator shall notify the appropriate district office within 24 hours of discovery of a spill which is not confined in a surface pond. If the spill has reached flowing surface water, each operator shall notify the appropriate district office immediately upon discovery of the spill. The failure to timely notify the district office of a spill shall be punishable by a \$250 penalty for the first violation, \$500 for the second violation, and \$1000 and operator license review for the third violation. The notification shall include the following information:

- (1) The operator's name and license number;
- (2) the lease name and legal description and the approximate spill location;
- (3) the time and the date the spill occurred;
- (4) a description of the escaped materials including type and amount;
- (5) a description of the circumstances creating the spill;
- (6) the location of the spill with respect to the nearest fresh and usable water resource;
- (7) the proposed method for containing and cleaning up the spill; and
- (8) any other information that the commission may require.

(b) Each operator shall clean up a spill according to the proposed cleanup method or as modified by the district office. The cleanup shall be completed within 10 days of the spill notification or within a time period as prescribed by the district office. The failure to clean up a spill in a timely manner shall be punishable by a \$1000 penalty for the first violation, \$2500 for the second violation, and \$5000 and operator license review for the third violation. (Authorized by K.S.A. 19889 Supp. 55-152, 55-164; implementing K.S.A. 1989 Supp. 55-172, 74-623; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended May 1, 1988; amended April 23, 1990.)

82-3-604. Emergency pits; penalty. Each operator of an emergency pit shall remove fluids from the pit within 48 hours after discovery of the discharge or as authorized by the appropriate district office. The failure to timely remove fluids from an emergency pit shall be punishable by a \$250 penalty for the first violation, \$500 for the second violation, and \$1000 and operator license review for the third violation. (Authorized by K.S.A. 1989 Supp. 55-152, 55-164; implementing K.S.A. 1989 Supp. 55-172, 74-623; effective April 23, 1990.)

82-3-606. Chemical dumping prohibited; penalty. (a) The dumping or release of chemical substances and other nonexempt waste associated with any drilling or production operation, as listed in K.A.R. 28-31-3, into surface ponds is strictly prohibited unless the waste has become an integral part of the drilling return fluid or production waste stream. Nonexempt waste includes, but is not limited to, the following:

- (1) Acids, or any other unused substances brought onto

the lease for potential use in drilling or production operations;

(2) oil and gas service company wastes such as empty drums, spent solvents, rinsate, spilled chemicals or waste acid;

(3) used equipment lubrication oils and hydraulic fluids; and

(4) sanitary wastes, drums, insulation and other miscellaneous solid waste.

(b) Any operator or contractor found to be responsible for the dumping or release of chemical substances or no-

nexempt wastes shall be assessed a \$1000 penalty for the first violation, a \$5000 penalty for the second violation, and a \$10,000 penalty for the third violation. Under this provision, operators or contractors shall be considered responsible for the actions of their subcontractors. (Authorized by and implementing K.S.A. 1989 Supp. 55-152, 55-164, 74-623; effective April 23, 1990.)

Judith McConnell
Executive Director

Doc. No. 008864

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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 each of the following bills 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 8, 1990.)

SENATE BILL No. 462

AN ACT concerning property insurance purchase by state agencies; amending K.S.A. 1989 Supp. 74-4702 and repealing the existing section.

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

New Section 1. Within the limits of appropriations therefor the Kansas state university of agriculture and applied science may purchase comprehensive, collision and other appropriate insurance for the KU-band uplink truck and mobile television production vehicle including attached communications equipment used by the regents educational communication center. The insurance shall be acquired through the committee on surety bonds and insurance as provided by law.

Sec. 2. K.S.A. 1989 Supp. 74-4702 is hereby amended to read as follows: 74-4702. No state agency shall purchase or carry insurance on any property owned by the state agency or the state except as expressly and specifically authorized by K.S.A. 74-4703, 74-4705 and, ~~74-4707, 75-2728 and K.S.A. 1986 Supp. 72-4342, 76-213, 76-391, 76-394, 76-747, 76-748 and 76-749 and as required by K.S.A. 74-4707 and section 1~~ and amendments to these sections.

Sec. 3. K.S.A. 1989 Supp. 74-4702 is hereby repealed.

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

(Published in the *Kansas Register*, March 8, 1990.)

HOUSE BILL No. 2754

AN ACT concerning the Kansas sentencing commission; allowing the commission to receive copies of certain information; amending K.S.A. 21-4605 and 22-4701 and repealing the existing sections.

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

Section 1. K.S.A. 21-4605 is hereby amended to read as follows: 21-4605. (a) Upon request of the attorney for the state or the counsel for the defendant, the judge shall make available to the attorney or counsel the presentence report, any report that may be received from the Kansas state diagnostic center or the state security hospital and other diagnostic reports and shall allow the attorney or counsel a reasonable time to review the report before sentencing the defendant. Except as otherwise provided in this section, all these reports shall be part of the record but shall be sealed and opened only on order of the court.

(b) If a defendant is committed to the custody of the secretary of corrections, all reports under subsection (a) shall be sent to the secretary of corrections and, in accordance with K.S.A. 75-5220, and amendments thereto, to the director of the state correctional institution to which the defendant is conveyed.

(c) Nothing in this section shall be construed as prohibiting the attorney for the defendant from disclosing the report of the presentence investigation, or other diagnostic reports, to the defendant after receiving court approval to do so.

(d) Notwithstanding subsections (a), (b) and (c), the presentence report, any report that may be received from the Kansas state diagnostic center or the state security hospital and other diagnostic reports, shall be made available upon request to the Kansas sentencing commission for the purpose of data collection and evaluation.

Sec. 2. K.S.A. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 38-1618, and amendments thereto.

(b) "Criminal history record information" means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. The term does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) juvenile offender information other than data pertaining to a person following waiver of jurisdiction pursuant to the Kansas juvenile code or an authorization for prosecution as an adult pursuant to the Kansas juvenile offenders code;

(3) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;

(4) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(5) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission; and

(5) the Kansas parole board.

(d) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investigation.

(f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

(g) "Juvenile offender information" has the meaning provided by K.S.A. 38-1617, and amendments thereto.

(h) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.

Sec. 3. K.S.A. 21-4605 and 22-4701 are hereby repealed.

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

(Published in the *Kansas Register*, March 8, 1990.)

HOUSE BILL No. 2627

AN ACT concerning the conveyance of certain land to Pawnee county; amending K.S.A. 75-3323 and 75-3323a and repealing the existing sections.

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

Section 1. K.S.A. 75-3323 is hereby amended to read as follows: 75-3323. (a) The secretary of social and rehabilitation services is hereby authorized and empowered, upon the conditions hereinafter provided, to lease, for a term not exceeding ~~twenty (20)~~ 20 years, by proper written instrument, upon behalf of the state of Kansas, signed by the secretary of social and rehabilitation services and approved by the attorney general and the director of purchases of the department of administration of the state of Kansas, unto the wheat-belt area girl scout council of Kansas, inc. the following described tract or parcel of land located in Pawnee county, Kansas, containing approximately 42.93 acres, more or less, and being a part of the Larned state hospital grounds in such county and state, and more definitely described as follows, to wit:

A tract of land lying within the southwest quarter (SW 1/4) of section thirty-five (35), township twenty-one (21) south, and the northwest quarter (NW 1/4) of section two (2), township twenty-two (22) south, both range seventeen (17) west of the 6th P.M. in Pawnee county, Kansas, described as follows, to wit: Commencing at a point on the southern end of a line whose approximate bearing is S 5 15' east, and whose northern end lies 525 feet east of the west quarter section corner of section 35, and whose southern end lies 2841.5 feet southeast of the east and west quarter section line of section 35 (this southern point being the southeast corner of the present boy scout camp and lies approximately 825 feet east of the west line of section 2 and approximately 200 feet south of the south line of section 35) for a place of beginning; thence northeast on a line having an interior angle of 54 21' for a distance of 1165 feet to a point 3 1/2 feet east of a drain ditch bank; thence northwest on a line having an interior angle of 101 47' for a distance of 420 feet to a point 15' east of same drain ditch bank; thence northwest on a line having an interior angle of 182 49' for a distance of 330 feet to a point 3 1/2 feet east of same drain ditch bank; thence northwest on a line having an interior angle of 197 22' for a distance of 450 feet to a point 3 1/2 feet east of same drain ditch bank; thence north on a line having an interior angle of 162 23' for a distance of 930 feet to a point on the east and west quarter section line of section 35; thence west along the said quarter section line for a distance of 799 feet (this point falling 457 feet east of the west quarter section corner of section 35); thence south 35 feet; thence southeast along the present fence boundary of the boy scout camp for a distance of 2806.5 feet to place of beginning; for the purpose of a camp site for use in conducting camping programs under responsible and trained camp supervisors for the girl scouts of America. ~~Said~~ Such lease shall contain a provision authorizing the state of Kansas to sell or lease and reserving all mine and mineral rights to ~~said~~ such lands and a termination clause that in the event such lands ever shall cease to be used for the camping purposes above specified, which purposes shall be set forth in such lease, then the lease shall expire and become null and void and the possession thereof shall immediately revert to the state of Kansas. Notwithstanding the above condition relating to the use of ~~said~~ such land for camping purposes, the lessee shall be entitled to sublease a portion of such land to any licensed day care center for an amount not to exceed the reasonable costs of maintaining any structures located on such land which are used by such day care center and the reasonable costs of utility services provided to such day care center, the payment of which is to be assumed by ~~said~~ the girl scout council or the lessee may sublease such land to Pawnee county for park and recreational purposes deemed appropriate by the board of county commissioners.

(b) Upon the expiration of any lease entered pursuant to subsection (a), the secretary of social and rehabilitation services shall convey by deed such tract of land described in subsection (a) to Pawnee county for park and recreational purposes deemed appropriate by the board of county commissioners. Such deed shall contain a reversionary clause that in the event that such land ever shall cease to be used for such purposes, which purposes shall be set forth in such deed, then the title thereto and the possession thereof immediately shall revert to the state of Kansas.

(c) Liability for damages resulting from the use of the property described in this section shall be subject to the limitation of subsection (o) of K.S.A. 75-6104 and amendments thereto.

Sec. 2. K.S.A. 75-3323a is hereby amended to read as follows: 75-3323a. (a) The ~~Kanza~~ council of the boy scouts of America wheatbelt area girl scout council of Kansas, inc. is hereby authorized and requested upon conditions hereinafter provided to convey by a deed of proper conveyance to the ~~wheatbelt area girl scout council of Kansas, inc.~~ Pawnee county, the following described tract or parcel of land located in Pawnee county, Kansas, containing approximately 32.91 acres, more or less, and being a part of the Larned state hospital grounds in such county and state, and more definitely described as follows, to wit: "A tract of land lying in section 35, township 21 south, and section 2, township 22 south, all of range 17 west of the sixth principal meridian, in Pawnee county, Kansas, described by metes and bounds as follows, to wit: Beginning at the southwest corner of the northwest quarter (NW 1/4) of section 35, in township 21 south, of range 17 west of the sixth principal meridian, in Pawnee county, Kansas; thence south along the west section line of said section 35, 377 feet to the left bank of Pawnee creek; thence along the left bank of Pawnee creek to a point approximately 200 feet south of the south line of said section 35, and approximately 825 feet east of the west section line of section 2, in township 22 south, of range 17 west of the sixth principal meridian, in Pawnee county, Kansas (this point is on a prominent, high and narrow point of land near the left bank of Pawnee creek 30 feet east of a large cottonwood tree and 20 feet north of a large elm tree marked by a 20 penny spike in its trunk); thence in a northwesterly direction 2,806.5 feet to a point 457 feet due east and 35 feet due south of the place of beginning; thence 35 feet due north, thence 457 feet due west to the place of beginning"; for the purpose of conducting camping programs under responsible and trained camp supervisors for the girl scouts of America and other kindred youth organizations. ~~Provided, however, That said park and recreational purposes deemed appropriate by the board of county commissioners.~~ The deed shall contain a reversionary clause that in the event such lands ever shall cease to be used for the such purposes last above specified, which purposes shall be set forth in ~~such~~ the deed, then the title thereto and the possession thereof shall immediately revert to the state of Kansas.

(b) Liability for damages resulting from the use of the property described in this section shall be subject to the limitation of subsection (o) of K.S.A. 75-6104 and amendments thereto.

Sec. 3. K.S.A. 75-3323 and 75-3323a are hereby repealed.

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

(Published in the *Kansas Register*, March 8, 1990.)

SENATE BILL No. 416

AN ACT relating to the health care stabilization fund oversight committee; concerning the confidentiality of certain information provided a consulting actuary; amending K.S.A. 1989 Supp. 40-3403b and repealing the existing section.

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

Section 1. K.S.A. 1989 Supp. 40-3403b is hereby amended to read as follows: 40-3403b. (a) There is hereby created a health care stabilization fund oversight committee to consist of eleven members, one of whom shall be the commissioner of insurance or the commissioner's designee, one of whom shall be appointed by the president of the state senate, one of whom shall be appointed by the minority leader of the state senate, one of whom shall be appointed by the speaker of the state house of representatives, one of whom shall be appointed by the minority leader of the state house of representatives and six of whom shall be persons appointed by the legislative coordinating council. The four members appointed by the president and minority leader of the state senate and the speaker and minority leader of the state house of representatives shall be members of the state legislature. Of the six members appointed by the legislative coordinating council, four shall either be health care providers or be employed by health care providers, one shall be a representative of the insurance industry and one shall be appointed

(continued)

from the public at large who is not affiliated with any health care provider or the insurance industry, but none of such six members shall be members of the state legislature.

(b) The legislative coordinating council shall designate a chairperson of the committee from among the members thereof. The committee shall meet upon the call of the chairperson. It shall be the responsibility of the committee to make a report to the legislative coordinating council on or before September 1, 1990, and to perform such additional duties after September 1, 1990, as the legislative coordinating council shall direct. The report required to be made to the legislative coordinating council shall include recommendations to the legislature for commencing the phase-out of the fund on July 1, 1991, an analysis of the market for insurance for health care providers, an analysis of the impact and recommendation on the advisability of the imposition of limitations on attorney fees involving actions arising out of the rendering or failure to render professional services by a health care provider for which the fund has liability and recommendations for legislation necessary to implement or alter the phase-out of the fund.

(c) *The commissioner or the commissioner's designee shall provide any consulting actuarial firm contracting with the legislative coordinating council with such information or materials pertaining to the health care stabilization fund deemed necessary by the actuarial firm for performing the requirements of an actuarial review for the health care stabilization fund oversight committee notwithstanding any confidentiality prohibition, restriction or limitation imposed on such information or materials by any other law. The consulting actuarial firm and all employees and former employees thereof shall be subject to the same duty of confidentiality imposed by law on other persons or state agencies with regard to information and materials so provided and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. Any report of the consulting actuarial firm shall be made in a manner which will not reveal directly or indirectly the name of any persons or entities or individual reserve information involved in claims or actions for damages for personal injury or loss due to error, omission or negligence in the performance of professional services by health care providers. Information provided to the actuary shall not be subject to discovery, subpoena or other means of legal compulsion in any civil proceedings and shall be returned by the actuary to the health care stabilization fund.*

(d) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(e) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto.

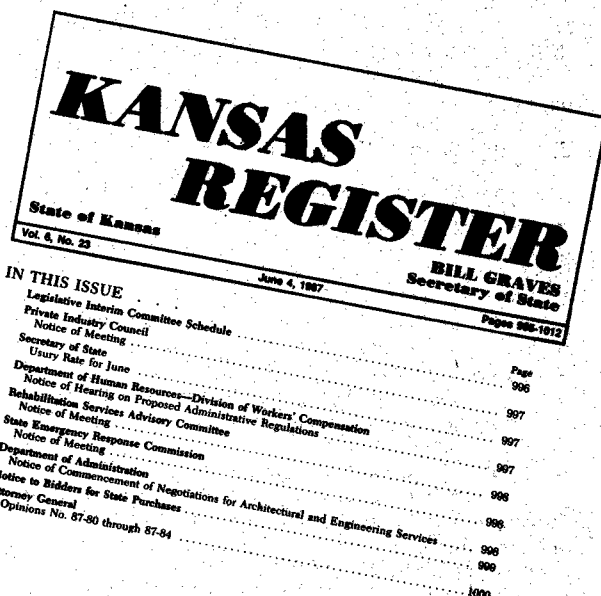
(f) This section shall be a part of and supplemental to the health care provider insurance availability act. The provisions of this section shall expire on July 1, 1991.

Sec. 2. K.S.A. 1989 Supp. 40-3403b is hereby repealed.

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

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