



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will conduct a meeting by telephone at 1 p.m. Friday, July 19. The public may attend the meeting at the central office, Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka, or may report to the superintendent's office at the Eisenhower Administration Building at the Kansas Soldiers' Home in Fort Dodge or the Timmerman Administration Building at the Kansas Veterans' Home in Winfield. For further information, call (785) 296-3976.

Stoney Wages
Executive Director

Doc. No. 028147

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 7-8-02 through 7-14-02

Table with 2 columns: Term, Rate. Rows include 1-89 days (1.73%), 3 months (1.66%), 6 months (1.73%), 1 year (2.02%), 18 months (2.52%), 2 years (2.86%).

Derl S. Treff
Director of Investments

Doc. No. 028130

State of Kansas

Department of Commerce and Housing

Notice of Hearings on the Kansas Consolidated Plan

The Department of Commerce and Housing and the Department of Health and Environment will conduct two public hearings on federal housing programs administered by the departments. The hearing will provide citizen input on housing issues in the Kansas Consolidated Plan for federal fiscal year 2003.

Community residents and housing developers are invited to attend the public hearings. Topics will include the HOME Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS, and Low Income Housing Tax Credit programs. Results of the hearings will be incorporated into plans for the programs for the next year.

The first public hearing will take place from 1 to 3 p.m. Monday, August 5, at the Public Library Auditorium, 707 Vermont Street, Lawrence. The second public hearing will be from 1 to 3 p.m. Wednesday, August 7, at the

Public Library Auditorium (second floor), 901 N. Main St., Hutchinson.

If special accommodations are needed, contact the Kansas Department of Commerce and Housing at least five business days in advance of the meeting at (785) 296-3481, fax (785) 296-3665 or TTY (785) 296-3487.

Gary Sherrer
Secretary of Commerce and Housing

Doc. No. 028138

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 16,765 cubic yard detention dam, Site 214 in Nemaha County, be received by the Upper Black Vermillion Creek Watershed Joint District No. 37 at the watershed district office, 404 Commercial St., Centralia, 66415, until 10 a.m. July 24 and then opened. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the watershed district office, (785) 857-3347.

Tracy D. Streeter
Executive Director

Doc. No. 028152

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, July 22, 2002

05224

Kansas State University—Multi-stage Pump

Request for Proposals

Wednesday, July 31, 2002

05205

Deferred Compensation Services for the Department of Administration

Wednesday, August 14, 2002

05221

Inmate Telephone Services for the Department of Corrections

John T. Houlihan
Director of Purchases

Doc. No. 028164

State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of July 15-28. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
July 21	Capitol Plaza Hotel, Topeka	12:30 p.m. - 6:30 p.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Governor's Conference on Juvenile Justice.
July 22	Capitol Plaza Hotel, Topeka	8:00 a.m. - 7:00 p.m.		
July 23	Capitol Plaza Hotel, Topeka	8:00 a.m. - 4:30 p.m.		
July 24	Capitol Plaza Hotel, Topeka	8:00 a.m. - Noon		

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 028153

State of Kansas
Unmarked Burial Sites Preservation Board

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, September 17, in the West Conference Room of the Center for Historical Research in the Kansas History Center, 6425 S.W. 6th Ave., Topeka, to consider the adoption of new regulations pertaining to the Unmarked Burial Sites Preservation Act, K.S.A 75-2741 through 75-2754.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Bob Hoard, Chair, Unmarked Burial Sites Preservation Board, Kansas State Historical Society, Cultural Resources Division, 6425 S.W. 6th Ave., Topeka, 66615-1099. All interested parties will be given an opportunity to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made five days in advance of the hearing by contacting Bob Hoard at (785) 272-8681, extension 268, or TTY (785) 272-8683. Handicapped parking is located on the east side of the Kansas History Center. Both the Kansas History Museum entrance and the Center for Historical Research entrance are accessible to individuals with disabilities.

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

K.A.R. 126-1-1. Unmarked burial site registry. The proposed regulation states the type of evidence the unmarked burial sites preservation board may use to consider whether to list a site in the unmarked burial site registry.

K.A.R. 126-1-2. Permits for excavation, study, display, and reinterment. The proposed regulation states when permits for actions related to unmarked burials are and are not needed. It details the information to be included in a permit application and states that a \$50 fee must accompany a permit application unless this fee is waived by the board. The proposed regulation also states procedures and conditions for issuing permits on an emergency basis.

The economic impact of the proposed regulations is negligible. The process of applying for a permit from the board requires that the applicant spend several hours compiling and presenting information about the permit applicant, and the affected burial site, including human skeletal remains and any objects associated with the unmarked burial for which a permit is requested. The applicant may elect to hire a consultant to prepare the application, which would increase the cost of preparing a permit. The cost for each permit is \$50, unless this fee is waived by the board. The Kansas State Historical Society will bear the cost of convening the board for the evaluation of permits.

Copies of the proposed regulations and the associated economic impact statement can be obtained by contacting Bob Hoard at the address and phone number above or by e-mail at rhoard@kshs.org.

Bob Hoard
Chair

Doc. No. 028137

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&As, Information Guides and Notices published by the Department of Revenue for June 2002. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

- P-2002-046 Gross receipts from the providing of cleaning services.
- P-2002-047 Gross receipts from the providing of cleaning services.
- P-2002-048 Purchases of tickets, additional drinks and desserts by certain entities.
- P-2002-049 Integrated plant exemption.
- P-2002-050 Telephone answering services.
- P-2002-051 Ingredient or component parts.
- P-2002-052 Service of repair of manufacturing machinery and equipment.
- P-2002-053 "Core charges" for replacement parts for cars, trucks and other equipment.
- P-2002-054 Sale of advertising space on an "electronic bulletin board."
- P-2002-055 Bills of lading and packing slips.
- P-2002-057 Installation of tangible personal property.
- P-2002-058 Reports.

Opinion Letters

No new publications

Final Written Determination

No new publications

Revenue Rulings

No new publications

Notices

- Notice 02-03 Legislated (2002 Session) tax increase notification (House Bill 2982 and Senate Bill 39).
- Notice 02-04 Legislated (2002 Session) tax increase notification (inventory requirements) under Senate Bill 39.
- Notice 02-05 Local compensating use tax on sales and long-term leases of vehicles within Kansas.
- Notice 02-06 2002 Changes to Kansas Withholding Tax.
- Notice 02-07 Penalties for Late Filing of Sand Royalty Reports.
- Notice 02-08 New sales tax treatment of prepaid telephone calling cards and mobile telecommunication services.
- Notice 02-09 State sales tax rate increase effective 07-01-2002.

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&As

No new publications

Information Guides

No new publications

Stephen S. Richards
Secretary of Revenue

Doc. No. 028143

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, July 25, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000548—Maximum Principal Amount: \$78,358. Owner/Operator: Lucas Carlson. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Northeast Quarter of Section 29, Township 18 South, Range 5 East, Marion County, Kansas, approximately 3.5 miles east of Lincolnville to Zebulon Road then south 2 miles to the corner of 270th and Zebulon.

The bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 028148

State of Kansas

Real Estate Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Thursday, September 12, in the Kansas Real Estate Commission's conference room, Three Townsite Plaza, Suite 200, 120 S.E. 6th Ave., Topeka, to consider the adoption of a new regulation and the proposed change of an existing regulation of the Kansas Real Estate Commission.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Sherry C. Diel, Executive Director, Kansas Real Estate Commission, Three Townsite Plaza, Suite 200, 120 S.E. 6th Ave., Topeka, 66603-3511. 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 that each participant limit any oral presentation to five minutes.

An individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least three working days in advance of the hearing by contacting Brenda Block at (785) 296-3411 or the Kansas Relay Center at 1-800-766-3777.

The regulations are proposed for adoption on a permanent basis. The following is a summary of the proposed regulations and their economic impact:

K.A.R. 86-1-19. Submission of supporting documentation with application. The proposed regulation requires an applicant to submit the following information with the application requesting that a real estate salesperson or broker license be issued or renewed: (1) any litigation filed by or against the applicant or a company owned in whole or in part by the applicant involving buying, selling, leasing or exchanging real property or other activity that requires a real estate license; (2) any pending charges or conviction of a criminal offense; (3) any denial, revocation, suspension or any other disciplinary action taken by a jurisdiction against any professional or occupational license held by the applicant.

K.A.R. 86-3-15. Reporting of information. The proposed amendment to the regulation deletes the requirement that a real estate licensee inform the agency within 10 days of a tax lien or mechanic's lien being filed against the licensee, the licensee's filing of bankruptcy or the licensee receiving a discharge in a bankruptcy proceeding. The proposed amendment also clarifies what types of information must be supplied by a licensee to the agency on an on-going basis within 10 days of the occurrence or event that is required to be reported.

The commission does not anticipate any fiscal impact will be sustained by the commission, other governmental agencies, prospective or current licensees or members of the public due to the proposed regulatory changes.

Copies of the regulations and the economic impact statements may be obtained by contacting Brenda Block at the address and phone number listed above.

Sherry C. Diel
Executive Director

Doc. No. 028154

State of Kansas

Department of Transportation

Notice of Available Funding

The Kansas Department of Transportation, Office of Public Transportation, is accepting funding requests for the next two years under 49 U.S.C. § 5310 and 49 U.S.C. § 5311, including funding for intercity bus transportation, under the Federal Transportation Equity Act for the 21st Century (TEA-21) for transportation services.

KDOT also is accepting requests for state funding made available under the Comprehensive Transportation Program (CTP) for rural transportation providers.

Under 49 U.S.C. § 5310, funding is made available for the purchase of vehicles and equipment for services to the elderly and persons with disabilities. 49 U.S.C. § 5311 provides operating assistance and/or vehicles for transportation services to the elderly, persons with disabilities and the general public.

Eligible applicants for 49 U.S.C. § 5310 Federal Transit Administration grant funds must be private, nonprofit organizations that have been incorporated and registered with the Secretary of State to do business in Kansas. Applicants for a 49 U.S.C. § 5311 grant must be local units of government, Indian tribes, private nonprofit organizations or private operators contracting through any of these parties. Applicants also must be registered with the Secretary of State to do business in Kansas. All applicants must be an active member of their Coordinated Transit District (CTD) in order to receive federal and/or state transit funding.

A total of approximately \$912,819 in 49 U.S.C. § 5310 funds and \$3.58 million in 49 U.S.C. § 5311 funds will be available for FFY 2002. Similar funding amounts also will be available in FFY 2003. The federal share of eligible capital cost will not exceed 80 percent of the net cost of each project, and the grant applicant share shall be 20 percent of the net cost. The federal share of operating cost will not exceed 50 percent of the net cost of each project. The grant applicant share will be not less than 50 percent of the net cost.

State funds in the amount of \$2.24 million for rural transit providers are available for state fiscal year 2003 for those who are currently in the 49 U.S.C. § 5310 or 49 U.S.C. § 5311 program or are eligible to be in either of those programs. Applications must be returned to the appropriate CTD on or before August 1. Persons interested in applying should contact Kelly Broxterman, Kansas Department of Transportation, Transportation Planning, 217 S.E. 4th, Topeka, 66603-3504, (785) 291-3030.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028150

(Published in the Kansas Register July 11, 2002.)

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 02-04 by adding the following projects:

Project K-9016-01 - Statewide conference funding for Kansas Scenic Byways

Project K-9017-01 - Development of a Kansas Scenic Byways Web site for state designated scenic byways, statewide

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude August 12.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028145

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 02-04 by adding the following projects:

Project K-2686-03 - Statewide disadvantaged business enterprise (DBE) supportive services program for FY-2003

Project K-9020-01 - Develop a statewide approach for implementing 511 traveler information telephone services and coordinate and facilitate 511 implementation with various transportation operating agencies in the metropolitan areas and adjoining states

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude August 12.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028144

Summary Notice of Bond Sale
City of Wellington, Kansas
\$7,810,000

Electric, Waterworks & Sewage Utility System
Refunding Revenue Bonds, Series 2002B

Bids

Subject to the notice of bond sale dated July 2, 2002, sealed, facsimile and electronic bids will be received by the clerk of the City of Wellington, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at City Hall, 317 S. Washington, Wellington, KS 67152, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY® electronic bid submission system, until noon July 23, 2002, for the purchase of \$7,810,000 principal amount of Electric, Waterworks & Sewage Utility System Refunding Revenue Bonds, Series 2002B. No bid of less than 98.5 percent of the principal amount of the Series 2002B Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Series 2002B Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 2002B Bonds will be dated August 15, 2002, and will become due November 1 in the years as follows:

Table with 2 columns: Year, Principal Amount. Rows for years 2003 to 2010 with corresponding principal amounts.

The Series 2002B Bonds will bear interest from the date thereof at rates to be determined when the Series 2002B Bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2003.

Optional Book-Entry-Only System

The successful bidder may elect to have the Series 2002B Bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

INTRUST Bank, N.A., Wichita, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$156,200 (2 percent of the principal amount of the Series 2002B Bonds).

Delivery

The issuer will pay for printing the Series 2002B Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or

(continued)

about August 15, 2002, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Approval of Series 2002B Bonds

The Series 2002B Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the Series 2002B Bonds will be furnished and paid for by the issuer, printed on the Series 2002B Bonds and delivered to the successful bidder when the Series 2002B Bonds are delivered.

Additional Information

Additional information regarding the Series 2002B Bonds may be obtained from the City of Wellington, 317 S. Washington, Wellington, KS 67152, Attention: City Clerk, (620) 326-2811, fax (620) 326-8506; or from the financial advisor, Ranson Financial Consultants, L.L.C., 120 S. Market, Suite 200, Wichita, KS 67202, Attention: John Haas, (316) 264-3400, fax (316) 265-5403.

Dated July 2, 2002.

City of Wellington, Kansas

Doc. No. 028165

(Published in the Kansas Register July 11, 2002.)

**Summary Notice of Bond Sale
Unified School District No. 284
Chase County, Kansas
\$225,000**

**General Obligation School Bonds
Series 2002A**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the official notice of bond sale and preliminary official statement dated June 27, 2002, sealed and facsimile bids will be received by the district clerk of Unified School District No. 284, Chase County, Kansas (the issuer), on behalf of the governing body of the district at the district office, 303 Broadway, Cottonwood Falls, KS 66845-0569, until 2 p.m. Monday, July 22, 2002, for the purchase of \$225,000 principal amount of General Obligation School Bonds, Series 2002A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated August 1, 2002, and will become due on September 1 in the years as follows:

Year	Principal Amount
2003	\$40,000
2004	45,000
2005	45,000
2006	45,000
2007	50,000

The bonds will not be subject to optional redemption prior to maturity.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2003.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, is designated as the paying agent and bond registrar.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$4,500 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 2001 is \$33,631,521. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$2,365,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the district clerk, (620) 273-6303, or from the financial advisor, George K. Baum & Company, 435 Nichols Road, Kansas City, MO 64112, (816) 474-1100.

Dated June 27, 2002.

Unified School District No. 284
Chase County, Kansas
Cindy Kelsheimer, District Clerk
303 Broadway
P.O. Box 569
Cottonwood Falls, KS 66845-0569

Doc. No. 028146

(Published in the Kansas Register July 11, 2002.)

**Summary Notice of Bond Sale
Butler County, Kansas
\$655,000**

**General Obligation Internal Improvement Bonds
(General obligation bonds payable from
unlimited ad valorem taxes)**

40,000	2009
45,000	2010
45,000	2011
45,000	2012
50,000	2013
50,000	2014
55,000	2015
55,000	2016
60,000	2017

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated July 2, 2002, of Butler County, Kansas, in connection with the county's General Obligation Internal Improvement Bonds, Series A, 2002, hereinafter described, written bids shall be received at the office of the county clerk at the Butler County Courthouse, 205 W. Central, El Dorado, Kansas, or by facsimile at (316) 321-1011, until 9 a.m. Tuesday, July 23, 2002, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time, and shall thereafter be immediately considered and acted upon by the county.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the county clerk. Bids may be submitted by mail or delivered in person, or may be submitted by facsimile at (316) 321-1011, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the county, or in the form of a financial surety bond payable to the order of the county and meeting requirements set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$655,000 and shall bear a dated date of August 15, 2002. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2003, and the bonds shall mature serially September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$30,000	2003
35,000	2004
35,000	2005
35,000	2006
35,000	2007
40,000	2008

Redemption of Bonds

At the option of the county, the bonds maturing in the year 2011, and thereafter, may be called for redemption and payment prior to their respective maturities, on September 1, 2010, or thereafter, in whole at any time, or in part as determined by the county, on any interest payment date, at a price equal to the principal amount thereof, plus accrued interest to the date established for such redemption and payment, without premium. A bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as one or more term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Form of Bonds

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the county, and the full faith, credit and resources of the county shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the county. To the extent the proceeds of such special assessment taxes are insufficient, the county is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the county on or before Tuesday, August 20, 2002, to the successful bidder, or at its direction, to DTC for the account of the successful bidder or at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful

(continued)

bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm, L.L.C. Wichita, Kansas, bond counsel, whose fees will be paid by the county. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The county's current equalized assessed tangible valuation is as follows:

Assessed Valuation of	
Taxable Tangible Property	\$370,375,434
Taxable Value of Motor Vehicles	58,013,830
Assessed Tangible Valuation for	
Computation of Bonded Debt Limitations	\$428,389,264

K.S.A. 10-306 provides that the authorized and outstanding bonded indebtedness of any county shall not exceed 3 percent of the assessed valuation of the county (\$12,851,678). As of August 15, 2002, the county's total outstanding general obligation indebtedness, including the bonds, will be \$3,225,000.

Official Statement

The county has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the county or the county's bond counsel. The preliminary official statement is in a form "deemed final" by the county for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The county will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the county's final official statement, in sufficient quantity to comply with the rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the county, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the county's preliminary

official statement for the bonds, all of which may be obtained from the county clerk at the address and telephone number shown below.

Ronald Roberts, County Clerk
205 W. Central
El Dorado, KS 67042
(316) 322-4239

Doc. No. 028155

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. James Cape & Sons Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install and operate a portable concrete batch plant. Emissions of nitrogen oxides (NO_x), total particulate matter (PM), and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

James Cape & Sons Company, Racine, Wisconsin, owns and operates the stationary source located at Section 14, Township 16, Range 23, Miami County, Kansas, at which the concrete batch plant is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Ralph E. Walden, (785) 296-1583, at the KDHE central office; or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ralph E. Walden, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business August 12.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business August 12 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028158

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, July 18, in the offices of the Kansas Technology Enterprise Corporation, second floor conference room, 214 S.W. 6th, Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Jim Hollingsworth
Executive Director

Doc. No. 028151

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Packaging Products Corporation has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Packaging Products Corporation, Mission, owns and operates a flexographic printing facility located at 6800 W. 61st St., Mission.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Julie Ingoli, (785) 368-6683, at the KDHE central office; or Mike Boothe, (785) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Julie Ingoli, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business August 12.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business on August 12 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the

30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028156

State of Kansas

Board of Accountancy

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Friday, October 18, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Board of Accountancy.

This 60-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 executive director of the Board of Accountancy, Suite 556, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their reviews orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their reviews, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tracy Barngrover at (785) 296-2162. Handicapped parking is located at the south end of Landon State Office Building, and the north entrance to the building is accessible to individuals with disabilities.

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

K.A.R. 74-4-7. Continuing professional education requirements. Amendments to this regulation adopt the new national continuing professional education standards concerning the length of credit hours and how the credit hours are computed.

K.A.R. 74-4-8. Continuing professional education programs; requirements. Amendments to this regulation adopt the new national continuing education standards for qualification of a continuing education program.

K.A.R. 74-4-9. Continuing professional education controls and reporting. Amendments to this regulation adopt the new national continuing education standards for retention of continuing education documentation of completion.

K.A.R. 74-5-101. Independence. Amendments to this regulation adopt the independence standards promulgated by the ethics division of the American Institute of Certified Public Accountants as contained in the AICPA Professional Standards Code of Professional Conduct.

K.A.R. 74-5-102. Integrity and objectivity. Amendments to this regulation adopt the integrity and objectivity standards promulgated by the ethics division of the American Institute of Certified Public Accountants as contained in the AICPA Professional Standards Code of Professional Conduct.

K.A.R. 74-5-202. Auditing standards. Amendments to this regulation update references to the professional standards and the municipal audit guide.

K.A.R. 74-5-302. Records. Amendments to this regulation clarify the medium by which client records may be provided.

K.A.R. 74-5-401. Discreditable acts. Amendments to this regulation change the name of the regulation to "Acts discreditable to the profession" and further define acts discreditable concerning disclosure of nonclient confidential information.

K.A.R. 74-5-406. Firm names. Amendments to this regulation set up a reporting requirement within a specific time frame for a firm that falls out of compliance with the use of specific terms in the firm name.

K.A.R. 74-7-4. Firm registration; sole proprietors. This is a new regulation setting forth a process by which sole practitioners notify the board of being subject to peer review.

K.A.R. 74-11-6. Definitions. Amendments to this regulation update references to the professional standards.

K.A.R. 74-11-7. Peer review required. Amendments to this regulation change the name of the regulation to "Renewal of a firm's registration" and clarify the definition of the peer review letter of completion and the length of time it is valid to comply with Peer Review Standards.

Copies of the regulations and the economic impact statement may be obtained by contacting the Board of Accountancy at the address above, (785) 296-2162.

Susan L. Somers
Executive Director

Doc. No. 028135

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-02-161/162
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
April Valley Farms c/o Edmund J. Theis 18432 Mt. Olivet Leavenworth, KS 66408	NE/4 of Section 19 T08S, R22E, Leavenworth County	Missouri River Basin

Kansas Permit No. A-MOLV-S002

This is a renewal and revision of a current permit by reducing the animal units of swine from 750 head of swine greater than 55 pounds (300 animal units) to 477 head of swine greater than 55 pounds (190.8 animal units) and 695 head of swine 55 pounds or less (69.5 animal units), and by adding 30 head of cattle greater than 700 pounds (30 animal units) and 10 head of cattle 700 pounds or less (5 animal units), for a new total of 295.3 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Voboril Charolais Jerry Voboril Route 1, P.O. Box 32 Esbon, KS 66941	NE/4 of Section 08 T03S, R10W, Jewell County	Solomon River Basin

Kansas Permit No. A-SOJW-S001

This is a permit renewal, modification and expansion of an existing cattle and swine operation. The proposed changes consist of inclusion in the permit of two hoop structures for swine that were constructed since the last permit was issued; construction of a manure stacking area for waste from the hoop structures; and reconstruction of piping within the existing three-cell earthen retention structure. The proposed facility consists of an enclosed open front feeding floor and two hoop structures for a maximum of 800 head of swine weighing greater than 55 pounds [320 animal units (a.u.)], and three acres of open pens buffered by grass for 50 head of cattle weighing more than 700 pounds (50 a.u.) and 50 head of cattle weighing less than

55 pounds (25 a.u.), for a total of 900 head (395 a.u.) of beef and swine.

Permeability tests shall be conducted on the earthen wastewater retention structure(s).

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-02-102/112

Name and Address of Applicant	Waterway	Type of Discharge
Alta Vista, City of P.O. Box 44 Alta Vista, KS 66834	Munkers Creek	Treated Domestic Wastewater
Kansas Permit No. M-NE05-0001 Federal Permit No. KS0096733		

Legal: SE¼, S2, T14S, R8E, Wabaunsee County
Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment lagoon facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Arkansas City, City of P.O. Box 778 Arkansas City, KS 67005	Arkansas River	Treated Domestic Wastewater
Kansas Permit No. M-AR06-IO01 Federal Permit No. KS0044831		

Legal: SW¼, SE¼, NE¼, S31, T34S, R4E, Cowley County
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates, total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and flow also will be required. Chronic whole effluent toxicity testing will be required annually. A priority pollutant scan will be required to be performed at least once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Derby, City of 611 Mulberry Derby, KS 67037	Arkansas River	Treated Domestic Wastewater
Kansas Permit No. M-AR29-0002 Federal Permit No. KS0050377		

Legal: NE¼, SW¼, S13, T29S, R1E, Sedgwick County
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates, total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and effluent flow also will be required. Chronic whole effluent toxicity testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Haysville, City of 200 W. Grand P.O. Box 404 Haysville, KS 67060	Cowskin Creek	Treated Domestic Wastewater
Kansas Permit No. M-AR43-0004 Federal Permit No. KS0090921		

Legal: NE¼, NE¼, SW¼, S5, T29S, R1E, Sedgwick County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates, total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and effluent flow also will be required. Chronic whole effluent toxicity testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Newton, City of P.O. Box 426 Newton, KS 67114	Sand Creek	Treated Domestic Wastewater
Kansas Permit No. M-LA13-IO01 Federal Permit No. KS0038971		

Legal: SE¼, SW¼, NE¼, and NE¼, NW¼, SE¼, S19, T23S, R1E, Harvey County
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates, total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and effluent flow also will be required. A chronic whole effluent toxicity test will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Salina, City of 300 W. Ash St. Salina, KS 67402-0736	Smoky Hill River	Treated Domestic Wastewater
Kansas Permit No. M-SH33-IO01 Federal Permit No. KS0038474		

Legal: NE¼, NW¼, S8, T14S, R2W, Saline County
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates, total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and effluent flow also will be required. A chronic whole effluent toxicity test will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
White City, City of P.O. Box 4 White City, KS 66872	Neosho River	Treated Domestic Wastewater
Kansas Permit No. M-NE68-0002 Federal Permit No. KS0096873		

Legal: NW¼, SE¼, S35, T14S, R6E, Morris County
Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

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Name and Address of Applicant	Waterway	Type of Discharge
Jefferson County RWD No. 13 1951 Wellman Road Lawrence, KS 66044	Mud Creek	Treated Process Wastewater

Kansas Permit No. I-KS31-PO20 Federal Permit No. KS0096814
Legal: SE¼, SE¼, SE¼, S8, T12S, R20E, Douglas County

Facility Description: The proposed action is to issue a new permit for an existing potable water treatment plant. Wastewater from the lime softening operation and filter backwash are discharged to an existing two-cell wastewater treatment lagoon system. The proposed permit includes limits for total suspended solids and pH. Monitoring for total residual chlorine also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Neosho River via Town Creek via Unnamed Tributary	Pit Dewatering and Uncontaminated Stormwater Runoff

Facility Name: Chetopa Quarry - Quarry #40
Kansas Permit No. I-NE13-PO04 Federal Permit No. KS0088838
Legal: NW¼, S6, T35S, R21E, Labette County

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation without washing. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharge. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-e), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Neosho River via Rock Creek via Unnamed Tributary	Pit Dewatering and Uncontaminated Stormwater Runoff

Facility Name: Erie Quarry - Quarry #7
Kansas Permit No. I-NE25-PO01 Federal Permit No. KS0088889
Legal: N¼, SE¼, S9, T29S, R19E, Neosho County

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation without washing. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharge. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-e), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
McConnell Air Force Base 53000 Hutchinson St. McConnell Air Force Base, KS 67221-3617	Arkansas River via Unnamed Tributary	Treated Process Wastewater

Kansas Permit No. F-AR94-PO25 Federal Permit No. KS0086452
Legal: Sections 1, 12, 13 & 24, T28S, R1E; and Sections 6, 7, & 18, T28S, R2E, Sedgwick County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility. This is a federally-owned air force base. The activities generating wastewater consist of facilities for housing, training and supporting the 22nd Air Refueling Wing. The proposed permit includes limits for biochemical oxygen demand, oil and grease, 1,2,4-trichlorobenzene, toluene, 1,2-trans-dichloroethylene, trichloroethylene, tetrachloroethylene, 1,2-cis-dichloroethylene, trichloromethane, methylene chloride, total

lead, total barium, total cadmium, total chromium, total mercury and pH. Monitoring for total dissolved lead, volatile organic compounds, heavy metals and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-02-026

Name and Address of Applicant	Legal Location	Type of Discharge
Custom Campers, Inc. P.O. Box 965 Chanute, KS 66720	SE¼, SW¼, S30, T27S, R18E, Neosho County	Nonoverflow

Facility Address: 2522 W. 21st St., Chanute, KS 66720
Kansas Permit No. I-NE11-NO05

Facility Description: The proposed action is to reissue an existing permit for operation of a existing wastewater treatment facility treating process wastewater. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. This facility manufactures recreational vehicles. Domestic sewage, air conditioning condensate and water used to leak test new tanks installed on each coach are discharged to a two-cell earthen lagoon system. The water supply for this system is potable water from the Rural Water District. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before August 10 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-161/162, KS-02-102/112, KS-ND-02-026) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th,
Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785) 842-4600
Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596
South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020
Southeast District Office, 1500 W. 7th, Chanute, 66720,
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028157

State of Kansas

Department of Health
and Environment

Notice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Center for Health and Environmental Statistics, will conduct a public hearing at 1:30 p.m. Wednesday, September 18, in the Heartland Conference Room (Room 1C), Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider adoption of one amended permanent regulation concerning vital records. This proposed regulation, **K.A.R. 28-17-6**, was adopted as a temporary regulation July 1, 2002. A summary of legislative background, the proposed regulation and its economic impact follows.

Legislative Background: The proposed regulation implements House Bill No. 2666 enacted by the 2002 session of the Kansas Legislature. Prior to 1988, public policy required the boards of county commissioners to pay for autopsies ordered by coroners. To ensure that autopsies were performed whenever children died in their first year ". . . due to circumstances where death was not anticipated or the cause of death was unknown. . . ." the 1988 Legislature relieved the board of county commissioners of responsibility for payment and assigned it to the Kansas Department of Health and Environment. However, since funds were not appropriated to KDHE for that purpose, counties continued to be solely responsible for such costs. The 2002 Legislature recognized this problem and enacted House Bill No. 2666. The bill amends K.S.A. 22a-242, specifying that the cost of child autopsies shall be

paid from the district coroners fund. The bill also amends K.S.A. 22a-245, specifying that payment for child autopsies shall precede annual allocation and distribution of the district coroners fund to the counties. The bill also amends K.S.A. 2001 Supp. 65-2418, specifying that the secretary of Health and Environment shall increase the fee for any certified copy of a death record (certificate) by \$1 and remit the same to the State Treasurer for credit to the fund.

Proposed Regulation: Amendment of Kansas Administrative Regulation 28-17-6 is proposed to implement the fee increase specified by House Bill No. 2666.

Economic Impact: Each eligible applicant who requests a certified copy of a death record (certificate) would be required to pay \$12 (instead of current \$11) for the first copy and \$7 (instead of current \$6) for each additional copy of the same record ordered at the same time. Each eligible applicant would be required to pay \$12 (instead of \$11) for each search of files for any five-year period or fractional part of a five-year period when a death record is not available and no certified copy is produced. An average of approximately 185,000 certified copies of death records are requested annually. Consequently, revenue of approximately \$185,000 is projected to be generated each fiscal year.

The time between publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Interested parties may submit written comments prior to the hearing to Gabriel R. Faimon, Director and Assistant State Registrar, Suite 110, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-2221. Interested parties shall be given a reasonable opportunity to orally present their views of the proposed regulatory action during the hearing. To provide an opportunity for all parties to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

A copy of the proposed amended regulation and the economic impact statement may be obtained by contacting Gabriel Faimon at (785) 296-1423 or Robin Merrifield at (785) 296-1415. Questions regarding the proposed amendment should be directed to Gabriel Faimon.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request a copy of the proposed amended regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Gabriel Faimon.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028136

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Health and Environmental Laboratories, will conduct a public hearing at 1 p.m. Thursday, September 19, in the laboratory conference room, Building 740, Forbes Field, Topeka, to consider adoption of two permanent amended regulations, **K.A.R. 28-14-1 and 28-14-2**, relating to the analysis of water from public water supplies. A summary of the proposed regulations and their economic impact follows.

Changes in federal and state drinking water regulations and technological advances in laboratory analytical techniques require modification of existing regulations periodically to ensure that the regulations address the analysis of the proper chemical compounds and that the fees assessed are reflective of the actual cost of the analyses. The modifications to these regulations essentially remove the analytical groupings that are no longer applicable and replace them with analytical groupings in line with current drinking water regulations. In addition, since the fees associated with the analyses listed in these regulations have not been modified since 1983, the fees have been changed to be more representative of the current cost of the analyses. Fees collected as a result of the implementation of these regulations are deposited in the state general fund.

Economic Impact: Public water suppliers, who choose to have their required compliance analyses performed by the Division of Health and Environmental Laboratories, would be required to pay for these analyses according to the fee schedule designated in the regulations. In most cases, for those analyses where fees currently exist, the fees are slightly higher than those listed in the existing regulations. However, because of the changes in compliance requirements, the elimination of some analytical groupings and the implementation of some advanced analytical techniques that are somewhat less expensive, overall costs to some public water suppliers could be lower. Any actual savings is likely to be offset by the addition of some analyses that were previously unregulated.

The time between publication of this notice and the scheduled hearing constitutes a minimum 60-day comment period for the purpose of receiving written public comments on the proposed regulatory actions. Interested parties may submit written comments prior to the hearing to Robert E. Bostrom, Office of Sample and Data Management, Division of Health and Environmental Laboratories, Building 740, Forbes Field, Topeka, 66620-0001. Interested parties will be given a reasonable opportunity to orally present their views of the proposed regulatory action during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

A copy of the proposed amended regulations and the economic impact statement may be obtained by contact-

ing Robert Bostrom at (785) 296-1654 or by accessing the laboratory's Web site at http://www.kdhe.state.ks.us/labs/downloads/KAR_28-14-1-2.pdf. Questions pertaining to the proposed amendment also should be directed to Robert Bostrom.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request a copy of the proposed amended regulations and the economic impact statement in accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Robert Bostrom.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028139

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for the City of Salina to discharge treated wastewater into the Smoky Hill River.

The proposed permit is based upon an average design discharge flow of 7.25 MGD into the Smoky Hill River. This wastewater treatment facility is a mechanical treatment plant consisting of grit removal, primary clarification, trickling filters, intermediate clarifiers, activated sludge basin with nitrification, final clarifiers, UV disinfection and reaeration. Sludge is treated in an anaerobic sludge digester. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, dissolved oxygen and pH. Monitoring for total Kjeldahl nitrogen, nitrate, nitrite, total phosphorus, chlorides, sulfates and effluent flow also will be required. Chronic whole effluent toxicity testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by August 10.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028160

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for the City of Derby to discharge treated wastewater into the Arkansas River.

The proposed permit is based upon an average discharge flow of 2.5 MGD into the Arkansas River. This wastewater treatment facility is a mechanical treatment plant consisting of grit removal, oxidation ditch, final clarification and UV disinfection. Sludge is treated in aerated sludge holding tanks. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for total Kjeldahl nitrogen, nitrate, nitrite, total phosphorus, chlorides, sulfates and effluent flow also will be required. The chronic whole effluent toxicity and total recoverable metals testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by August 10.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028161

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for the City of Arkansas City to discharge treated wastewater into the Arkansas River.

The proposed permit is based upon an average discharge flow of 2.1 MGD into the Arkansas River. This wastewater treatment facility is a mechanical treatment plant consisting of vortex grit removal, primary clarification, trickling filters, activated sludge aeration basins and UV disinfection. Sludge is treated in an anaerobic sludge digester. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for total Kjeldahl nitrogen, nitrate, nitrite, total phosphorus, chlorides, sulfates and effluent flow also

will be required. Chronic whole effluent toxicity testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by August 10.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028163

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for the City of Newton to discharge treated wastewater into the Little Arkansas River via Sand Creek.

The proposed permit is based upon an average design discharge flow of 3.0 MGD into Sand Creek. This wastewater treatment facility is a mechanical treatment plant consisting of grit removal, primary clarification, trickling filter, CMAS Aeration Basin, final clarification and UV Disinfection. Sludge is treated in an anaerobic sludge digester. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, dissolved oxygen, ammonia, fecal coliform and pH. Monitoring for total Kjeldahl nitrogen, nitrate, nitrite, total phosphorus, chlorides and effluent flow also will be required. The chronic whole effluent toxicity and total recoverable metals testing will be required annually. A priority pollutant scan will be required to be performed once during the life of the permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by August 10.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028162

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Thursday, September 19, at the State Corporation Commission offices, 130 S. Market, Room 2078, Wichita, to consider the adoption of proposed permanent regulations for the conservation of crude oil and natural gas.

This 60-day notice period 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. Comments may be submitted to Diana Edmiston, Senior Assistant General Counsel, State Corporation Commission, Room 2078, Finney State Office Building, 130 S. Market, Wichita, 67202.

Any person requiring special accommodations under the Americans with Disabilities Act needs to give notice to the commission at least 10 days prior to the scheduled hearing date. The Kansas Relay Center can be accessed for assistance in communicating over the telephone with individuals with a hearing or speech impairment or both at 1-800-766-3777.

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

All interested parties will be given a reasonable opportunity at the hearing to present their views orally or in writing in regard to the adoption of the proposed regulations. All written or oral comments submitted by interested parties on or before September 19 will be considered by the commission as a basis for making changes to these proposed permanent regulations.

The following is a brief summary of the proposed regulations, the environmental benefit statements and the economic impact statements:

K.A.R. 82-3-101. This regulation lists definitions as used in these regulations. Some definitions are new, deleted or revised. The definitions of the individual types of pits and wells were deleted and these definitions are now included under the definition of pit and well. Several definitions were reworded for clarity. The new or revised definitions are as follows.

New definitions:

Contractor

Injection

Operator

Pit (burn pit, container pit, drilling pit, emergency pit, haul-off pit, reserve pit, settling pit, working pit, work-over pit)

Refuse

Underage or under production

Well (combination well, discovery well, disposal well, enhanced recovery injection well, gas well, hardship well, injection well, oil well, service well,

storage well)

Revised definition:

Spill

Environmental Benefit Statement: There will be no direct environmental benefit on the agency, industry or the public.

Anticipated Economic Impact: There will be no direct economical impact on the agency, the industry or the public.

K.A.R. 82-3-600. This regulation requires that pits shall not be used to contain fluids resulting from oil and gas activities until approved by the commission. Monetary penalties may be assessed against parties who use a pit without a pit permit. Permits will be considered granted unless denied within 10 days after the commission's receipt of the application.

A work-over pit may be permitted through verbal authorization from the appropriate district office supervisor or a designated staff member, subject to the filing of a pit application within five days after the verbal authorization.

Containment pits and dikes at oil and gas facilities do not require a permit.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: There will be no direct economical impact on the agency, the industry or the public. However, the potential for monetary penalties will help eliminate unauthorized pit use.

K.A.R. 82-3-600a. This regulation authorizes the director of the conservation division to revoke a pit permit if fresh or usable water resources are in danger of becoming polluted by the use of the pit or if the operator of a pit is not in compliance with the permit requirements. This amendment includes wording and sentence structure changes for clarification.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: There will be no direct economic impact on the agency, the industry or the public.

K.A.R. 82-3-600b. This regulation has been revoked (its time has elapsed). The effectiveness of this regulation has expired; the expiration date was July 29, 1991.

Environmental Benefit Statement: Not applicable

Anticipated Economic Impact: Not applicable.

K.A.R. 82-3-601a. This amendment streamlines the agency's procedure for authorizing standard test meth-

ods for measurements of hydraulic conductivity and establishes a minimum of 12 inches of freeboard for drilling, work-over, burn and containment pits. Pits required to be sealed will be constructed with liners on the bottom as well as the sides of the pit. No pit shall be constructed to a depth greater than five feet above the shallowest existing water table in the vicinity of the well. This amendment also includes minor wording and sentence structure changes for clarification.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: The agency and the industry will realize a reduction in paperwork and associated costs as a result of this amendment. This proposal also will streamline the agency's procedures and make them more efficient for all parties involved. Other than the streamlining and reduction in paperwork, the amendment will have no economic impact on the agency, other governmental agencies, the industry or private citizens.

K.A.R. 82-3-601b. This particular regulation states the procedures used in order to qualify for an exception to K.A.R. 82-3-601a (c). Each request for an exception shall be made in writing to the director of the Conservation Division and shall be submitted with the application for a pit permit. Supporting data must be provided to show why the exception should be granted.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: There will be no economic impact on the agency, the industry or the public. This regulation only allows for an exception to a previous regulation.

K.A.R. 82-3-602. The amendment to this regulation consolidates the time periods for closing various types of pits into one regulation and provides for filing a pit closure form within 30 days of closing the pit. Each operator of a reserve pit shall report the chloride content of reserve pit fluids and the drilling fluid management plan to the appropriate district office within 48 hours after drilling operations have ceased. The operator now has the option to measure chloride concentration in the reserve pit through a state-certified laboratory according to standards set out in the regulation. Minor wording changes were made to other subsections in this amendment for clarification.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters

of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: There will be no direct economic impact on the agency, the industry or the public. The regulation amendment simply consolidates into one regulation pit closure requirements that were previously in a number of regulations.

K.A.R. 82-3-603. This regulation requires that each operator keep saltwater, oil or refuse safely confined. Each operator is to immediately notify the appropriate district office upon discovery or knowledge of any spill that has reached surface water or has the possibility of impacting groundwater, or poses an imminent threat to surface water or groundwater. Notification of a spill shall be made no later than the next business day following the date of discovery or knowledge of the spill. This regulation also lists the information to be included in this notification and the penalties for noncompliance.

Cleanup of the spill shall be in accordance with approved methods and shall be completed within 10 days of discovery or knowledge or by other deadlines prescribed by the district office. This amendment contains minor wording and sentence structure changes for clarification.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: There will be no direct economic impact on the agency, the industry or the public. With the substantial monetary penalties, it is less likely that the spills will go unreported and more likely that cleanup will be timely. (There is no monetary penalty for a spill that is reported and cleaned up in accordance with the regulation.)

K.A.R. 82-3-604. This regulation states that each operator will notify the appropriate district office within 24 hours of discovery of any oil field-related discharge in an emergency pit or dike or diked area. Each operator of such a pit or diked area shall remove any fluid from the pit or dike area within 48 hours after the discovery. The operator shall dispose of the fluids in a timely manner, and in accordance with K.A.R. 82-3-607. Failure to timely notify the district office shall be punishable with fines, which are listed in full in this regulation. This amendment contains minor wording and sentence structure changes for clarification.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes

(continued)

containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: Besides the potential for monetary penalties, there will be no direct economical impact on the agency, the industry or the public.

K.A.R. 82-3-605. This regulation has been revoked and its provisions have been incorporated into K.A.R. 82-3-604.

Environmental Benefit Statement: Not applicable.

Anticipated Economic Impact: Not applicable.

K.A.R. 82-3-606. This regulation strictly prohibits the dumping or release of chemical substances and other nonexempt waste associated with any drilling or production operations into a pit or diked area. Any operator or contractor found to be responsible for the dumping or release of chemical substances or nonexempt wastes shall be assessed monetary penalties for each violation. The monetary penalties for the first, second and third violations are listed in this regulation. Operators and contractors shall be responsible for the actions of their subcontractors.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: Besides the potential for monetary penalties, this regulation will have no direct economic impact on the agency, the industry or the public.

K.A.R. 82-3-607. This is a new regulation that consolidates the procedures for disposal of dike and pit contents into this one regulation. The regulation also imposes substantial monetary penalties for violation.

Environmental Benefit Statement: In accordance with K.S.A. 74-623, the State Corporation Commission has the jurisdiction and authority to protect the soils and waters of the state from pollution by oil and gas activities. The purpose of this regulation is to ensure that pits and dikes containing saltwater or other oil field-related waste will not cause pollution of the water resources or soils of the state, and that any spills caused by oil or gas related activities are timely reported and cleaned up.

Anticipated Economic Impact: This amendment will have no direct economic impact on the agency, other governmental agencies or private citizens. The agency and the industry should benefit from consolidating the pit and dike waste disposal procedures into one regulation. The monetary penalties will increase the probability that the waste will be disposed in a proper manner.

Jeff Wagaman
Executive Director

Doc. No. 028132

State of Kansas

Board of Regents

Permanent Administrative Regulations

Article 16.—AUTHORIZATION OF INSTITUTIONS OF POSTSECONDARY EDUCATION TO CONFER DEGREES

88-16-1a. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, § 4; implementing K.S.A. 74-3249, 74-3250, 74-3251, 74-3252, as amended by L. 1988, Ch. 298, § 1-6; effective May 1, 1980; amended May 1, 1986; amended Dec. 19, 1988; revoked, T-88-4-1-02, April 1, 2002; revoked July 26, 2002.)

88-16-1b. Definitions. (a) "Associate degree" means a postsecondary degree consisting of at least 60 semester credit hours of college-level coursework.

(b) "Associate in arts degree" means a transfer-oriented associate degree that meets these conditions:

(1) Is granted to each student who successfully completes a program that emphasizes the liberal arts; and

(2) requires at least 30 semester credit hours in general education.

(c) "Associate in science degree" means a transfer-oriented or professional-oriented associate degree that meets these conditions:

(1) Is granted to each student who successfully completes a program that emphasizes either mathematics or the biological or physical sciences, or both; and

(2) requires at least 30 semester credit hours in general education.

(d) "Associate in applied science degree" means a technical-oriented or occupational-oriented associate degree that meets these conditions:

(1) Is granted to each student who successfully completes a program that emphasizes preparation in the applied arts and sciences for careers, typically at the technical or occupational level; and

(2) requires at least 15 semester credit hours in general education and at least 30 semester credit hours in the area of specialized preparation.

(e) "Associate in general studies degree" means an associate degree that meets these conditions:

(1) Is granted to each student who successfully completes a program that emphasizes a broad range of knowledge; and

(2) requires at least 24 semester credit hours in general education.

(f) "Bachelor's degree" and "baccalaureate degree" mean a degree that meets the following conditions:

(1) Requires the equivalent of at least four academic years of college-level coursework in the liberal arts, sciences, or professional fields meeting the following conditions:

(A) Requires at least 124 semester credit hours;

(B) includes at least 45 semester credit hours in upper-division courses; and

(C) requires at least 60 semester credit hours from institutions that confer a majority of degrees at or above the baccalaureate level; and

(2) requires a distinct specialization, which is known as a "major," that requires either of the following:

(A) Approximately one academic year, or the equivalent in part-time study, of work in the major subject plus approximately one academic year, or the equivalent in part-time study, in related subjects; or

(B) approximately two academic years, or the equivalent in part-time study, in closely related subjects within a liberal arts interdisciplinary program.

(g) "Master's degree" means a degree that meets these conditions:

(1) Is granted to each student who successfully completes a program in the liberal arts and sciences or in a professional field beyond a bachelor's degree;

(2) requires the equivalent of at least one academic year in a curriculum specializing in a single discipline or single occupational or professional area; and

(3) culminates in a demonstration of mastery, which may include one or more of the following:

(A) A research thesis;

(B) a work of art; or

(C) the solution of an applied professional problem.

(h) "Intermediate (specialist) degree" means a degree, including an educational specialist degree, granted to each student who successfully completes a program requiring the equivalent of at least one academic year beyond the master's degree in a professional field.

(i) "First professional degree" means a degree that meets these conditions:

(1) Is granted to each student who successfully completes study beyond the fulfillment of undergraduate requirements, as approved by the board;

(2) requires the equivalent of at least five academic years of study; and

(3) includes a specialization in a professional field.

(j) "Doctor's degree" means a degree that may include study for a closely related master's degree and that meets these conditions:

(1) Is granted to each student who successfully completes an intensive, scholarly, collegial program requiring the equivalent of at least three academic years beyond the bachelor's degree;

(2) requires a demonstration of mastery of a significant body of knowledge through successful completion of either of the following:

(A) A comprehensive examination; or

(B) a professional examination, successful completion of which may be required in order to be admitted to professional practice in Kansas; and

(3) requires evidence, in the form of a doctoral dissertation, of competence in independent basic or applied research that involves the highest levels of knowledge and expertise.

(k) "Honorary degree" means a special degree awarded as an honor bestowed upon a person without completion of the usual requirements.

(l) "Academic year" means instruction consisting of at least 24 semester credit hours over a period of two semesters.

(m) "Board of regents" and "board" mean the state board of regents provided for in the constitution of this state. This term shall include the board's designee.

(n) "Degree program" and "program" mean a course of study that meets the following conditions:

(1) Leads to an associate degree, a bachelor's degree, a master's degree, an intermediate (specialist) degree, a first professional degree, or a doctor's degree; and

(2) consists of at least 30 semester credit hours of coursework in a designated academic discipline area.

(o) "Upper-division courses" means courses with content and teaching appropriate for students in their third and fourth academic years or other students with an adequate background in the subject.

This regulation shall be effective on and after July 30, 2002. (Authorized by K.S.A. 74-3252; implementing K.S.A. 74-3249, 74-3250, 74-3251, 74-3252; effective, T-88-4-1-02, April 1, 2002; effective July 30, 2002.)

Kim A. Wilcox
President and CEO

Doc. No. 028149

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-269. Licensing procedures. (a) A person shall not conduct a group boarding home or residential center for children under 16 years of age unless a license is issued by the secretary.

(b) Each person desiring to conduct a group boarding home or residential center shall submit the following:

(1) An application for a license, which shall be submitted on forms supplied by the department; and

(2) the license fee as specified in K.S.A. 65-505, and amendments thereto.

(c) A license shall not be issued until all of the following information is submitted:

(1) A written proposal that details the following:

(A) The purpose of the facility;

(B) the administration plan for the program, including an organizational chart;

(C) the financing plan for the program;

(D) staffing for the program, including job descriptions;

(E) the services to be offered, including the number, age range, and sex of residents to be served; and

(F) admission criteria and a description of the level of care to be provided to the residents through either of the following:

(i) Direct services; or

(ii) agreements with specified community resources;

(2) a copy of the written notification provided to the school district where the facility is located, including the following:

(A) The anticipated opening date;

(B) the number, age range, and anticipated special education needs of the residents to be served; and

(continued)

(C) a request for educational services or a request for approval of proposed alternative formal schooling to be provided by the facility as required by K.A.R. 28-4-274(d);

(3) documentation that the notification required by paragraph (c)(2) was received by the school district at least 90 days before the planned opening date;

(4) floor plans for each building to be used as a group boarding home or residential center; and

(5) documentation of the state fire marshal's approval.

(d) The proposal required by paragraph (c)(1) shall be approved by the secretary before a license is issued.

(e) A license shall be issued by the secretary if the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and the regulations promulgated pursuant to those statutes, and has made full payment of the license fee.

(f) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:

(1) The admission criteria;

(2) the use of the buildings; or

(3) the program, including the level of care provided through either of the following:

(A) Direct services; or

(B) agreements with specified community resources.

(g) the notification of a proposed change in the program, the admission criteria, or the level of care of the residents shall include the following:

(1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(2) documentation that the notification required in paragraph (g)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.

(h) Renewals.

Each licensee who wishes to renew the license shall apply for renewal of the license annually on forms supplied by the department and shall submit the fee as specified in K.S.A. 65-505, and amendments thereto.

(i) Request to withdraw an application or terminate a license.

(1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and a new fee shall be required before opening a facility. No applicant shall admit a child before the applicant receives a license.

(2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the facility is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the facility or admit any child before receiving a new license.

(j) A new application and fee shall be submitted for each change of ownership, sponsorship, or location.

(k) Grievance procedures.

(1) Each applicant or licensee receiving notice of denial or revocation of license shall be notified of the right to request an administrative hearing by the secretary and subsequently of the right of appeal to the district court.

(2) If an applicant or licensee disagrees with a notice documenting any finding of noncompliance with licensing statutes or regulations, the applicant or licensee may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or licensee, the applicant or licensee may submit a written request to the secretary for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or licensee believes that the finding should be changed. This request shall be made to the secretary within 10 days after receiving the explanation.

(l) Exceptions.

(1) An applicant or a licensee may submit a written request for an exception to a regulation to the secretary. An exception may be granted if the secretary determines the exception to be in the best interest of a child or children and their families, and if statutory requirements are not violated.

(2) Each licensee shall post with the license the written notice from the secretary stating the nature and duration of the exception.

(m) Amended license.

(1) Each licensee shall submit a request for an amended license and a \$35.00 fee to the secretary if the licensee desires to make any change in any of the following:

(A) The license capacity;

(B) the age of children to be served; or

(C) the living units.

(2) Each request for a change in the license capacity or the age range of children to be served shall include the following:

(A) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(B) documentation that the notification required by paragraph (m)(2)(A) was received by the school district at least 90 days before the anticipated date of any proposed change.

(3) The licensee shall make no change unless permission is granted, in writing, by the secretary. If granted, the licensee shall post the amended license, and the prior license shall no longer be in effect.

(n) Waiver of 90-day notification to the local school district. The 90-day notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district.

This regulation shall be effective on and after July 30, 2002. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, and 65-508; effective May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

28-4-331. Licensing procedures. (a) A person shall not operate a secure residential treatment facility that

provides treatment to youth under 16 years of age, unless issued a license by the department.

(b) Each person desiring to operate a secure residential treatment facility that provides treatment to youth under 16 years of age shall submit the following:

(1) An application for a license on forms provided by the department; and

(2) the license fee as specified in K.S.A. 65-505, and amendments thereto.

(c) In addition to the application for a license, each applicant shall submit the following:

(1) A written proposal that details the following:

(A) The purpose of the facility;

(B) the administration plan for the program, including an organizational chart;

(C) the financing plan for the program;

(D) staffing for the program, including job descriptions; and

(E) services and treatment to be offered, including the number, age range, and sex of youth to be served;

(2) a copy of written notification that was submitted to the school district where the facility is located, including the following:

(A) The planned opening date;

(B) the number, age range, and anticipated special education needs of the residents to be served; and

(C) a request for on-site educational services or a request for approval of proposed alternative formal schooling to be provided by the licensee as specified in K.A.R. 28-4-336; and

(3) documentation that the notification required by paragraph (c)(2) was received by the school district at least 90 days before the planned opening date.

(d) Each applicant shall submit a report, on forms provided by the department, containing the identifying information that is necessary to complete criminal history and child abuse registry background checks for all persons 10 years of age and older residing, working, or regularly volunteering in the secure residential treatment facility.

(1) The identifying information shall be submitted on a report as follows:

(A) At the time of application for an original license;

(B) at the time of application for renewal of a license; and

(C) before each new person resides, works, or regularly volunteers in the secure residential treatment facility.

(2) A copy of each report shall be kept on file at the facility. Youth admitted into a secure residential treatment facility for care and treatment shall not be considered to be residing in the secure residential treatment facility for the purposes of criminal history or child abuse background checks.

(e) Each applicant shall submit to the department plans for each building that will be used as a secure residential treatment facility. Each plan shall state whether or not the secure residential treatment facility will rely on locked entrances and exits to secure the facility.

(f) Each applicant shall submit a code footprint for each building to be used as a secure residential treatment facility to the Kansas state fire marshal's office for approval. Each applicant shall provide to the department a

copy of the approval of the Kansas state fire marshal's office before a license is issued.

(g) Each applicant shall be issued a license if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and regulations promulgated pursuant to these statutes and if the license fee required by K.S.A. 65-505, and amendments thereto, is submitted. Each license shall be prominently displayed within the facility.

(h) Each licensee who wishes to renew the license shall apply for renewal of the license annually on forms supplied by the department and shall submit the fee as specified in K.S.A. 65-505, and amendments thereto.

(i) Request to withdraw an application or terminate a license.

(1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and a new fee shall be required before opening a facility. No applicant shall admit a child before the applicant receives a license.

(2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the facility is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the facility or admit any child before receiving a new license.

(j) A new application and fee shall be submitted for each change of ownership, sponsorship, or location.

(k) Grievance procedures.

(1) Each applicant or licensee receiving notice of the denial or revocation of a license shall be notified of the right to request an administrative hearing by the secretary, and subsequently of the right of appeal to the district court.

(2) If an applicant or licensee disagrees with a notice documenting any finding of noncompliance with licensing statutes or regulations, the applicant or licensee may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or licensee, the applicant or licensee may submit a written request to the secretary for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or licensee believes that the finding should be changed. The request shall be made to the secretary within 10 days after receiving the explanation.

(l) Exceptions.

(1) Any applicant or licensee may submit to the department a written request for an exception to a regulation. An exception may be granted if the secretary or the secretary's designee determines the exception to be in the best interest of a youth or the youth's family, and if the exception does not violate statutory requirements.

(continued)

(2) Written notice of each request for an exception that is approved by the secretary shall be provided to the applicant or licensee by the secretary or the secretary's designee. Each written notice shall state the nature and duration of the exception. This notice shall be posted with the license.

(m) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:

(1) The use of the buildings; or
 (2) the program, provided through either of the following:

- (A) Direct services; or
- (B) agreements with specified community resources.

(n) The notification of a proposed change in the program shall include the following:

(1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(2) documentation that the notification required by paragraph (n)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.

(o) Amended license.

(1) Each licensee shall submit a request for an amended license and a \$35.00 fee to the secretary if the licensee desires to make any change in any of the following:

- (A) The license capacity;
- (B) the age of the children to be served; or
- (C) the living units.

(2) Each request for a change in license capacity or the age range of children to be served shall include the following:

(A) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(B) documentation that the notification required in paragraph (o)(2)(A) was received by the school district at least 90 days before the anticipated date of any proposed change.

(3) The licensee shall make no change unless permission is granted, in writing, by the secretary. If granted, the licensee shall post the amended license, and the prior license shall no longer be in effect.

(p) Waiver of 90-day notification to the local school district. The 90-day notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district.

This regulation shall be effective on and after July 30, 2002. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, 65-508, and 65-516; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

28-4-351. Licensing procedures. (a) A person shall not conduct a center for children under 16 years of age, unless the person has been issued a license to do so by the department.

(b) Any person desiring to conduct a center shall apply for a license on forms provided by the department and

submit the license fee as specified in K.S.A. 65-505, and amendments thereto.

(c) Centers operated by or receiving support from county or municipal governments shall meet the same requirements for licensure as those for facilities operated by nongovernmental entities.

(d) Each application for a license shall be accompanied by the following:

(1) A written proposal that details the following:

- (A) The purpose of the center;
- (B) the administration plan for the program, including an organizational chart;
- (C) the financing plan for the program;
- (D) staffing for the program, including job descriptions; and
- (E) the program to be offered, including the number, age range, and sex of the juveniles to be served;

(2) a copy of the written notification that was submitted to the school district where the facility is located, including the following:

- (A) The planned opening date;
- (B) the number, age range, and anticipated special education needs of the residents to be served; and
- (C) a request for on-site educational services or a request for approval of proposed alternative formal schooling to be provided by the licensee, as required by K.A.R. 28-4-355;

(3) documentation that the notification required by paragraph (d)(2) was received by the school district at least 90 days before the planned opening date;

(4) the floor plans for each building to be used as a center; and

(5) documentation of the state fire marshal's approval.

(e) Plans for all buildings to be used as a center shall be submitted to the department before submitting an application for a license.

(f) A license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and the regulations promulgated pursuant to those statutes and if the applicant has made payment of the license fee required by K.S.A. 65-505, and amendments thereto.

(g) Each applicant shall submit a report, on forms provided by the department, containing the identifying information that is necessary to complete the criminal history and child abuse registry background check for each person who resides, works, or regularly volunteers in the center, excluding children placed in care.

(1) Each center shall submit a current report as follows:

(A) Annually with a notice of intent to continue licensure; and

(B) within one week of the date any new person resides, works, or regularly volunteers in the center, excluding children placed in care.

(2) A copy of each report shall be kept on file at the facility.

(h) Each center shall notify the department of its intent to continue licensure on forms supplied by the department. Each licensee who wishes to continue licensure shall submit, within 30 days of the department's request, the notice of intent to continue licensure and the fee as specified in K.S.A. 65-505, and amendments thereto. Doc-

umentation of the fire safety inspection and approval provided by the state fire marshal or the state fire marshal's designee shall be required annually.

(i) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:

(1) The use of the buildings; or

(2) the program, provided through either of the following:

(A) Direct services; or

(B) agreements with specified community resources.

(j) The notification of any proposed change in the program shall include the following:

(1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(2) documentation that the notification required by paragraph (j)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.

(k) Waiver of 90-day notification to the local school district. The 90-day notification to the local district may be waived by the secretary upon receipt of a written agreement by the local school district.

(l) Request to withdraw an application or terminate a license.

(1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and fee shall be required before opening a center. No applicant shall admit a child before the applicant receives a license.

(2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the center is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the center or admit any child before receiving a new license.

This regulation shall be effective on and after July 30, 2002. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, 65-508, and 65-516; effective May 1, 1979; amended, T-83-24, Aug. 25, 1982; amended May 1, 1983; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 23, 1993; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028133

State of Kansas

Department of Health
and Environment

Temporary Administrative
Regulations

Article 17.—DIVISION OF VITAL STATISTICS

28-17-6. Fees for copies, abstracts, and searches.

(a)(1) Subject to the restrictions of K.S.A. 65-2417, K.S.A. 65-2418, and K.S.A. 65-2423, and amendments thereto, certified copies or abstracts of certificates or parts of certificates shall be furnished by the state registrar upon request by an authorized applicant and payment of the required fee.

(2) The fees for making and certifying copies or abstracts of birth, delayed birth, fetal death, marriage, and divorce certificates shall be \$11.00 for the first copy or abstract and \$6.00 for each additional copy or abstract of the same record requested at the same time. The fees for making and certifying copies or abstracts of death certificates shall be \$12.00 for the first copy or abstract and \$7.00 for each additional copy or abstract of the same record requested at the same time.

(b) For any search of the files and records for birth, delayed birth, fetal death, marriage, and divorce when no certified copy or abstract is made, the fee shall be \$11.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period. For any search of files and records for death when no certified copy or abstract is made, the fee shall be \$12.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period.

(c) For any search of the files necessary for preparing an amendment to a standard birth, fetal death, marriage, or divorce certificate or abstract already on file, the fee shall be \$11.00. For any search of the files necessary for preparing an amendment to a death certificate or abstract already on file, the fee shall be \$12.00.

(d) For non-certified copies or abstracts of certificates or parts of certificates requested for statistical research purposes, the fee and the manner in which the fee is to be paid shall be determined by the state registrar on the basis of the costs for providing those services. This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 65-2402; implementing K.S.A. 23-110, as amended by 2002 HB 2718, Sec. 1, K.S.A. 65-2417, as amended by 2002 HB 2718, Sec. 2, K.S.A. 2001 Supp. 65-2418, as amended by 2002 HB 2666, Sec. 3 and 2002 HB 2718, Sec. 3, and K.S.A. 65-2420; effective Jan. 1, 1966; amended Jan. 1, 1968; amended, E-78-18, July 7, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-84-13, July 1, 1983; amended May 1, 1984; amended May 1, 1988; amended Oct. 7, 1991; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-7-2-01, July 2, 2001; amended Oct. 12, 2001; amended, T-28-6-27-02, July 1, 2002.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028142

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 8:30 a.m. Tuesday, July 23, in the White House on the Fairgrounds in Hutchinson. For further information, contact Deana Novak at (620) 669-3612.

Mary Alice Lair
President

Doc. No. 028159

State of Kansas

Department on Aging

Temporary Administrative
Regulations

Article 8.—SENIOR CARE ACT

26-8-1. Definitions. (a) "Activities of daily living (ADL's)" means those personal, functional activities required by an individual for continued well-being, including eating, dressing, bathing, transferring, walking, retaining mobility, and toileting.

(b) "Assessment" means the completion of a form to determine the initial and ongoing eligibility and need for services.

(c) "Customer" means any older person who meets the eligibility requirements established in K.A.R. 26-8-2 and whose services are being funded at least in part by the senior care act program.

(d) "Family" means one or more adults and children, if any, related by blood or law and residing in the same household. If adults, other than spouses, reside together, each will be considered a separate family. Emancipated minors and children living under the care of individuals not legally responsible for that care shall be considered one-person families.

(e) "Income" means the monthly sum of income received by a family from the following sources:

- (1) Gross wages or salary;
- (2) adjusted net income from self-employment;
- (3) social security;
- (4) dividends;
- (5) interest;
- (6) income from estate or trusts;
- (7) rental income;
- (8) royalties;
- (9) public assistance or welfare payments;
- (10) pensions and annuities;
- (11) unemployment compensation;
- (12) workers compensation;
- (13) alimony;
- (14) veterans' pensions; and
- (15) net farm income.

(f) "Instrumental activities of daily living" (IADL's) means meal preparation, shopping, medication management and treatment, housekeeping and laundry, money management, transportation, and telephone communication.

(g) "Level of care" means a measurement of an individual's functional ability level that could temporarily or permanently restrict the individual's ability to function independently.

(h) "Liquid assets" means the following:

- (1) Cash on hand;
- (2) funds in checking, savings, money market, and individual retirement accounts;
- (3) stocks;
- (4) bonds;
- (5) savings bonds;
- (6) certificates of deposit;
- (7) the cash value of life insurance policies; and
- (8) mutual funds.

(i) "One-time service" means an activity that is not intended to be ongoing and that has a unit of service of one dollar.

(j) "Senior care act" means K.S.A. 75-5926 through K.S.A. 75-5936, and amendments thereto, which establishes a program of in-home support services for eligible persons 60 years of age and older.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 2001 Supp. 75-5928, as amended by 2002 HB 2764, § 1 and K.S.A. 75-5931, as amended by 2002 HB 2764, § 4; implementing K.S.A. 2001 Supp. 75-5928, as amended by 2002 HB 2764, § 1, K.S.A. 75-5929, as amended by 2002 HB 2764, § 2, K.S.A. 75-5930, as amended by 2002 HB 2764, § 3, K.S.A. 75-5931, as amended by 2002 HB 2764, § 4, and K.S.A. 75-5933, as amended by 2002 HB 2764, § 6; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; amended July 28, 1995; amended, T-26-6-27-02, July 1, 2002.)

26-8-2. Eligibility criteria. (a) All customers shall be residents of Kansas who are 60 years of age or older.

(b) Customers who receive only assessment or case management shall not be subject to the eligibility criteria below.

(c) Each customer of the senior care act program on June 30, 2002 shall continue to be eligible if the customer meets the following conditions:

- (1) Has physical or mental limitations that restrict the ability to perform one or more activities of daily living or instrumental activities of daily living; and
- (2) meets the targeting criteria used by the area agency on aging on June 30, 2002.

(d) Each customer of the income eligible program on June 30, 2001 who has remained eligible since July 1, 2001 shall be eligible for the senior care act program if the customer has a level of care score of at least 15, as determined by an assessment.

(e) For individuals that do not meet the criteria in subsection (c) or (d) above, an eligible person shall have a level-of-care score of at least 26, as determined by an assessment.

(f) Each applicant who met the criteria in subsection (c) or (d) and whose services were terminated after July 1, 2002 shall meet the criteria specified in subsection (e).

(g) Medicaid home- and community-based services customers shall be eligible to receive only senior care act

services that are not funded through the Medicaid program.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 75-5928, as amended by 2002 HB 2764, § 1 and K.S.A. 75-5929, as amended by 2002 HB 2764, § 2; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-6-27-02, July 1, 2002.)

26-8-3. (Authorized by and implementing K.S.A. 75-5928; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; revoked, T-26-6-27-02, July 1, 2002.)

26-8-5. Assessment. To determine eligibility for services under the senior care act, the area agency on aging shall complete an assessment before implementation of services and at least once every 365 days thereafter. The assessment instrument shall be a form prescribed by the secretary.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 75-5930, as amended by 2002 HB 2764, § 3; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended Nov. 7, 1994; amended, T-26-6-27-02, July 1, 2002.)

26-8-6. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002.)

26-8-7. Maximum expenditures per customer and customer fees. (a) The maximum monthly expenditure for services per customer shall be \$1,445.00. This amount shall not include expenditures for assessment, case management, and any one-time service.

(b) The customer's fee shall not include case management or assessment.

(c) Each customer's fee shall be based on the customer's income and liquid assets.

(d) If a customer refuses to disclose the customer's income and liquid assets, then that customer shall pay 100% of the cost of the service.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 75-5929, as amended by 2002 HB 2764, § 2 and K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; amended, T-26-6-27-02, July 1, 2002.)

26-8-8. Termination. Services provided under this act shall be terminated by the area agency on aging for any of the following reasons:

- (a) The customer moved to a nursing facility.
- (b) The customer died.
- (c) The customer moved out of the service area.
- (d) The customer chose to terminate services.
- (e) The customer no longer meets the eligibility criteria.

(f) The customer has not paid the fees, and 60 days have passed since the original billing date.

(g) The customer did not accurately report the customer's income and liquid assets and chooses not to pay the applicable fees.

(h) The service was provided one time.

(i) The program or service ended or was terminated.

(j) The service was discontinued due to the lack of service provider or staff.

(k) The customer is determined to be no longer safe in the customer's own home.

(l) The customer's whereabouts are unknown.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 75-5931, as amended by 2002 HB 2764, § 4; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended July 28, 1995; amended Nov. 14, 1997; amended, T-26-6-27-02, July 1, 2002.)

26-8-9. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended Nov. 14, 1997; revoked, T-26-6-27-02, July 1, 2002.)

26-8-12. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002.)

26-8-13. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002.)

26-8-14. (Authorized by and implementing K.S.A. 75-5931, 75-5933, and 75-5935; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002.)

26-8-15. Matching funds. (a) To be eligible for funds allocated pursuant to K.S.A. 75-5929 (a)(2) and amendments thereto, each area agency on aging shall provide matching funds for services on the basis of not less than \$1 for every \$2 of state funds.

(b) To be eligible for funds allocated pursuant to K.S.A. 75-5929 (a)(3) and amendments thereto, each area agency on aging shall provide funds from ad valorem property tax levies for services on the basis of not less than \$1 for every \$1 of state funds.

(c) Each area agency on aging providing matching funds shall submit to the department written documentation from the local unit of government or the single entity responsible for ad valorem property tax levies for services for the aging, as designated by a local unit of government, stating that the local unit of government has provided ad valorem property tax levies for services under this act.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 75-5929, as amended by 2002 HB 2764, § 2; effective, T-26-6-27-02, July 1, 2002.)

Connie Hubbell
Secretary of Aging

Doc. No. 028140

State of Kansas

Secretary of State

Notice of Judgment Interest Rate

Pursuant to the provisions of K.S.A. 16-204, the rate of interest on judgments rendered by courts of the State of Kansas pursuant to the code of civil procedure is 5.25 percent during the period of July 1, 2002 through June 30, 2003.

Ron Thornburgh
Secretary of State

Doc. No. 028131

State of Kansas

Department of Agriculture

Temporary Administrative
Regulations

Article 1.—AGRICULTURAL CHEMICALS

4-1-17. Registration fee. The annual registration fee for each registered agricultural chemical shall be \$150.00 for registration periods beginning on and after July 1, 2002 and through June 30, 2005, regardless of the date when the registration is received. The \$150.00 annual registration fee shall revert to \$130.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2004, as amended by 2002 SB 438, § 2 and K.S.A. 2-2205; implementing K.S.A. 2-2204, as amended by 2002 SB 438, § 2; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-22-89, June 22, 1989; amended Aug. 14, 1989; amended, T-4-6-27-02, July 1, 2002.)

Article 13.—PESTICIDES

4-13-9. Report of address, name, or personnel change by business. (a) Each pesticide business licensee shall notify the secretary of any modification of the initial application regarding the business address or business name, and of any change in service personnel involved in the application of pesticides on a provided form or in writing within 30 days of the modification or change made by the pesticide business licensee. Notification shall be required for the following:

- (1) Hiring or terminating, or both, any employees involved in the application of pesticides;
- (2) making any change in certification or technician status, or both; and
- (3) making any change in the manager, operator, authorized representative, or resident agent.

(b) The pesticide business licensee shall submit with each such report the required \$15.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during any 30-day period. This report shall provide the full name, home address, social security number, and birth date of each certified and uncertified applicator of pesticides listed in the report. The \$15.00 report of change fee shall revert to

\$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by 2002 SB 438, § 3; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002.)

4-13-20. Pesticide business license, renewal, and uncertified employee fees. The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$140.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$15.00 for each uncertified individual employed by the applicant to apply pesticides shall also be paid. This regulation shall apply to all pesticide business licenses, or renewals of these licenses, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency.

The \$140.00 pesticide business license fee shall revert to \$112.00 on and after July 1, 2005, unless the termination date is modified by statute. The \$15.00 uncertified employee fee shall revert to \$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440, as amended by 2002 SB 438, § 3, K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by 2002 SB 438, § 3; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002.)

4-13-21. Government agency registration and renewal fees. The application fee for a government agency registration shall be \$50.00. This regulation shall apply to all government agency registrations, or renewals of these registrations, effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$50.00 government agency registration fee shall revert to \$35.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440, as amended by 2002 SB 438, § 3, K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by 2002 SB 438, § 3; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002.)

4-13-22. Application fee for commercial applicator's certificate. The application fee for a commercial applicator's certificate shall be \$50.00 for each category in which the applicant applies. This regulation shall apply to all commercial applicator certificates, or renewals of these certificates, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$50.00 application fee for a commercial applicator's certificate shall revert to \$35.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2441a, as amended by 2002 SB 438, § 5, K.S.A. 2-2467a; implementing K.S.A. 2-2441a, as amended by 2002 SB 438, § 5; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002.)

4-13-23. Examination fees. The examination fee for a commercial applicator's certificate shall be \$35.00 on

and after July 1, 2002 and through June 30, 2005, for each category in which the applicant is to be examined. The same fee shall apply if the applicant seeks reexamination. The \$35.00 examination fee shall revert to \$25.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2443a, as amended by 2002 SB 438, § 6, K.S.A. 2-2467a; implementing K.S.A. 2-2443a, as amended by 2002 SB 438, §6; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002.)

4-13-24. Certified private applicator's certificate fee. The certified private applicator's certificate fee shall be \$25.00. This regulation shall apply to certified private applicator's certificates that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$25.00 certified private applicator's certificate fee shall revert to \$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2445a, as amended by 2002 SB 438, § 7, K.S.A. 2-2467a; implementing K.S.A. 2-2445a, as amended by 2002 SB 438, § 7; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002.)

4-13-33. Pest control technician registration and renewal fees. The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$40.00. Any fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals of these registrations, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$40.00 pest control technician registration fee shall revert to \$25.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440b, as amended by 2002 SB 438, § 4, and K.S.A. 2-2467a; implementing K.S.A. 2-2440b, as amended by 2002 SB 438, § 4; effective, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002.)

Article 19.—SOIL AMENDMENTS

4-19-1. Registration fee. The registration fee for each soil amendment shall be \$60.00 for each product registered. This regulation shall apply to products registered for registration periods commencing on and after July 1, 2002 and through June 30, 2005. The \$60.00 registration fee shall revert to \$50.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2805, as amended by 2002 SB 438, § 8, K.S.A. 2-2811; implementing K.S.A. 2-2805, as amended by 2002 SB 438, § 8; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002.)

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028141

State of Kansas

State Corporation Commission

Temporary Administrative Regulations

Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

82-3-105. Well cementing. The use of cement in setting casing or sealing off producing formations, underground porosity gas storage formations, or fresh and usable water formations shall be required.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-156 and K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended, T-82-6-27-02, July 1, 2002.)

82-3-113. Notice of intention to plug and abandon a well; supervision; penalty. (a) Notice required; penalty. Before any work is commenced to plug and abandon any well drilled for the discovery of oil or gas, for underground porosity gas storage, or for disposal of salt water, or to plug and abandon any injection well 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 plug and abandon that well. The notice shall be submitted upon a form furnished by the conservation division and shall contain all of the information requested on it. The failure to file a notice of intention to plug and abandon a well shall be punishable by a \$100 penalty.

(b) Plugging instructions; scheduling.

(1) 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 that is to be notified, and a requirement that the operator submit a proposed plugging plan.

(2) The operator shall notify the appropriate district office of the operator's proposed plugging plan no later than five days before the plugging.

(c) Exceptions. Exceptions from the notice requirement on the plugging of wells may be granted by the district office if either of the following conditions is met:

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

(2) An emergency situation exists. In this case, the operator shall orally notify and present the plugging proposal to the district office.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, 55-159, K.S.A. 2001 Supp. 55-164, K.S.A. 55-173, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended April 23, 1990; amended, T-82-6-27-02, July 1, 2002.)

(continued)

82-3-114. Plugging methods and procedure. (a) Plugging of producing, storage, and injection wells. In addition to any other applicable requirements in these regulations, the methods and procedure for plugging a well drilled for exploration of oil or gas, for underground porosity gas storage, or for injection shall be as follows:

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

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

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

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

(c) Highly permeable formations. If the wellbore has penetrated both a highly permeable formation and an overlying major salt formation, a cement plug of 50 feet or more in length shall be set above the highly permeable formation. Additionally, a cement plug of 50 feet or more in length shall be set in the first formation compatible with cement in each of the following locations:

- (1) Immediately above the salt formation; and
- (2) immediately below the salt formation.

(d) Well location exceptions. In wells located within 330 feet from the lease or unit boundary or located within less than the minimum distance specified in K.A.R. 82-3-108(b), all zones that are perforated or open in the well and that are being produced on the lease adjacent to that boundary shall be plugged. This requirement shall not apply to zones that are not producing within one-half mile of the well to be plugged.

(e) Plugging intervals. All intervals between plugs within the same wellbore shall be filled with an approved heavy mud-laden fluid of not less than 36 viscosity as measured using the marsh funnel method described in sections 4.1 and 4.2 of the "recommended practice standard procedure for field testing water-based drilling fluids," second edition, dated September 1997 and published by the American petroleum institute. Sections 4.1 and 4.2 of this document are hereby adopted by reference. The approved heavy, mud-laden fluid shall have a weight of not less than nine pounds per gallon. If the requirements of this subsection are not met, a bridge shall be set at all plugging intervals.

(f) Alternative plugging methods; when authorized.

(1) If the procedures specified in this regulation cannot be followed due to conditions in the casing or wellbore, alternative plug placement while ensuring the protection of fresh and usable water may be authorized by a representative of the commission.

(2) The operator, with the approval of the representative of the commission, may place cement in the well by

using a dump bailer, pumping through tubing, or using any other method approved by the commission.

(g) Tagging plugs. Plugs may be tagged by the commission at the direction of the director of the conservation division.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, 55-156, 55-157, 55-159, and K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-3; amended May 1, 1986; amended May 1, 1988; amended May 8, 1989; amended, T-82-6-27-02, July 1, 2002.)

82-3-117. Plugging report; penalty. (a) Within 60 days after plugging any well drilled for discovery of oil or gas, for underground porosity gas storage, for disposal of salt water, or for injection for enhanced recovery, the owner or operator of the well shall file a well plugging report with the conservation division setting forth the following information:

- (1) The date of drilling;
- (2) the location of the well;
- (3) the method used in plugging the well; and
- (4) all other information required by the commission.

The report shall be made on the form furnished by the commission and shall be verified by the operator.

(b) The failure to file a plugging report shall be punishable by a \$100 penalty.

(c) The operator shall be assessed the cost of the plugging as specified in K.A.R. 82-3-118.

(d) Copies of well plugging records shall be furnished to any person requesting that information upon the payment of two dollars per copy.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-158, K.S.A. 55-159, and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1988; amended April 23, 1990; amended, T-82-6-27-02, July 1, 2002.)

82-3-120. Operator or contractor licenses: application; financial responsibility; denial of application; penalty. (a)(1) No operator or contractor shall undertake any of the following activities without first obtaining or renewing a current license:

(A) Drilling, completing, servicing, plugging, or operating any oil, gas, or injection well;

(B) operating a gas-gathering system, even if the system does not provide gas-gathering services as defined in K.S.A. 55-1,101(a) and amendments thereto; or

(C) constructing or operating an underground porosity gas storage facility.

Each operator in physical control of any such well or gas storage facility shall maintain a current license even if the well or storage facility is shut in or idle.

(2) Each licensee shall annually submit a completed license renewal form on or before the expiration date of the current license.

(b) To qualify for a license or license renewal, the applicant shall be in compliance with applicable laws, as

required in subsection (h), and shall submit the following items to the conservation division:

(1) An application meeting the requirements of subsection (c);

(2) a \$100 license fee, except that an applicant for a license who is operating one gas well used strictly for the purpose of heating a residential dwelling shall pay an annual license fee of \$25;

(3) for each rig as defined in subsection (d), a \$25 fee and copies of property tax receipts on all rigs; and

(4) financial assurance in accordance with subsection (e).

(c) Application. The application for a license or a license renewal shall be verified and filed with the commission showing the following information:

(1) The applicant's full legal name and any other name or names under which the applicant transacts or intends to transact business under the license and the applicant's correct mailing address. If the applicant is a partnership or association, the application shall include 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; and

(3) any other information that the forms provided may require.

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

(d) "Rig" means any crane machine used for drilling or plugging wells. An identification tag shall be issued by the commission for each rig licensed according to this regulation. The operator shall display a current identification tag on each rig at all times.

(e)(1) Financial assurance shall be provided in accordance with the requirement specified in paragraph (e)(2), if applicable, or in accordance with subsection (g).

(2) The applicant shall pay an annual \$50 nonrefundable fee if the applicant has an acceptable record of compliance, as demonstrated during the preceding 36 months.

(f) For purposes of this regulation, "an acceptable record of compliance" shall mean both of the following:

(1) The operator neither has been assessed by final order of the commission with \$3,000 or more in penalties nor has been cited by final commission order for five or more violations in the preceding 36 months.

(2) The operator has no outstanding undisputed orders or unpaid fines, penalties, or costs assessed by the commission and has no officer or director that has been or is associated substantially with another operator that has any such outstanding orders or unpaid fines, penalties, or costs.

(g) (1) If the applicant does not meet the provisions of paragraph (e)(2) or has not been licensed for at least the preceding 36 months, the applicant shall furnish one of the following, up to \$30,000, on an annual basis:

(A) An individual performance bond or letter of credit on a form prescribed by the commission, in an amount

equal to \$.75 times the total aggregate depth, in feet, of all wells for which the operator is responsible;

(B) a blanket performance bond or letter of credit on a form prescribed by the commission, in an amount equal to the following, as applicable:

(i) Wells fewer than 2,000 feet in depth: 1-5 wells, \$5,000; 6-25 wells, \$10,000; over 25 wells, \$20,000; and

(ii) wells 2,000 or more feet in depth: 1-5 wells, \$10,000; 6-25 wells, \$20,000; over 25 wells, \$30,000;

(C) a nonrefundable fee equal to 3% of the amount of the bond or letter of credit required by paragraph (g)(1)(A) or (B);

(D) a first lien in favor of the state of Kansas on tangible personal property associated with the operator's oil and gas production, having a salvage value equal to not less than the amount of the bond or letter of credit required by paragraph (g)(1)(A) or (B); or

(E) any other financial assurance approved by the commission.

(2) Well inventory. Each operator furnishing financial assurance under paragraph (g)(1)(A) of this regulation shall also furnish a complete inventory of wells and the depth of each well for which the operator is responsible. Each operator furnishing financial assurance under paragraphs (g)(1)(B) through (E) either shall furnish a well inventory or shall be required to furnish the \$30,000 bond, letter of credit, fee, or other financial assurance based on that amount. Falsification of the well inventory shall be punishable by a penalty of up to \$5,000 and possible suspension of the operator's license.

(h) Compliance with applicable laws.

(1) If the applicant is registered with the federal securities and exchange commission, the applicant shall demonstrate to the commission that the applicant complies with all requirements of chapter 55 of the Kansas statutes annotated, all regulations adopted thereunder, and all commission orders and enforcement agreements.

(2) If the applicant is not registered with the federal securities and exchange commission, the applicant shall demonstrate to the commission that the following individuals comply with all requirements of chapter 55 of the Kansas statutes annotated, all regulations adopted thereunder, and all commission orders and enforcement agreements:

(A) The applicant;

(B) any officer, director, partner, or member of the applicant;

(C) any stockholder owning in the aggregate more than 5% of the stock of the applicant; and

(D) any spouse, parent, brother, sister, child, parent-in-law, brother-in-law, or sister-in-law of any of the individuals specified in paragraphs (h)(2)(A) through (C).

(i) Upon approval of the application by the conservation division, a license shall be issued to the applicant. Each license shall be in effect for one year unless suspended or revoked by the commission.

(j) Denial of application. An application or renewal application shall be denied if the applicant has not satisfied the requirements of this regulation. Denial of a license application shall constitute a summary proceeding under K.S.A. 77-537 and amendments thereto. A denial pursu-

(continued)

ant to K.S.A. 55-155(c)(3) or (4), and amendments thereto, shall be considered a license revocation.

(k) Upon revocation of a license, no new license shall be issued to that operator or contractor until after the expiration of one year from the date of the revocation.

(l) The failure to obtain or renew an operator or contractor license before operating shall be punishable by a \$500 penalty.

(m) Notification of changes. Each operator shall immediately notify the conservation division in writing of any change in information supplied in conjunction with the license application. If the change involves an increase in the number or depth of the wells listed on the operator's well inventory, the operator's notification shall be accompanied by additional financial assurances to cover the additional number or depth of wells.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; implementing K.S.A. 2001 Supp. 55-155, and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended April 23, 1990; amended March 20, 1995; amended Aug. 29, 1997; amended Jan. 25, 2002; amended, T-82-6-27-02, July 1, 2002.)

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 utilized for the underground storage of natural gas shall seal off the natural gas storage stratum or formation by either of the following:

(1) The methods and materials recommended by the operator of the gas storage facility and approved by the commission or its duly authorized representative; or

(2) any 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 protects 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 operator of the gas storage facility 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 operator of the gas storage facility 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 operator of the gas storage facility 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 on which the recommendations are mailed to or filed with the commission.

(e) Any objections or complaints stating why the recommendations proposed by the operator of the gas storage facility 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 operator of the gas storage facility, a hearing shall be held. Notice of the hearing shall be published according to K.A.R. 82-3-135.

(g) Following receipt of the recommendations proposed by the operator of the gas storage facility 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 operator of the gas storage facility 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 operator of the gas storage facility 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 operator of the gas storage facility 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 operator of the gas storage facility involved.

This regulation shall be effective on and after July 1, 2002. (Authorized by K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 55-604, K.S.A. 55-704, and K.S.A. 2001 Supp. 74-623; implementing K.S.A. 2001 Supp. 55-1,115, 55-605, 55-706, 55-1203, and K.S.A. 2001 Supp. 74-623; 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; amended, T-82-6-27-02, July 1, 2002.)

82-3-1000. Definitions: underground porosity gas storage facilities. The following terms, as used in these regulations for underground porosity gas storage facilities, shall have the following meanings: (a) "Cushion gas" means the volume of gas required as permanent storage inventory to maintain adequate reservoir pressure for meeting minimum gas deliverability demands throughout the withdrawal season.

(b) "FERC" means the federal energy regulatory commission.

(c) "Fracture gradient" means the pressure gradient, measured in pounds per square inch per feet, that, if applied to a subsurface formation, will cause that formation to physically fracture.

(d) "Fresh water" means water containing not more than 1,000 milligrams of total dissolved solids per liter.

(e) "Gas storage injection or withdrawal well" means a well used to inject or withdraw natural gas stored in an underground porous and permeable reservoir.

(f) "Gas storage observation well" means a well either completed or recompleted for the purpose of observing subsurface phenomena, including the presence of hydrocarbon gas, pressure fluctuations, fluid levels and flow, and temperature.

(g) "Gas storage porosity reservoir" means a porous stratum of the earth that is separated from any other similar porous stratum by an impermeable stratum and is capable of being used for underground storage of natural gas.

(h) "Gas storage well" means any gas storage injection or withdrawal well, gas storage withdrawal well, or gas storage observation well completed or recompleted as part of an underground porosity gas storage facility.

(i) "Gas storage withdrawal well" means a well used only for the withdrawal of natural gas stored in an underground porous and permeable reservoir.

(j) "Leak detector" means a device capable of detecting by chemical or physical means the presence of hydrocarbon vapor or the escape of vapor through a small opening.

(k) "Licensed engineer" means an engineer that is licensed or authorized to practice engineering in Kansas by the Kansas state board of technical professions.

(l) "Licensed geologist" means a geologist that is licensed or authorized to practice geology in Kansas by the Kansas state board of technical professions.

(m) "Packer" means an expanding mechanical device used in a well to seal off certain sections of the well when cementing, testing, or isolating the well from the completed interval.

(n) "Small, well-defined outside area" means an area, including a playground, recreation area, outdoor theater, and other place of public assembly, that is occupied by 20 or more persons on at least five days a week for 10 weeks in any 12-month period. The days and weeks shall not be required to be consecutive.

(o) "Underground porosity gas storage" means the storage of hydrocarbon gas in underground porous and permeable geologic strata that have been converted to hydrocarbon gas storage.

(p) "Underground porosity gas storage facility" and "storage facility" mean the leased acreage associated with the storage field. This term shall include the well-bore tubular goods, the wellhead, and any related equipment, including the last positive shutoff valve attached to the flowline.

(q) "Working gas" means the portion of the gas storage volume that can be removed from a gas storage porosity reservoir for deliveries and still maintain pressure sufficient to meet design deliverability.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1001. Notice of federal energy regulatory commission proceedings. Whenever the operator of an underground porosity gas storage facility files any appli-

cation or report concerning the storage facility or operation of the facility with FERC, the operator shall at the same time deliver a copy of this application or report to the commission.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1002. Provisional operating permits and operating requirements for existing underground porosity storage facilities; penalties. (a) Application deadline; permitting procedure. Provisional operating authority for underground porosity gas storage facilities and gas storage wells in existence on or before July 1, 2002 shall be permitted if the following conditions are met:

(1) The operator has filed an application for a provisional underground porosity gas storage permit with the conservation division in accordance with subsection (b) on or before November 1, 2002.

(2) The conservation division has issued a written provisional permit or written temporary provisional permit granting the application within 90 days of receipt of the application.

(b) Application form; content. The original and two copies of each application shall be signed and verified by the operator, shall be filed with the conservation division on a form furnished by the commission, and shall provide the following information:

(1) The name of the underground porosity gas storage facility;

(2) the name, description, and average depth of the porosity reservoir or reservoirs being utilized for underground porosity storage;

(3) a site map showing the boundaries of the underground porosity gas storage facility, the location and well number of each gas storage well, including any observation wells, the location of cathodic protection boreholes or ground bed systems, and the location of all pertinent surface facilities located within the boundary of the storage facility. This site map shall be certified by a licensed engineer or licensed geologist;

(4) a statement confirming that the applicant holds the necessary and sufficient property rights for construction and operation of the underground porosity gas storage facility;

(5) a tabular summary showing the location, well number, completion date, elevation, top and bottom depths of the completed interval, casing information, tubing and packer information, and cementing information for each gas storage well located within the boundary of the underground porosity gas storage facility. This tabular summary shall be certified by a licensed engineer or licensed geologist;

(6) the results of a water quality test of fluid recovered from the underground porosity storage reservoir or reservoirs reporting the amount of chlorides and total dissolved solids for the fluid in milligrams per liter (mg/l). This test shall be conducted by a laboratory that is certified by the state of Kansas. No gas storage shall be permitted in any underground porous stratum with chloride levels less than 5,000 milligrams per liter;

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(7) the maximum wellhead injection rate and pressure currently utilized at the underground porosity gas storage facility and, if the facility is regulated by FERC, the maximum rate and pressure approved by FERC. In all cases, the applicant shall provide information showing that the maximum injection rate and pressure utilized at the facility will not exceed the fracture gradient and will not initiate fractures through the overlying strata that could enable stored gas or associated formation fluid to enter fresh and usable water strata or cause the injected gas to leak from the underground porosity gas storage reservoir;

(8) a tabular summary of any gas storage wells located within the boundary of the underground porosity gas storage facility that have unrepaired casing leaks that are currently controlled with a tubing and packer completion;

(9) a schedule of completed and pending mechanical integrity testing for all gas storage wells utilized at the gas storage facility. All existing gas storage wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 on or before July 1, 2004. Pressure testing or alternative tests or surveys conducted in accordance with K.A.R. 82-3-1005 and performed after July 1, 2000 shall be deemed to have demonstrated mechanical integrity on the date of the test or survey. All gas storage wells completed after July 1, 2002 shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before being placed into service as an active gas storage well;

(10) the current maximum storage volume, including values for cushion gas and working gas for the underground porosity gas storage facility;

(11) a detailed description of the storage facility's current safety plan;

(12) the applicant's license number;

(13) any other information that the conservation division requires; and

(14) payment of the application fee required by K.A.R. 82-3-1012.

(c) Safety plan required. Each operator shall develop and implement a storage facility safety plan. This plan shall include current emergency response procedures, provisions to provide security against unauthorized activity, and any current gas release detection and prevention measures utilized by the facility. The emergency response procedures for the storage facility shall include contingency plans for gas storage well leaks and loss of containment from gas storage wells or the gas storage reservoir. The emergency response procedures shall also identify specific contractors and equipment vendors capable of providing necessary services and equipment to respond to any gas storage well leaks or loss of containment from one or more of the gas storage wells or the gas storage reservoir.

(d) Gas metering; required. The total volume of gas injected into and withdrawn from an underground porosity gas storage facility that is operating under a provisional permit or temporary provisional permit issued by the conservation division shall be metered according to K.A.R. 82-3-1006.

(e) Gas volume; reporting. The operator of an underground porosity gas storage facility operating under a

provisional permit or temporary provisional permit issued by the conservation division shall report monthly, to the conservation division, the volume of gas placed into storage and the volume of gas removed from storage at the facility during the preceding month. The report shall be filed according to K.A.R. 82-3-1006.

(f) Gas leaks; reporting. The operator of an underground porosity gas storage facility operating under a provisional permit issued by the conservation division shall report any pressure changes or other monitoring data that indicate the presence of leaks in a gas storage well or the lack of confinement of the injected gases and any associated fluids to the underground porosity gas storage reservoir. This report shall be submitted according to K.A.R. 82-3-1006.

(g) Maximum term for provisional permits; extensions. The maximum term for provisional underground porosity gas storage permits issued by the conservation division shall not exceed two years from the date of issue. Underground porosity gas storage facilities operating under a provisional permit shall file for a fully authorized operating permit in accordance with K.A.R. 82-3-1003 before the expiration of the provisional permit. The extension of a provisional permit may be granted administratively on a showing of good cause by the operator. If a request for an extension is administratively denied, the operator shall have a right to a hearing upon written request.

(h)(1) Provisional permit amendment. The operator of an existing underground porosity gas storage facility operating under a provisional permit shall file an application with the conservation division on a form furnished by the conservation division for an amendment to that provisional permit under any of the following:

(A) At any time that a material change in conditions has occurred in the operation of the storage facility or in the ability of the facility to operate without causing pollution or the waste of hydrocarbons;

(B) before expanding the areal extent of the underground porosity gas storage facility;

(C) before increasing the underground porosity gas storage reservoir pressure above the maximum permitted pressure;

(D) before adding additional gas storage wells that are to be located within 1,320 feet or less of the boundary of the underground porosity gas storage facility; or

(E) before adding additional gas storage wells that are to be located more than 1,320 feet within the boundary of the underground porosity gas storage facility.

(2)(A) The applicant for any amendments under paragraphs (h)(1)(A) through (D) of this regulation shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to ensure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(B) The application shall be held in abeyance for 15 days from the date of last publication or delivery of no-

tice, whichever is later. If during the 15-day period a valid protest is filed according to K.A.R. 82-3-135b 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 in the same manner as that required by paragraph (h)(2)(A) above.

(C) If an application for an amendment is administratively denied, the operator shall have a right to a hearing upon written request.

(i) Penalties.

(1) Operating under any of the conditions specified in paragraph (h)(1) without first applying for and obtaining conservation division approval shall be punishable by a \$500 penalty for each violation.

(2) Operating an underground porosity gas storage facility in violation of subsection (a) of this regulation shall be punishable by a penalty of \$1,000, and the underground porosity gas storage facility shall be shut down until compliance is achieved. Additional monetary penalties for operating an underground porosity gas storage facility in violation of subsection (a) of this regulation may be imposed by the commission only after notice and hearing.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1003. Fully authorized operating permits and operating requirements for existing and new underground porosity gas storage facilities and underground porosity gas storage wells; penalties. (a) Application and permit required. The operator of any underground porosity gas storage facility or gas storage well in existence on or before July 1, 2002 for which the operator has received a provisional operating permit from the conservation division, and the operator of any underground porosity gas storage facility constructed after July 1, 2002 may be issued a fully authorized gas storage operating permit upon the operator's compliance with the following conditions:

(1) The operator has filed an application for a fully authorized underground porosity gas storage facility operating permit with the conservation division in accordance with subsection (b), and the operator has constructed or is operating the storage facility in compliance with provisions of subsection (c) of this regulation.

(2) Each application for a fully authorized operating permit for an underground porosity gas storage facility to be constructed after July 1, 2002 also complies with K.A.R. 82-3-1004.

(3) The operator has received from the conservation division a written permit granting the application for full authorization.

(b) Application form; content. The original and two copies of each application for full authorization shall be signed and verified by the operator, filed with the conservation division on a form furnished by the commission, and provide the following information:

(1) The name of the underground porosity gas storage facility and, if applicable, the permit number of the pro-

visional permit for which the operator is requesting full authorization;

(2) the name, description, and average depth of the gas storage porosity reservoir or reservoirs being utilized for underground porosity gas storage;

(3) a geologic and hydrogeologic evaluation of the gas storage porosity reservoir or reservoirs, surrounding formations and structures, and formations above and below the gas storage porosity reservoir or reservoirs. The evaluation shall include any available geophysical data and assessments of any regional tectonic activity, regional or local fault zones, and structural or stratigraphic anomalies. The evaluation shall focus on the gas storage porosity reservoir or reservoirs and adjacent confining layers. The evaluation shall also identify any oil and gas horizons known to be productive in the area of the storage facility and any freshwater-bearing horizons known to be developed in the area of the storage facility. The evaluation shall include exhibits and plan view maps showing the following:

(A) All water, oil, and gas exploration and development wells, and other man-made surface structures and activities within one mile outside of the storage facility boundary;

(B) any regional or local faulting;

(C) an isopach map of the gas storage reservoir or reservoirs;

(D) an isopach map of the adjacent confining layer;

(E) a structure map of the top and base of the storage reservoir or reservoirs;

(F) identification of all structural spill points or stratigraphic anomalies controlling the isolation of stored hydrocarbon gases or associated fluids; and

(G) structural and stratigraphic cross-sections that describe the geologic conditions at the underground porosity gas storage facility.

The geologic and hydrogeologic evaluation required under this paragraph shall be certified by a licensed geologist or licensed engineer. The operator of an underground porosity gas storage facility may submit existing geologic and hydrogeologic studies or evaluations in fulfillment of the requirement of this paragraph if those studies have been updated to reflect current storage facility conditions at the time of the application and have been certified as such by a licensed geologist or licensed engineer;

(4) an area of review evaluation, which shall include a review of the data of public record for wells that penetrate that part of the underground porosity reservoir designated as the gas storage porosity reservoir, and those wells that penetrate the underground porosity gas storage reservoir within one-fourth mile of the boundary of the underground porosity gas storage facility. This review shall determine if all abandoned wells have been plugged in a manner that prevents the movement of gas or associated fluids from the underground porosity gas storage reservoir. The area evaluation required under this paragraph shall be certified by a licensed geologist or licensed engineer. The applicant shall identify any wells that appear from the review of public records to be unplugged or improperly plugged, and any other un-

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plugged or improperly plugged wells of which the applicant has actual knowledge;

(5) the calculated maximum storage volume for the underground porosity gas storage reservoir or reservoirs using a method acceptable to and filed with the conservation division. Storage volume calculations shall include working gas and cushion gas volumes. Any refinement of actual underground porosity gas storage reservoir volumes determined after continued operation of the facility shall be filed with the conservation division. Storage volume calculations filed according to this paragraph shall be certified by a licensed engineer or licensed geologist;

(6) a report of the maximum operating pressures to be utilized at the underground porosity gas storage facility. The maximum allowed storage reservoir pressure, measured in psig, shall be no greater than 75 percent of the fracture gradient of the formation as determined by a step rate test or as calculated by a licensed engineer or licensed geologist using a method acceptable to the conservation division. The underground porosity gas storage reservoir shall not be subjected to operating pressures in excess of the calculated fracture pressure even for short periods of time. Higher operating pressures may be allowed by the conservation division upon written application by the operator. The application, if approved by the conservation division, shall be subject to any conditions established by the conservation division;

(7) the results of multiple water quality tests of fluid recovered from the gas storage porosity reservoir or reservoirs reporting the amount of chlorides and total dissolved solids for the fluid in milligrams per liter. This test shall be conducted by a laboratory that is certified by the state of Kansas. No porosity gas storage shall be permitted in porous strata with chloride levels less than 5,000 milligrams per liter;

(8) a schedule of completed and pending mechanical integrity testing for all gas storage wells utilized at the storage facility. All existing gas storage wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before July 1, 2004. Pressure testing or alternative tests or surveys conducted in accordance with K.A.R. 82-3-1005 and performed after July 1, 2000 shall be deemed to have demonstrated mechanical integrity on the date of the test or survey. All gas storage wells completed after July 1, 2002 shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before being placed into service as an active gas storage well;

(9) an updated site map showing the boundaries of the underground porosity gas storage facility, the location and well number of all gas storage wells, including any observation wells, the location of cathodic protection boreholes or ground bed systems, and the location of all pertinent surface facilities within the boundary of the storage facility. This site map shall be certified by a licensed engineer or licensed geologist;

(10) a statement confirming that the applicant holds the necessary and sufficient property rights for construction and operation of the underground porosity gas storage facility;

(11) a detailed description of the storage facility's current safety plan;

(12) the applicant's license number;

(13) any other information that the conservation division requires; and

(14) payment of the application fee required by K.A.R. 82-3-1012.

(c) Safety plan required. Each operator shall develop and implement a storage facility safety plan. This plan shall include emergency response procedures and provisions to provide security against unauthorized activity. The plan shall detail the safety procedures concerning the residential, commercial, and public land use in the proximity of the storage facility. The emergency response procedures shall include contingency plans for gas storage well leaks and loss of containment from gas storage wells or the gas storage reservoir. The emergency response procedures shall also identify specific contractors and equipment vendors capable of providing necessary services and equipment to respond to such gas storage well leaks or loss of containment from gas storage wells or the gas storage porosity reservoir. The plan shall be updated as changes in safety features at the facility occur, or as the conservation division requires. Copies of the plan shall be available at the storage facility and at the nearest operational office of the operator of the storage facility.

(d) Safety systems required. Leak detectors shall be placed at all gas storage wells located within 330 feet of an inhabited residence, commercial establishment, church, school, small, well-defined outside area, or enclosed compressor site. Leak detectors, where applicable, shall be integrated with automated warning systems. Inspection and testing of these leak detectors shall comply with requirements of K.A.R. 82-3-1005. Identification signs shall be required at each gas storage well and shall comply with signage requirements specified in K.A.R. 82-3-1007.

(e) Well casing and cementing requirements.

(1) Gas storage wells in existence on July 1, 2002 shall comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106. However, any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to a point 500 feet above the top of the storage reservoir or to the surface, whichever is less.

(2) Gas storage wells completed after July 1, 2002 and completed with a tubing and packer configuration shall comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106, except as outlined below:

(A) Any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to a point 500 feet above the top of the storage reservoir or to the surface, whichever is less.

(B) All surface, intermediate, and production casings shall meet the standards specified in either of the following documents, both of which are hereby adopted by reference:

(i) "Bulletin on performance properties of casing, tubing, and drill pipe," API bulletin 5C2, as published by the American petroleum institute in October 1999; or

(ii) "specification for casing and tubing (U.S. customary units)," API specification 5CT, as published by the American petroleum institute in October 1998.

All surface, intermediate, and production casings shall be new casing or reconditioned casing of new quality that has been pressure-tested in accordance with the requirements of paragraph (e)(2)(B). For new pipe, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill the requirements of paragraph (e)(2)(B).

(C) Emplacement of cement in the setting of the intermediate casing string, production casing string, or any liners shall be verified by a cement bond log, cement evaluation log, or any other evaluation method approved by the conservation division.

(D) (i) All tubing strings shall meet the standards contained in either of the documents adopted in paragraph (e)(2)(B) of this regulation. All tubing shall be new tubing or reconditioned tubing of new quality that has been pressure-tested. For new tubing, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill this requirement.

(ii) For tubing completions, the packer shall be set at a depth at which the packer will be opposite a cemented interval of the long string casing and shall be set no more than 50 feet above the uppermost perforation or open hole for the gas storage reservoir.

(3) Each gas storage well completed after July 1, 2002 and not completed with a tubing and packer configuration shall be permitted only upon a showing of good cause. Each well shall, at a minimum, comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106, except as outlined below:

(A) Any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to the surface. The proposed cementing plan shall be approved by the conservation division in advance of drilling and cementing operations.

(B) All surface, intermediate, and production casings shall meet the standards contained in either of the documents adopted in paragraph (e)(2)(B) of this regulation.

All surface, intermediate, and production casings shall be new casing or reconditioned casing of new quality that has been pressure-tested. For new pipe, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill this requirement. The proposed casing plan shall be approved by the conservation division in advance of drilling and completion operations.

(C) Emplacement of cement in the setting of the intermediate casing string, production casing string, or any liners shall be verified by a cement bond log, cement evaluation log, or any other evaluation methods approved by the conservation division.

(D) Gas injection or withdrawal wells located within 330 feet of an inhabited residence, commercial establishment, church, school, or small, well-defined outside area shall be equipped with down-hole safety shutoff valves.

(f) Wellhead valves, connections, and flow line requirements. All wellhead components, including the casing-head and tubing head, valves, and fittings, shall be made

of steel having operating pressure ratings sufficient to exceed the maximum injection pressures computed at the wellhead. These ratings shall be clearly identified on valves and fittings. The wellhead master valve on each gas storage well shall be fully opening and shall be sized to the diameter of the casing or tubing string to which the valve is attached. Each flow line connected to the wellhead shall be equipped with a manually operated positive shutoff valve located on the wellhead.

(g) Gas metering; required. The total volume of gas injected into and withdrawn from an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall be metered according to the requirements of K.A.R. 82-3-1006.

(h) Gas volume; reporting. The operator of an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall report monthly to the conservation division the volume of gas placed into storage and the volume of gas removed from storage at the facility during the preceding month. The report shall be filed according to K.A.R. 82-3-1006.

(i) Gas leaks; reporting. The operator of an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall report any pressure changes or other monitoring data that indicate the presence of leaks in a gas storage well or the lack of confinement of the injected gases and any associated fluids to the gas storage reservoir. The report shall be filed according to K.A.R. 82-3-1006.

(j) Modification, suspension, or cancellation of permit. A fully authorized operating permit may be modified, suspended, or canceled after notice and opportunity for hearing if a material change in conditions has occurred in the operation of the gas storage facility or if there are material deviations from the information originally furnished to the conservation division that affect the safe operation of the facility or the ability of the facility to operate without causing the waste of hydrocarbons, pollution, or a threat to public safety. All underground porosity gas storage facility operations shall cease upon suspension or cancellation of a permit under this subsection.

(k)(1) Application required to amend permit; fully authorized permit amendment. The operator of a storage facility operating under a fully authorized operating permit shall file an application with the conservation division on a form furnished by the conservation division for an amendment to that permit under any of the following:

(A) At any time that a material change in conditions has occurred in the operation of the gas storage facility or in the ability of the facility to operate without causing pollution or the waste of hydrocarbons;

(B) before expanding the areal extent of the underground porosity gas storage facility;

(C) before increasing the underground porosity gas storage reservoir pressure above the maximum permitted pressure;

(D) before adding additional gas storage wells that are to be located within 1,320 feet or less of the boundary of the underground porosity gas storage facility; or

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(E) before adding additional gas storage wells that are to be located more than 1,320 feet within the boundary of the underground porosity gas storage facility.

(2)(A) The applicant for any amendments under paragraphs (k)(1)(A) through (D) of this regulation shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of the application shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to insure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(B) The application shall be held in abeyance for 15 days from the date of the last publication or delivery of notice, whichever is later. If during that 15-day period a valid protest is filed according to K.A.R. 82-3-135b 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 in the same manner as that required by paragraph (k)(2)(A) above.

(C) If an application for an amendment is administratively denied, the operator shall have a right to a hearing upon written request.

(l) Penalties.

(1) Operating under any of the conditions specified in paragraph (k)(1) without first applying for and obtaining conservation division approval shall be punishable by a \$500 penalty for each violation.

(2) Operating an underground porosity gas storage facility in violation of subsection (a) of this regulation shall be punishable by a penalty of \$1,000, and the underground porosity gas storage facility shall be shut down until compliance is achieved. Additional monetary penalties for operating an underground porosity gas storage facility in violation of subsection (a) of this regulation may be imposed by the commission only after notice and hearing.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1004. Notice of application for a permit to operate an underground porosity gas storage facility constructed after July 1, 2002. (a) Notice to adjacent property owners. Each applicant for an underground porosity gas storage facility operating permit for a facility constructed after July 1, 2002 shall give notice 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 one-half mile of the boundary of the storage facility;

(2) each owner of record of the minerals in unleased acreage within one-half mile of the boundary of the storage facility; and

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

(b) Notice by publication. The applicant shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of the application shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to insure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(c) Protest; notice of hearing.

(1) The application shall be held in abeyance for 15 days from the date of last publication or delivery of notice, whichever is later. If during that 15-day period a valid protest is filed according to K.A.R. 82-3-135b or if the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held.

(2) The applicant shall publish notice of the hearing in the same manner as that required by subsection (b).

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1005. Testing and inspection requirements for underground porosity gas storage facilities and underground porosity gas storage wells; penalty. (a) Mechanical integrity testing requirements; existing wells. Each gas storage well completed before July 1, 2002 shall demonstrate mechanical integrity according to this regulation before July 1, 2004. Each gas storage well shall be subsequently retested at least once every five years following the initial mechanical integrity test performed on the well. The operator and a representative of the conservation division shall mutually agree to a date for the mechanical integrity test. Test results shall be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program. Approved testing procedures for gas storage wells shall include the following:

(1) Pressure tests.

(A) Gas storage wells equipped with a tubing and packer completion shall be pressure tested at no less than 500 psig or 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility, whichever is less. The pressure shall be applied to the tubing casing annulus at the surface for a period of 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure. For tubing completions, the packer shall be set at a depth at which the packer will be opposite a cemented interval of the long string casing and shall be set no more than 50 feet above the uppermost perforation or open hole for the gas storage reservoir.

(B) Gas storage wells not completed with a tubing and packer completion shall be pressure tested at 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility. The pressure shall be applied to the long string casing at the surface

after running a retrievable plug to a depth no greater than 50 feet above the uppermost perforation or open hole of the gas storage reservoir. The test pressure shall be applied for at least 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure.

(2) Alternate tests. Alternative tests methods may be used to demonstrate mechanical integrity if conditions are deemed appropriate by the conservation division. The approved alternate test methods shall include tracer surveys, temperature surveys, casing inspection logs, and combinations of these surveys.

(b) Mechanical integrity testing requirements; newly constructed wells. Each gas storage well completed after July 1, 2002 shall demonstrate mechanical integrity before being placed into service as an active gas storage well according to the approved testing procedures listed in paragraph (a)(1) or (a)(2) of this regulation. Each gas storage well shall be subsequently retested at least once every five years following the initial mechanical integrity test performed on the well. The date for this mechanical integrity test shall be mutually agreed upon by the operator and a representative of the conservation division. Test results shall be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program.

(c) Supervision of mechanical integrity testing. Conservation division representatives shall be responsible for witnessing a minimum of 25 percent of all mechanical integrity tests conducted by each storage facility operator. However, the conservation division's inability to witness a minimum of 25 percent of all mechanical integrity tests shall not result in any penalty to the operator of the underground porosity gas storage facility if the operator has complied with subsection (b) of this regulation.

(d) Requirements upon test failure. If a gas storage well fails to demonstrate mechanical integrity by an approved method, the operator of the well shall immediately isolate the leak or leaks in a manner that contains natural gas and associated fluids in the well or storage reservoir and demonstrates that the well does not pose a threat to fresh and usable water resources or to public safety. The operator shall, within 90 days, perform one of the following:

(1) Repair and retest the well to demonstrate mechanical integrity;

(2) plug the well; or

(3) file an application with the conservation division for temporary abandonment according to K.A.R. 82-3-1011.

(e) Leak detector inspections and testing. Each leak detector required under K.A.R. 82-3-1003 shall be tested twice each calendar year at intervals not to exceed 230 days and, if defective, shall be repaired or replaced within 10 days. An extension of time for repair or replacement of a leak detector may be granted upon a showing of good cause by the operator of the underground porosity gas storage facility. A record of each inspection, which shall include the inspection results, shall be maintained by the operator in a permanent file for at least five years and shall be made available to the conservation division upon request.

(f) Penalties.

(1) The failure to perform a mechanical integrity test on a gas storage well as required under subsection (a) or (b) of this regulation shall be punishable by a \$1,000 penalty.

(2) The failure to comply with the requirements of subsection (d) of this regulation shall be punishable by a \$1,000 penalty.

(3) The failure to comply with the requirements of subsection (e) of this regulation shall be punishable by a \$500 penalty per occurrence.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1006. Storage facility monitoring and reporting. (a) Monthly wellhead pressure monitoring; record retention. The wellhead pressure of each gas storage well, including each annulus of the well, shall be monitored and recorded monthly. These records shall be retained by the operator for five years.

(b) Annual report of wellhead pressures. Information regarding wellhead pressures for each gas storage well shall be reported annually to the commission on a form furnished by the commission.

(c) Report of potential leak. The operator of an underground porosity gas storage facility shall report any pressure changes or other monitoring data that indicate the presence of leaks in the well or the lack of confinement of the injected gases and any associated fluids to the gas storage reservoir. This report shall be made orally as soon as practicable to the appropriate conservation district field office following the occurrence of the leak and shall be confirmed in writing to the conservation division office within three working days.

(d) Gas metering; record retention. The total volume of gas injected into and withdrawn from a storage facility shall be metered through a master meter. The gas volumes shall be metered with a meter that has sufficient capacity and is approved by the conservation division. The operator of the storage facility shall keep the original field record consisting of magnetic tapes, digital electronic data, meter charts, or records of gas injected or withdrawn in a permanent file for at least two years. This information shall be made available to the conservation division upon request.

(e) Monthly volume report. The operator of an underground porosity gas storage facility shall, on or before the last day of each month, file with the conservation division a report showing the volume of gas placed into storage and the volume of gas removed from storage at the storage facility during the preceding month. The report shall also state the total volume of gas stored on the first and last days of the preceding month.

(f) Penalties.

(1) The failure to file or timely file the annual pressure report required under subsection (b) shall be punishable by a \$100 penalty.

(2) The failure to file or timely file the monthly gas volume report required under subsection (e) shall be punishable by a \$100 penalty.

(continued)

(3) The failure to comply with the reporting requirements of subsection (c) of this regulation shall be punishable by a penalty of up to \$5,000 per occurrence.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1007. Identification signs. (a) Identification signs required. Each gas storage well and associated compressor site shall be identified by a sign posted immediately adjacent to the wellhead or compressor site. The sign shall be durable and shall be large enough to be legible under normal conditions at a distance of 50 feet. The sign shall include all of the following information:

- (1) The name and license number of the operator;
- (2) the name of the storage facility and the gas storage well number or compressor site name or number;
- (3) the location of the gas storage well or compressor site by quarter section, section, township, range, and county; and
- (4) the emergency contact phone number or numbers for the operator of the storage facility.

(b) Penalty. The failure to comply with the requirements of subsection (a) of this regulation shall be punishable by a \$100 penalty per occurrence.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1008. Safety inspections. (a) Semiannual safety inspections required. Each operator of an underground porosity gas storage facility shall conduct a semiannual safety inspection of the facility and shall file with the conservation division a written report consisting of the inspection procedure and results within 30 days following completion of the inspection. These inspections shall be conducted during the periods of March through May and September through November of each year. The operator shall notify the conservation division 10 days before each inspection so that a representative of the conservation division can be present to witness the inspection. An extension of time to conduct an inspection may be granted only upon a showing of good cause.

(b) Inspection criteria. Each inspection shall include verification of all of the following:

- (1) All manual valves are in normal operating condition.
- (2) All automatic shut-in safety valves are in normal operating condition.
- (3) Wellheads and all related equipment are in normal operating condition.
- (4) All warning signs, safety fences or barriers, and security equipment meet the requirements of the operator's safety plan.

(c) Penalty. The failure to comply with the requirements of this regulation shall be punishable by a \$500 penalty per occurrence.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1009. Transfer of a gas storage permit; penalty. (a) Transfer authority required. Authority to operate an underground porosity gas storage facility under a permit from the conservation division shall not be transferred from one operator to another without the approval of the conservation division. The transferor operator shall notify the conservation division in writing of the intent to transfer authority to operate an underground porosity gas storage facility from one operator to another. The written notice shall contain the following information:

- (1) The name and address of the transferor operator and that operator's license number;
- (2) a list of all active and inactive gas storage wells on the storage facility authorized under the permit being transferred;
- (3) the permit number;
- (4) the gas storage reservoir or reservoirs covered by the permit;
- (5) the proposed effective date of transfer;
- (6) the signature of the transferor operator and the date signed;
- (7) the name and address of the transferee operator and that operator's license number; and
- (8) the signature of the transferee operator and the date signed.

(b) License required. Transfers shall not be made to any individual, partnership, corporation, or municipality that is not currently licensed as a gas storage operator and does not meet the applicable financial responsibility requirements under K.A.R. 82-1-120.

(c) Approval requirements; notification. A copy of the approved transfer shall be mailed by the conservation division to the transferee operator and the transferor operator. As a condition of approval of the transfer, the transferor operator may be required by the commission to conduct mechanical integrity tests and safety inspections and may be required to provide annual pressure-monitoring reports for that operator's period of operation of the facility.

(d) Identification signs. Within 90 days after any approved transfer, the transferee operator shall change the identification signs specified in K.A.R. 82-3-1007 to show the transferee operator information.

(e) Penalties. Violation of this regulation shall be punishable by a penalty of up to \$1,000 for the first violation, \$2,000 for the second violation, and \$3,000 plus a license review for the third violation.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1010. Notice of plugging, plugging methods and procedures, plugging report, and plugging fee for gas storage wells; penalty. (a) Plugging requirements. The plugging of underground porosity gas storage wells shall be accomplished in accordance with K.A.R. 82-3-113, K.A.R. 82-3-114, K.A.R. 82-3-117, and K.A.R. 82-3-118, except as specifically provided below:

- (1) To meet the requirement of K.A.R. 82-3-113(b)(2), the operator shall provide a written plugging plan to the conservation division and the appropriate district office

no later than 30 days before the planned commencement of plugging operations.

(2) The operator of any gas storage well that shows a positive wellhead shut-in pressure or gas flow at the surface immediately before the commencement of plugging operations shall complete one of the following before commencing plugging operations:

(A) Have a mechanical bridge plug or other approved control device set immediately above the porosity storage reservoir or reservoirs before commencing cementing operations; or

(B) implement additional cementing procedures as approved by the appropriate district field office to ensure placement of a cement plug across and above the gas storage reservoir.

(3) The operator of each tubingless gas storage well shall plug the well by displacing cement inside the long string and any intermediate casing from the total depth or plug-back total depth of the well to the surface. The operator shall also ensure that there is adequate cement in the annular space between casing strings and the wellbore.

(b) Penalty. The failure of an operator to comply with subsection (a) of this regulation shall be punishable by a \$500 penalty and a requirement that the operator of the underground porosity gas storage well properly plug the well according to this regulation.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1011. Temporary abandonment of storage wells; well plugging; temporary and permanent abandonment of a storage facility; penalties. (a) Requirements for cessation of well operations. Within 90 days after injection, withdrawal, or observation operations cease on any well completed for the purpose of underground porosity gas storage, the operator of that well shall perform one of the following:

(1) Plug the well; or

(2) file an application with the conservation division requesting temporary abandonment, on a form furnished by the conservation division.

(b) Approval required for temporary abandonment. Each operator shall be required to obtain approval from the commission if the operator desires temporary abandonment status for any underground porosity gas storage well. If the operations on any temporarily abandoned gas storage well are not resumed within 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 regulations of the commission relating to the plugging of gas storage wells. Upon submitting an application to the conservation division before the expiration of the one-year period and for good cause shown, temporary abandonment status may be extended by the conservation division for one year. Additional one-year extensions may be granted by the conservation division.

(c) Right of denial. After an application for temporary abandonment of an underground porosity gas storage

well has been filed, the gas storage well shall be subject to inspection and record review by the conservation division to determine the likelihood that the temporary abandonment of the well might cause pollution, the waste of hydrocarbons, or a threat to public safety. If necessary to prevent pollution, the waste of hydrocarbons, or a threat to public safety, temporary abandonment may be denied by the conservation division, and the well may be required to be plugged or repaired according to the specifications received from the conservation division and in accordance with its regulations.

(d) Plugging of temporarily abandoned gas storage wells. At the expiration of the temporary abandonment period, each underground porosity gas storage well that is temporarily abandoned shall be plugged, repaired, or returned to operation in accordance with these regulations.

(e) Temporary abandonment of a storage facility. The operator of an underground porosity gas storage facility may temporarily abandon the storage facility upon submitting written notice to the conservation division. This notice shall include the following:

(1) The date on which the storage facility is to be temporarily abandoned;

(2) the projected temporary abandonment period;

(3) the monitoring procedures to be utilized at the facility during the temporary abandonment period;

(4) the temporary abandonment applications for each gas storage well within the facility filed according to subsection (b) of this regulation, except any gas storage wells for which temporary abandonment has already been approved; and

(5) any other information required by the conservation division.

(f) Permanent abandonment and decommissioning of a storage facility. The operator of an underground porosity gas storage facility may permanently abandon and decommission the storage facility upon submitting written notice to the conservation division. This notice shall include the following:

(1) The anticipated date on which the storage facility is to be permanently abandoned and decommissioned;

(2) the anticipated field pressure at abandonment;

(3) a detailed plan and schedule approved by the conservation division for the orderly and timely abandonment and decommissioning of the facility, which shall address the following:

(A) The identification of all surface and below-ground facilities to be abandoned;

(B) the name or names of the person or persons who will be responsible for any surface facilities abandoned in place;

(C) the surface restoration of all well sites and surface facilities to original grade, including the proper closure of all surface impoundments;

(D) the removal of any unused concrete bases, machinery, operating materials, and other debris;

(E) the disposal of all wastes in accordance with applicable Kansas statutes and regulations;

(F) the plugging of all gas storage wells in conformance with K.A.R. 82-3-1010; and

(continued)

(G) any other information required by the conservation division; and

(4) a demonstration of compliance with the requirements of K.S.A. 55-1208, and amendments thereto, if applicable to the underground porosity gas storage facility.

(g) Permit revocation upon permanent abandonment of storage facility. The underground porosity gas storage facility operating permit shall be revoked by the conservation division upon the completion of the requirements of the abandonment and decommissioning schedule and the delivery to the conservation division of final shut-in pressure data for each gas storage well plugged.

(h) Penalties.

(1) The failure to comply with subsection (a) or (b) of this regulation shall be punishable by a \$100 penalty per occurrence.

(2) The failure to file a notice of temporary abandonment of an underground porosity gas storage facility in accordance with subsection (e) of this regulation shall be punishable by a \$500 penalty.

(3) The failure to file a notice of permanent abandonment of an underground porosity gas storage facility in accordance with subsection (f) of this regulation shall be punishable by a \$1,000 penalty. Additional monetary penalties for failure to complete scheduled permanent abandonment operations according to an approved abandonment plan may be imposed by the commission only after notice and hearing.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002.)

82-3-1012. Assessment of costs for underground porosity gas storage facilities and gas storage wells. (a) Annual well fee. An annual fee of \$300 shall be assessed for each active or inactive unplugged gas storage well

located within the boundary of any underground porosity gas storage facility. The total annual well fee assessment shall be based on the number of the operator's gas storage wells in existence on the first day of November each year. The operator of the storage facility shall remit the total fee based on this well count in a single check to the conservation division on or before the last day of January each year.

(b) Application fees. The following fee or fees shall be submitted with each of the following applications:

(1)(A) For a provisional storage facility operating permit application filed according to K.A.R. 82-3-1002, each applicant shall submit a fee of \$2,000. In addition, for each gas storage well included in this permit application, the applicant shall submit a fee of \$50.

(B) For any application to amend a provisional storage facility operating permit issued according to K.A.R. 82-3-1002, each applicant shall submit a fee of \$250.

(2)(A) For a fully authorized storage facility operating permit application filed according to K.A.R. 82-3-1003, each applicant shall submit a fee of \$2,500. In addition, for each gas storage well included in this permit application, the applicant shall submit a fee of \$100.

(B) For any application to amend a fully authorized storage facility operating permit issued according to K.A.R. 82-3-1003, each applicant shall submit a fee of \$250.

(c) Fees nonrefundable. Each fee shall be nonrefundable.

This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002.)

Jeff Wagaman
Executive Director

Doc. No. 028134

INDEX TO ADMINISTRATIVE REGULATIONS

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1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731

1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
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1-16-18	Amended	V. 21, p. 146
1-18-1a	Amended	V. 20, p. 1602
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28-55-5	Amended	V. 21, p. 311

28-59-1 through 28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1 through 28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-64	Amended	V. 20, p. 490
30-4-90	Amended	V. 21, p. 1005
30-5-58	Amended	V. 20, p. 1023
30-5-64	Amended	V. 20, p. 1393
30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-100	Amended	V. 20, p. 1846
30-5-101	Revoked	V. 21, p. 1007
30-5-108	Amended	V. 20, p. 491
30-5-300	Amended	V. 21, p. 1007
30-6-88	New	V. 21, p. 1010
30-6-89	New	V. 20, p. 1394
30-6-94	Amended	V. 21, p. 506
30-6-103	Amended	V. 21, p. 1010
30-6-107	Amended	V. 21, p. 1011
30-6-109	Amended	V. 21, p. 1011
30-6-112	Amended	V. 21, p. 1013
30-10-1a	Amended	V. 21, p. 506
30-10-2	Amended	V. 21, p. 508
30-10-6	Amended	V. 21, p. 1014
30-10-7	Amended	V. 21, p. 509
30-10-11	Amended	V. 21, p. 1015
30-10-15a	Amended	V. 21, p. 1017
30-10-15b	Amended	V. 21, p. 1018
30-10-17	Amended	V. 21, p. 1019
30-10-18	Amended	V. 21, p. 1020
30-10-19	Amended	V. 21, p. 1023
30-10-21	Amended	V. 21, p. 1024
30-10-23a	Amended	V. 21, p. 1024
30-10-24	Amended	V. 21, p. 1025
30-10-25	Amended	V. 21, p. 1026
30-10-27	Amended	V. 21, p. 1027
30-10-29	Revoked	V. 21, p. 1028
30-12-16 through 30-12-22	Revoked	V. 21, p. 331
30-13-17 through 30-13-26	Revoked	V. 21, p. 331
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946

(continued)

40-1-30	Revoked	V. 20, p. 723
40-1-37	Amended	V. 20, p. 1343
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 21, p. 451
40-1-43	Amended (T)	V. 20, p. 1896
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588
40-1-48	Amended	V. 21, p. 1056
40-2-22	Revoked	V. 21, p. 589
40-3-29	Revoked	V. 20, p. 946
40-4-35	Amended	V. 20, p. 1307
40-4-37	Amended	V. 21, p. 741
40-4-37s	New	V. 21, p. 743
40-4-41	Amended	V. 20, p. 946
40-4-41b		
through		
40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954
40-12-1	Revoked	V. 20, p. 723

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106		
through		
44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107		
through		
44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110		
through		
44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336
44-11-121	Amended	V. 21, p. 337
44-11-122	Revoked	V. 21, p. 337
44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
44-11-127	Amended	V. 21, p. 337
44-11-129	Amended	V. 21, p. 338
44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339
44-11-133	Amended	V. 21, p. 339
44-11-135	Amended	V. 21, p. 339
44-12-103	Amended	V. 21, p. 117
44-12-105	Amended	V. 21, p. 117
44-12-106	Amended	V. 21, p. 117
44-12-107	Amended	V. 21, p. 117
44-12-201		
through		
44-12-205	Amended	V. 21, p. 118
44-12-210	Amended	V. 21, p. 118
44-12-303	Amended	V. 21, p. 118
44-12-305	Amended	V. 21, p. 118
44-12-306	Amended	V. 21, p. 119
44-12-307	Amended	V. 21, p. 119
44-12-309	Amended	V. 21, p. 119
44-12-310	Amended	V. 21, p. 119
44-12-312	Amended	V. 21, p. 119
44-12-313	Amended	V. 21, p. 119
44-12-314	Amended	V. 21, p. 119

44-12-318	Amended	V. 21, p. 120
44-12-320	Revoked	V. 21, p. 120
44-12-321	Amended	V. 21, p. 120
44-12-325	Amended	V. 21, p. 120
44-12-326	Revoked	V. 21, p. 120
44-12-327	Amended	V. 21, p. 120
44-12-328	Amended	V. 21, p. 120
44-12-401	Amended	V. 21, p. 120
44-12-501	Amended	V. 21, p. 121
44-12-503	Amended	V. 21, p. 121
44-12-504	Amended	V. 21, p. 121
44-12-505b	Amended	V. 21, p. 121
44-12-601	Amended	V. 21, p. 121
44-12-602	Amended	V. 21, p. 123
44-12-702	Amended	V. 21, p. 123
44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
44-12-1306	Amended	V. 21, p. 123
44-12-1307	Amended	V. 21, p. 124
44-13-101	Amended	V. 21, p. 151
44-13-104	Revoked	V. 21, p. 151
44-13-105	Amended	V. 21, p. 151
44-13-106	Amended	V. 21, p. 151
44-13-201	Amended	V. 21, p. 152
44-13-201b	Amended	V. 21, p. 153
44-13-202	Amended	V. 21, p. 153
44-13-302a	Revoked	V. 21, p. 153
44-13-304	Revoked	V. 21, p. 153
44-13-306	New	V. 21, p. 154
44-13-307	New	V. 21, p. 154
44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158
44-13-506		
through		
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159
44-13-701		
through		
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161
44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301		
through		
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143

50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-2-6	New	V. 21, p. 864
51-3-1		
through		
51-3-4	Amended	V. 21, p. 864-865
51-9-7	Amended	V. 20, p. 1755
51-9-12		
through		
51-9-14	Revoked	V. 21, p. 865
51-10-6	Revoked	V. 21, p. 865
51-17-1	Revoked	V. 21, p. 865
51-24-1	Amended	V. 21, p. 865
51-24-3	Amended	V. 21, p. 865
51-24-4	Amended	V. 21, p. 866

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-2-101	Amended	V. 21, p. 840
60-3-106	Amended	V. 21, p. 840
60-3-111	Amended	V. 20, p. 1522
60-4-101	Amended	V. 20, p. 449
60-4-103	Amended	V. 21, p. 841
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-116	Amended	V. 21, p. 316
60-11-119	Amended	V. 20, p. 451
60-12-106	Amended	V. 20, p. 1522
60-13-101	Amended	V. 20, p. 451
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-13-112	Amended	V. 20, p. 1523
60-16-101	Amended	V. 21, p. 841
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183
65-8-5	New	V. 20, p. 944

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1		
through		
63-7-8	New	V. 21, p. 660-662

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 20, p. 1647
66-6-4	Amended	V. 20, p. 1647
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 1648
66-10-13	Amended	V. 20, p. 1648
66-14-5	Amended	V. 20 pp. 1649
66-14-10	Amended	V. 20, p. 104

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308
68-9-2	New	V. 20, p. 1020

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-3a	Amended	V. 20, p. 1650
74-4-4	Amended	V. 20, p. 1650
74-4-8	Amended	V. 20, p. 1650

74-5-2	Amended	V. 20, p. 1651
74-5-202	Amended	V. 20, p. 1652
74-5-205	Amended	V. 20, p. 1652
74-5-302	Amended	V. 20, p. 1652
74-5-404a	Amended	V. 20, p. 1652
74-7-3	New	V. 20, p. 1652
74-11-6	Amended	V. 20, p. 1653
74-11-7	Amended	V. 20, p. 1653
74-11-8	through	
74-11-14	Revoked	V. 20, p. 1653
74-11-15	New	V. 20, p. 1653
74-12-1	Amended	V. 20, p. 1654

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
75-6-32	New	V. 20, p. 175

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-5-19	through	
80-5-22	New	V. 20, p. 1649, 1650
80-9-1	New	V. 20, p. 1650
80-9-2	New	V. 20, p. 1650

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-1	Amended	V. 20, p. 1604
81-3-2	Amended	V. 20, p. 1606
81-3-3	Revoked	V. 20, p. 1606
81-3-5	New	V. 20, p. 1606
81-4-3	Revoked	V. 20, p. 1607
81-5-7	Amended	V. 20, p. 1607
81-14-1	through	
81-14-8	New	V. 20, p. 1607-1617

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-111	Amended	V. 21, p. 43
82-3-120	Amended	V. 21, p. 44
82-3-120a	Revoked	V. 21, p. 45
82-3-123	Amended	V. 21, p. 45
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-304	Amended	V. 21, p. 45
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402	through	
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-4-3	Amended (T)	V. 20, p. 1723
82-4-3	Amended	V. 20, p. 1868
82-4-26a	New (T)	V. 20, p. 1723
82-4-26a	New	V. 20, p. 1869

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 20, p. 1825

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1b	New (T)	V. 21, p. 501

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-70a	Amended	V. 20, p. 1894
91-1-146a	through	
91-1-146e	Revoked	V. 21, p. 178
91-1-206	Amended	V. 21, p. 178

91-1-215	through	
91-1-219	New	V. 21, p. 178-180
91-5-14	Amended	V. 20, p. 108
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-2	Amended	V. 20, p. 541
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-27	Amended	V. 20, p. 544
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545
91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546
91-41-1	through	
91-41-4	New	V. 20, p. 546, 547

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5	through	
92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-9-8	Revoked	V. 20, p. 1124
92-11-1	through	
92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1	through	
92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4	through	
92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-6	Amended	V. 20, p. 1126
92-15-8	Amended	V. 21, p. 335
92-17-1	through	
92-17-6	Amended	V. 21, p. 313, 314
92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180

92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17	through	
92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9	through	
92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-23	Amended	V. 20, p. 1895
92-24-24	Amended	V. 21, p. 316
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-40	Revoked (T)	V. 20, p. 1580
92-51-40	Revoked	V. 20, p. 1895
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended	V. 20, p. 1603
92-52-9a	Amended	V. 20, p. 1604
92-53-1	through	
92-53-7	Revoked	V. 20, p. 1131
92-54-1	through	
92-54-5	Revoked	V. 20, p. 1131
92-56-1	through	
92-56-5	Amended	V. 21, p. 1057-1059

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1	through	
93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1	through	
93-6-4	Amended	V. 20, p. 452, 453

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1	through	
94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Revoked	V. 21, p. 12
99-8-9	Revoked	V. 21, p. 12
99-9-1	Revoked	V. 21, p. 12
99-10-1	Revoked	V. 21, p. 12
99-25-1	Amended	V. 21, p. 12
99-25-3	Amended	V. 21, p. 13
99-25-4	Amended	V. 21, p. 13
99-25-6	Amended	V. 21, p. 13
99-25-7	Amended	V. 21, p. 13
99-25-9	Amended	V. 21, p. 14
99-26-1	Amended	V. 21, p. 14
99-27-2	through	
99-27-5	Amended	V. 21, p. 14, 15
99-30-2	through	
99-30-6	Amended	V. 21, p. 15, 16
99-31-2	through	
99-31-6	Amended	V. 21, p. 16
99-40-1	Revoked	V. 21, p. 16
99-40-3	Amended	V. 21, p. 17

(continued)

99-40-21 through
 99-40-47 Revoked V. 21, p. 17
 99-40-100 Revoked V. 21, p. 17
 99-40-101 Revoked V. 21, p. 18
 99-40-104 Revoked V. 21, p. 18
 99-40-105 Revoked V. 21, p. 18

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-15-1	Amended	V. 20, p. 1093
100-27-1	Amended	V. 21, p. 307
100-28a-1 through		
100-28a-16	New	V. 20, p. 774-778
100-49-4	Amended (T)	V. 21, p. 1131
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8 through		
100-60-15	Revoked	V. 20, p. 779

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 20, p. 1897
102-1-10	Revoked	V. 20, p. 1898
102-1-10a	New	V. 20, p. 1898
102-1-19	New	V. 20, p. 572
102-1-20	New	V. 20, p. 1900
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-2-15	New	V. 20, p. 572
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134
102-3-16	New	V. 20, p. 572
102-3-17	New	V. 21, p. 1137
102-4-16	New	V. 20, p. 572
102-5-15	New	V. 20, p. 572

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-9-1	Amended	V. 20, p. 1675
109-9-4	Amended	V. 20, p. 1677
109-10-1	Amended	V. 20, p. 1677
109-11-10	New	V. 20, p. 1679

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1 through		
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119 through		
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094

111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795 through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814 through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825 through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840 through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845 through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854 through		
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874 through		
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878 through		
111-4-1885	New	V. 20, p. 1902-1906
111-4-1886 through		
111-4-1889	New	V. 21, p. 183-185
111-4-1890 through		
111-4-1893	New	V. 21, p. 591-593
111-4-1894 through		
111-4-1900	New	V. 21, p. 649-655
111-4-1901 through		
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
111-4-1922	New	V. 21, p. 748
111-4-1923	New	V. 21, p. 749
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-5-78	Amended	V. 21, p. 751
111-7-119 through		
111-7-127	Amended	V. 21, p. 594-597
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158 through		
111-7-162	New	V. 20, p. 577

111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163 through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-7-171 through		
111-7-175	New	V. 20, p. 1782, 1783
111-7-176 through		
111-7-180	New	V. 21, p. 656, 657
111-8-101 through		
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579
111-9-113	Amended	V. 21, p. 186
111-9-114	New	V. 21, p. 657
111-9-115	New	V. 21, p. 702
111-9-116	New	V. 21, p. 703

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729
112-18-11	Amended	V. 20, p. 1922

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 20, p. 1499
115-2-4	Amended	V. 20, p. 1499
115-2-6	Amended	V. 21, p. 451
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	Amended	V. 21, p. 452
115-4-5	Revoked	V. 20, p. 769
115-4-7 through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-5-1	Amended	V. 21, p. 1137
115-5-2	Amended	V. 21, p. 1138
115-5-3	Amended	V. 21, p. 1138
115-8-1	Amended	V. 20, p. 1061
115-8-4	Amended	V. 20, p. 1500
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-9-4	Amended	V. 21, p. 177
115-11-1	Amended	V. 21, p. 177
115-11-2	Amended	V. 21, p. 177
115-13-1	Amended	V. 20, p. 1500
115-13-2	Amended	V. 20, p. 1500
115-13-5	Amended	V. 20, p. 1501
115-14-2	Amended	V. 20, p. 1501
115-14-3	Amended	V. 20, p. 1502
115-14-5	Amended	V. 20, p. 1502
115-14-6	Amended	V. 20, p. 1502
115-14-7	Revoked	V. 20, p. 1502
115-14-9	Amended	V. 20, p. 1502
115-14-10	Amended	V. 20, p. 1503
115-16-5	New	V. 21, p. 1138
115-16-6	New	V. 21, p. 1139
115-18-5	Revoked	V. 20, p. 1504
115-18-7	Amended	V. 21, p. 453
115-18-8	Amended	V. 20, p. 1504
115-18-9	Amended	V. 20, p. 1504
115-18-14	Amended	V. 20, p. 1504
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063
115-21-1	Amended	V. 20, p. 1803
115-21-2	Amended	V. 20, p. 1804
115-21-3	Revoked	V. 20, p. 1804

115-21-4	New	V. 20, p. 1804
115-22-1	New	V. 20, p. 1804
AGENCY 117: REAL ESTATE APPRAISAL BOARD		
Reg. No.	Action	Register
117-6-1	Amended	V. 21, p. 658
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863

117-8-1	Amended	V. 21, p. 659
AGENCY 118: STATE HISTORICAL SOCIETY		
Reg. No.	Action	Register
118-5-1 through		
118-5-10	New (T)	V. 20, p. 1492-1495

AGENCY 125: AGRICULTURAL REMEDIATION BOARD		
Reg. No.	Action	Register
125-1-1 through		
125-1-9	New (T)	V. 20, p. 1496-1498
125-1-1 through		
125-1-9	New	V. 20, p. 1891-1893