

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 12

March 24, 1983

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## State of Kansas

## LEGISLATURE

The following list gives the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

**Bills Introduced March 10-16:**

**SB 407**, by Committee on Ways and Means: An act relating to district courts; changing the boundaries of certain judicial districts and establishing an additional judicial district; providing for the elimination of certain positions; amending K.S.A. 4-205 and 4-212 and K.S.A. 1982 Supp. 20-333b and 20-338 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 20-333a, 20-333c and 20-354a.

**SB 408**, by Committee on Ways and Means: An act concerning the adjutant general; creating the armories and units general fees fund; prescribing the disposition of certain reimbursements and other receipts; authorizing rules and regulations for the administration thereof.

**SB 409**, by Committee on Federal and State Affairs: An act concerning the state board of agriculture; confirmation of appointment of the chief engineer; amending K.S.A. 74-506d and repealing the existing section.

**SB 410**, by Committee on Federal and State Affairs: An act concerning countywide and city retailers' sales taxes; relating to the repeal thereof; amending K.S.A. 12-187 and repealing the existing section.

**SB 411**, by Committee on Ways and Means: An act concerning the civil service of the state of Kansas; amending K.S.A. 1982 Supp. 75-2935 and repealing the existing section.

**SB 412**, by Committee on Ways and Means: An act relating to the state fire marshal; concerning the levy paid by fire insurance companies for maintaining the department of state fire marshal; amending K.S.A. 75-1508 and repealing the existing section.

**HB 2548**, by Committee on Federal and State Affairs (by request): An act relating to cosmetology; concerning regulation and licensure relating thereto; amending K.S.A. 65-1901 and 65-1902 and K.S.A. 1982 Supp. 65-1903, 65-1904, 65-1904b and 65-1905 and repealing the existing sections; also repealing K.S.A. 65-1911.

**HB 2549**, by Committee on Ways and Means: An act providing for the award of Kansas teacher training grants to qualified prospective-teacher students.

**HB 2550**, by Committee on Ways and Means: An act concerning the office of the securities commissioner of Kansas; relating to financing such office from the state general fund; prescribing fees and the disposition of fees; abolishing the securities act fee fund and creating the securities act fee refund fund; amending K.S.A. 17-1254, 17-1280 and 58-3320 and K.S.A. 1982 Supp. 17-1270, 17-1271 and 75-3170a and repealing the existing sections.

**SCR 1624**, by Senators Rehorn, Daniels, Feleciano, Gaar, Johnston, McCray, Mulich, Parrish, Reilly, Steineger and Winter: A concurrent resolution urging that the average salary of Kansas teachers be increased to at least equal the national average salary of teachers.

**HCR 5036**, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution concerning carriers of persons and property; relating to bills of lading, way and freight bills; modifying Kansas administrative regulation 82-4-48, as adopted by the state corporation commission and filed with the revisor of statutes on December 3, 1982.

**HCR 5037**, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution concerning examination and registration of persons by the Kansas real estate commission; relating to approval of courses of instruction; modifying Kansas administrative regulation 86-1-10, as adopted by the Kansas real estate commission and filed with the revisor of statutes on October 6, 1982.

**HCR 5038**, by Representatives Walker, Acheson, Duncan, Dyck, Eckert, Farrar, Flottman, Francisco, W. Fuller, Goossen, Grotewiel, Hassler, Hoagland, King, Kline, Laird, Lowther, Meacham, R.D. Miller, K. Ott, Patterson, Polson, Ramirez, Rolfs, Darrel Webb, Whitaker and Wunsch: A concurrent resolution urging Amtrak to resume the Lone Star Passenger Service to connect with the Southwest Limited passing through the State of Kansas.

**SR 1819**, by Senator Norvell: A resolution congratulating and commending Fort Hays State University for winning the NAIA District 10 championship.

**SR 1820**, by Senator Winter: A resolution congratulating and commending the Lawrence High School boys' basketball team and its coach, Ted Juneau, on winning the 1983 Class 6A State Basketball Championship in Kansas.

**SR 1821**, by Senator Vidricksen: A resolution congratulating and commending the Salina Central High School boys' basketball team and its coach, Dennis Wahlgren, on winning the 1983 Class 5A State Basketball Championship in Kansas.

**SR 1822**, by Senators Kerr, Allen, Arasmith, Doyen, Gannon, Karr, Montgomery, Norvell, Reilly, Thiessen and Warren: A resolution joining with the Governor of the state of Kansas in proclaiming March 21, 1983, "Agriculture Day."

**HR 6025**, by Representatives Meacham and Cribbs: A resolution congratulating and commending Antoine Carr of Wichita State University on his outstanding collegiate basketball career.

**HR 6026**, by Representative Dyck: A resolution congratulating and commending the Hesston High School boys' basketball team and its coach, Bruce Krase, on winning the 1983 Class 3A State Basketball Championship in Kansas.

**HR 6027**, by Representatives B. Ott and Aylward: A resolution congratulating and commending the Salina Central High School boys' basketball team and its coach, Dennis Wahlgren, on winning the 1983 Class 5A State Basketball Championship in Kansas.

**HR 6028**, by Representative L. Johnson: A resolution congratulating and commending the Ransom High School girls' basketball team and its coach, Jon Nuttle, on winning the 1983 Class 1A State Basketball Championship in Kansas.

**HR 6029**, by Representative Barr: A resolution congratulating and commending the Silver Lake High School girls' basketball team and its coach, Loren Ziegler, on winning the 1983 Class 3A State Basketball Championship in Kansas.

**HR 6030**, by Representative L. Johnson: A resolution congratulating and commending the Wheatland High School girls' basketball team and its coach, Steven Riedy, on winning the 1983 Class 2A State Basketball Championship in Kansas.

**HR 6031**, by Representatives L. Johnson, Acheson, Campbell, Cloud, Cobb, Cribbs, Crumbaker, Dillon, Ediger, Farrar, R. Frey, Friedeman, L. Fray, B. Fuller, W. Fuller, Green, Guldner, Hassler, Helgeson, Hoy, M. Johnson, Justice, Littlejohn, Long, Mainey, D. Miller, R.D. Miller, Murphy, B. Ott, K. Ott, Patterson, Roenbaugh, Rolfs, Roper, Sallee, Schmidt, Shelor, Smith, Spaniol, Vancrum, David Webb and Wisdom: A resolution memorializing the President and the Congress of the United States to eliminate federal interference in the control of the speed limits on Kansas highways by the Kansas Legislature.

**HR 6032**, by Representatives Charlton, Branson and Solbach: A resolution congratulating and commending the Lawrence High School boys' basketball team and its coach, Ted Juneau, on winning the 1983 Class 6A State Basketball Championship in Kansas.

**HR 6033**, by Representative Cobb: A resolution congratulating and commending the Canton-Galva High School boys' basketball team and its coach, Myron Regier, on winning the 1983 Class 2A State Basketball Championship in Kansas.

**HR 6034**, by Representative Harder: A resolution congratulating and commending the Buhler High School girls' basketball team and its coach, Jim Baker, on winning the 1983 Class 5A State Basketball Championship in Kansas; and congratulating and commending the Buhler High School boys' basketball team and its coach, Glen Gayer, on their performance in the 1983 Class 5A State Basketball Championship tournament.

**HR 6035**, by Representative Reinhardt: A resolution congratulating and commending the Thayer High School boys' basketball team and its coach, Ron Thorson, on winning the 1983 Class 1A State Basketball Championship in Kansas.

**HR 6036**, by Representatives B. Fuller, Adam, Apt, Arbutnot, Buehler, Bussman, Campbell, Dempsey, Eckert, Flottman, Goossen, Hamm, L. Johnson, Long, Niles, Polson, Rezac, Roenbaugh, Shelor, Solbach and Teagarden: A resolution joining with the Governor of the state of Kansas in proclaiming March 21, 1983, "Agriculture Day."

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PUBLISHED BY  
JACK H. BRIER  
Secretary of State  
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Topeka, Kansas 66612

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Carol A. Bell  
Publications Director



## State of Kansas

**SECRETARY OF STATE****NOTICE**

Two new editions of publications of this office are now available free of charge on request. They are:

*Directory of Legislative Lobbyists 1983*—A listing of names, addresses and telephone numbers of lobbyists registered with this office. Also includes an alphabetical list of appointing authorities and a category listing of lobbying organizations.

*Election Statistics 1982*—Gives vote results, by counties, for the 1982 primary and general elections.

Mail your request to: Secretary of State; Attn: Publications; State Capitol; Topeka, KS 66612. Or call: (913) 296-2236 (ask for Publications).

JACK H. BRIER  
Secretary of State

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES**

**NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE ADMINISTRATIVE REGULATIONS PROMULGATED BY THE SECRETARY OF SOCIAL AND REHABILITATION SERVICES**

The Secretary has previously given notice of his intent to hold a public hearing on March 25, 1983, concerning the adoption on a temporary basis of certain proposed administrative regulations. Further staff comments concerning such proposals are set forth below:

(1) MediKan Program—Staff is recommending that the co-pay requirement for podiatrist services be deleted.

Further, staff is recommending that the scope of pharmacy services be limited to those life supporting drugs, supplies and devices that have been accepted for inclusion on any formulary listing for adult medikan program recipients.

(2) Reimbursement for services provided by general hospitals—Staff is recommending that the per diem rate for non-participating hospitals equal the mean per diem rate for participating Kansas hospitals (excluding teaching costs for approved intern, resident and nursing programs) below the mean per diem rate calculated pursuant to section (b) of K.A.R. 30-5-81r subject to the provisions of section (c) of K.A.R. 30-5-81r.

(3) Reimbursement for services provided by adult care homes—Staff is recommending that the amended provisions of 30-10-13(b)(4)(i)(gg) found on page 14 of the regulation and on page 197 of the *Kansas Register* published on March 10, 1983, be made applicable to transactions between sublessors (as well as owners) and providers.

ROBERT C. HARDER  
Secretary

Doc. No. 001018

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on April 5, 1983, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Preliminary discussion of staff proposals concerning temporary administrative regulations.
- Continued discussion related to FY 1985 Issue Papers.
- Legislative and budget update.
- Possible program changes.

Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER  
Secretary

Doc. No. 001017

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

**MONDAY, APRIL 4, 1983**

#25363 (Supplement)

Small Hospitals and Institutions—DRUGS

#52601A

Kansas State Corporation Commission, Wichita—  
SALE OF USED LOGGER, BOREHOLE

#53141

University of Kansas Medical Center, Kansas City—  
JANITORIAL-HOUSEKEEPING EQUIPMENT

#53142

University of Kansas Medical Center, Kansas City—  
PROCTOLOGIC TABLE

#53143

Topeka State Hospital, Topeka—DORM CHESTS

#53144

Kansas State University, Manhattan—MICROCOM-  
PUTER EQUIPMENT

#53198

University of Kansas Medical Center, Kansas City—  
PERFUSION CONTROL SYSTEM

**TUESDAY, APRIL 5, 1983**

#25526

University of Kansas, Lawrence—MAY (1983) MEAT  
PRODUCTS

(continued)

#52836  
Kansas Correctional Industries, Lansing—CANS AND  
CARDBOARD CARTONS

#53146  
University of Kansas, Lawrence—SMOKE DETEC-  
TORS

#53149  
Fort Hays State University, Hays—MICROPROCES-  
SOR SYSTEM

#53150  
Kansas State University, Manhattan—SPECTROPHO-  
TOMETER

#53151  
Kansas State University, Manhattan—GRAIN DRILL,  
for Garden City

#53152  
Department of Transportation, Salina—PRESSURE  
RELIEF JOINT FILLER

#53153  
Kansas State University, Manhattan—TWO ROW  
TEST PLOT PLANTERS, for Parsons

#53157  
Department of Transportation—SELF PROPELLED  
ROLLERS, for various locations

#53183  
Wichita State University, Wichita—SALE OF USED  
DRIVER TRAINING EQUIPMENT

#A-4552 through #A-4554  
Department of Transportation—REROOF THREE (3)  
BUILDINGS at Erie, Yates Center and Mound City

WEDNESDAY, APRIL 6, 1983

#53154  
Department of Transportation—ARROW BOARDS, for  
various locations

#53155  
Department of Transportation, Chanute—SWEEPERS

#53156  
Department of Transportation—SELF PROPELLED  
ROLLERS, for various locations

#53166  
Pittsburg State University, Pittsburg—PARKING  
PERMIT DECALS

#A-4624  
Kansas State Historical Society, Topeka—STORAGE  
RACKS AND SHELVING FOR KANSAS MUSEUM OF  
HISTORY

THURSDAY, APRIL 7, 1983

#25528  
Statewide—MAY (1983) MEAT PRODUCTS

#53172  
University of Kansas Medical Center, Kansas City—  
MEAT PRODUCTS

#53173  
Department of Transportation—AB-3 COMMERCIAL  
GRADE AGGREGATE, for Reno County

#53174  
Department of Transportation—PLANT MIX BITU-  
MINOUS MIXTURE COMMERCIAL GRADE, for Iola

#53175  
Kansas Corporation Commission, Topeka—SURBUR-  
BAN

#53181  
Department of Transportation, Norton—MOWER  
BLADES

#53182  
University of Kansas Medical Center, Kansas City—  
NEONATAL MONITORS

#53186  
Kansas State University, Manhattan—VAN

#53187  
Kansas State University, Manhattan—RENTAL OF  
AERIAL WORK PLATFORM AND TRACK TYPE  
LOADER

#53188  
Department of Transportation, Norton—MOWER  
BLADES

#53191  
Wichita State University, Wichita—GRAPHIC TER-  
MINAL

#A-4275(a)  
University of Kansas, Lawrence—FURNISH AND IN-  
STALL BOILER BLOW DOWN HEAT RECOVERY  
SYSTEM IN CENTRAL POWER PLANT FACILITY

#A-4340(a)  
University of Kansas, Lawrence—INSULATION AND  
VENTILATION CONSTRUCTION FOR MURPHY  
HALL

#A-4555 and #A-4556  
Department of Transportation—REROOF TWO  
BUILDINGS at Washington and Abilene

FRIDAY, APRIL 8, 1983

#53189  
Larned State Hospital, Larned—SOAP AND DETER-  
GENT

#53196  
Winfield State Hospital & Training Center, Win-  
field—MC-800 OIL BASE, ROAD OIL (FOR SEALING  
ROADS)

#A-3764(b)  
University of Kansas Medical Center, Kansas City—  
CONSTRUCT DRIVE AND CURBING OF THE  
HEALTH SCIENCES FACILITY

MONDAY, APRIL 11, 1983

#53148  
Department of Transportation—TWO WAY RADIO  
EQUIPMENT, for Garden City and Norton

#53180  
Kansas State University, Manhattan—ADJUSTABLE  
SPEED DRIVE

FRIDAY, APRIL 22, 1983

#25529  
Department of Revenue, Topeka—HAND/WATER  
APPLIED TOBACCO TAX STAMPS

#25530  
University of Kansas, Lawrence—PROPERTY IN-  
SURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001015

**State of Kansas****ATTORNEY GENERAL****OPINION NO. 83-30**

**Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Consumption of Alcoholic Liquor In Public Places Prohibited.** Thomas P. Barr, Historic Properties Supervisor, Kansas State Historical Society, Topeka, March 11, 1983.

A charter ordinance of the city of Osawatomie which permits consumption of alcoholic liquor on state-owned property has a substantial extraterritorial impact, and is invalid to the extent that it purports to authorize such consumption. If consumption of alcoholic liquor is to be permitted upon park land leased to the city of Osawatomie by the state of Kansas, it will be necessary for the Kansas Legislature to amend the provisions of K.S.A. 41-719 to so provide. Cited herein: K.S.A. 41-719, 76-2002a, Kan. Const., Art. 12, Section 5. TRH

**OPINION NO. 83-31**

**Roads and Bridges—Express Highways and Freeways—Debt Service Requirements on Highway Bonds.**

**Taxation—Motor-Fuel Taxes—State Freeway Fund.** Representative Ed C. Rolfs, Sixty-Fifth District, Junction City, March 11, 1983.

The legislature may not enact a law which impairs the state's obligation to make the required principal and interest payments on the issued and outstanding highway bonds providing funds for the construction, reconstruction and improvement of highway projects within the state system of modern express highways and freeways. Said bonds are payable solely from the state freeway fund, and the required principal and interest payments constitute a first lien and claim on moneys accruing to said fund. Thus, even though the legislature may lawfully transfer moneys from the freeway fund to the highway fund, any law providing for such a transfer that impairs the state's contractual obligation to make the required principal and interest payments is invalid. Cited herein: K.S.A. 68-2094, 68-2096, 68-2301, 68-2302, K.S.A. 1982 Supp. 68-2304, K.S.A. 68-2305, 68-2306, 68-2308, 68-2312, K.S.A. 1982 Supp. 79-3401, 79-3425, K.S.A. 79-3474, 79-3490, K.S.A. 1982 Supp. 79-34,104. WRA

**OPINION NO. 83-32**

**State Departments; Public Officers, Employees—Open Meetings Act—Kansas Corporation Commission; Quasi-judicial Deliberations.**

**Public Utilities—Powers of State Corporation Commission—Open Meetings Act; Quasi-judicial Deliberations.** Representative Neal D. Whitaker, Ninety-First District, Wichita, March 11, 1983.

The Kansas Corporation Commission is not exempt from the Kansas Open Meetings Act during deliberations in rate-making cases since such rate-making functions are legislative in nature rather than quasi-

judicial. Cited herein: K.S.A. 1982 Supp. 66-101, K.S.A. 66-107, 66-110, 66-113, 66-117, 66-118a, 75-4317, K.S.A. 1982 Supp. 75-4318. BJS

**OPINION NO. 83-33**

**Apportionment—Reapportionment of Senatorial Districts—Constitutional Requirements.** Senator Robert V. Talkington, Majority Leader of the Senate, Twelfth District, Iola, March 16, 1983.

Pursuant to Article 10 of the Kansas Constitution, the 1979 Session of the Kansas Legislature enacted Senate Bill No. 220, which reapportioned the state senatorial districts, based on figures compiled in the 1978 state agricultural census. The reapportionment statute was presented to the supreme court by the Attorney General, with the court holding, in a final judgment, that the plan complied with the requirements of the state and federal constitutions. Accordingly, unless it is ordered to do so by a court of competent jurisdiction, the legislature may not act again on reapportionment until the time set forth by Article 10, which is 1989.

Reapportionment on a decennial basis, such as that provided by the Kansas Constitution, has been held consistent with equal protection rights under the federal constitution. Additionally, court decisions have sanctioned the use of figures derived from the state agricultural census, rather than the United States census, and have found no discrimination in the way the state census considered persons in military service in arriving at population figures for each district. Accordingly, the fact that U.S. census figures collected subsequent to 1979 are dissimilar from those used by the legislature and approved by the supreme court is insufficient to challenge the validity of the apportionment plan currently in effect. However, given that the state agricultural census has been replaced by the federal census, the next reapportionment scheduled for 1989 will of necessity use data collected in 1980, yet will draw districts which will be used until 1999. As population shifts during this lengthy period may give rise to equal protection concerns the legislature may wish to consider remedial measures prior to 1989, such as amending the Kansas Constitution, Article 10, or reinstating some form of state census. Cited herein: K.S.A. 11-201, 24-3402, 24-3403, L. 1979, ch. 55, 1983 SR No. 1814, 1979 SB No. 220, Kan. Const., Art. 10, § 1, U.S. Const., Amend. XIV. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001013

(Published in the KANSAS REGISTER, March 24, 1983.)

**NOTICE OF BOND SALE**  
**\$395,000.00**  
**GENERAL OBLIGATION**  
**SEWER SYSTEM BONDS**  
**SERIES B, 1983**  
**OF THE**  
**CITY OF ROSE HILL, KANSAS**

The CITY OF ROSE HILL, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, ROSE HILL, KANSAS, until 7:30 o'clock P.M., C.S.T., on

MONDAY, APRIL 11, 1983

for \$395,000.00 par value GENERAL OBLIGATION SEWER SYSTEM BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon Bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated May 1, 1983. The Bonds will mature serially in accordance with the following schedule:

AMOUNT	MATURITY
\$15,000	November 1, 1984
15,000	November 1, 1985
15,000	November 1, 1986
15,000	November 1, 1987
20,000	November 1, 1988
20,000	November 1, 1989
25,000	November 1, 1990
25,000	November 1, 1991
25,000	November 1, 1992
30,000	November 1, 1993
30,000	November 1, 1994
35,000	November 1, 1995
40,000	November 1, 1996
40,000	November 1, 1997
45,000	November 1, 1998

Interest on the Bonds will first be payable on MAY 1, 1984, and thereafter semiannually on the first days of NOVEMBER and MAY in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding Six (6) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the Weekly Bond Buyer on Monday, April 4, 1983, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID

FORM furnished by the City, and shall be addressed to the City at CITY HALL, ROSE HILL, KANSAS 67133, ATTENTION: ANGELINE S. EASTERBY, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF ROSE HILL, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before MAY 26, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of making improvements to the wastewater treatment plant and sanitary sewer system in the City of Rose Hill, Kansas.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

(continued)

Assessed valuation figures for the City of Rose Hill, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property	\$3,714,693.00
Tangible Valuation of Motor Vehicles	\$1,192,763.00
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$4,907,456.00

The total bonded indebtedness of the City of Rose Hill, Kansas, at the date hereof, including this \$395,000.00 proposed issue of Bonds, is in the amount of \$1,213,000.00. The City currently has \$147,000.00 Temporary Notes outstanding which will be retired from the proceeds of the Bonds of this issue.

DATED March 7, 1983.

ANGELINE S. EASTERBY  
City Clerk  
City of Rose Hill, Kansas

Doc. No. 0001010

(Published in the KANSAS REGISTER, March 24, 1983.)

### NOTICE OF BOND SALE

\$1,330,000.00

### THE CITY OF HAYS, ELLIS COUNTY, KANSAS WATER AND SEWER GENERAL OBLIGATION BONDS

Pursuant to Ch. 84, L. 1965, SEALED BIDS will be received by the City of Hays, Ellis County, Kansas, at the office of the City Clerk, City Hall, in the City of Hays, Kansas, on Thursday,

April 14, 1983

at 7:30 o'clock P.M., Central Standard Time for the sale of two hundred sixty-six (266) Water and Sewer General Obligation Bonds of the City of Hays, Kansas, Series O, of said City, in the aggregate amount of \$1,330,000.00, at which time said bids will be publicly opened. All of said bonds will be negotiable coupon bonds, in the denomination of \$5,000.00 each. All of said bonds will be dated May 1, 1983, and will mature serially without option of prior payment, as follows:

\$130,000.00—March 1, 1984 to 1987, inclusive

\$135,000.00—March 1, 1988 to 1993, inclusive

and shall not be subject to prior payment.

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders, provided, however, that not more than five different rates shall be specified in any bid and the same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of one-eighth or one-twentieth of one percent and no interest rate shall exceed the maximum permitted by the laws of the State of Kansas. No bid of less than par and accrued interest shall be considered. Any bid specifying the use of supplemental coupons or more than one interest rate within a single maturity will not be considered.

Each bid shall specify the total interest cost to the City during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the total net interest cost and the average annual

net interest rate to the City on the basis of such bid. It shall be understood that the City may rely upon the representation as to the total net interest cost in awarding the bonds to the bidder submitting the best bid.

Interest on said bonds will be payable on March 1, 1984, and thereafter semi-annually on September 1 and March 1 in each year. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

The cost of printing said bonds will be paid by the purchaser. Said bonds, duly executed and registered, will be delivered by the City and said bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., whose unqualified approving opinion will be furnished and paid for by the City. The legal opinion will be printed on each bond. Other legal services in connection with the issuance of said bonds will be paid by the City.

All of said bonds will constitute general obligations of said City, payable both as to principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all tangible taxable property, real and personal, within the territorial limits of said City.

Said City has an assessed taxable, tangible valuation of \$43,080,703.00 and a bonded indebtedness of \$7,032,000.00, including this issue of \$1,330,000.00. Said bonds are being issued for the purpose of paying the cost of construction of water and sewer line extensions by the City of Hays, Kansas.

Said bonds will be delivered to the purchaser on or before June 1, 1983, at such bank in the City of Topeka, Kansas; Wichita, Kansas; Kansas City, Missouri; or elsewhere, as may be specified by the purchaser, and the purchaser will be furnished with a certified transcript of the proceedings, including the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity or any of the proceedings had with respect thereto.

Each bid shall be accompanied by a certified or cashier's check for two percent of the total amount of such bid. The City reserves the right to reject any and all bids. Bids will be submitted in writing, sealed and marked, "Bond Bid." In the event any purchaser whose bid is accepted shall fail to carry out his contract, said deposit shall be paid to the City as liquidated damages. The checks of unsuccessful bidders will be returned.

DONE by the Order of the City Commission of the City of Hays, Ellis County, Kansas, this 10th day of March, 1983.

THE BOARD OF CITY COMMISSIONERS OF  
THE CITY OF HAYS, ELLIS COUNTY, KANSAS

BY GEORGE PHILIP, MAYOR

ATTEST: DOROTHY SODERBLOM, CITY CLERK

(SEAL)

Doc. No. 001014



(Published in the KANSAS REGISTER, March 24, 1983.)

**(NOTICE OF SALE)  
CITY OF ANDOVER  
BUTLER COUNTY, KANSAS  
NOTICE OF BOND SALE  
(STREET)  
SERIES 1983**

Sealed bids will be received by the Governing Body in the city of Andover, Kansas, at the City Civic Center, 909 North Andover Road, Andover, Kansas 67002, Tuesday, April 12, 1983, at 7:30 p.m., at which time bids shall be publicly opened for the purchase of Internal Improvement Bonds of the city of Andover, Kansas, in the aggregate amount of \$203,197.85. Said bonds will be dated May 1, 1983, and will be in the denomination of \$5,000.00 each, except No. 1 \$3,197.85, and will become due as follows:

NUMBER	AMOUNT	MATURITY
1	\$ 3,197.85	September 1, 1984
2-4	15,000.00	September 1, 1984
5-8	20,000.00	September 1, 1985
9-12	20,000.00	September 1, 1986
13-16	20,000.00	September 1, 1987
17-20	20,000.00	September 1, 1988
21-24	20,000.00	September 1, 1989
25-28	20,000.00	September 1, 1990
29-32	20,000.00	September 1, 1991
33-39	20,000.00	September 1, 1992
37-41	25,000.00	September 1, 1993

Said bonds are payable partly from special assessments; however, the entire tangible property in said City can be levied on to pay said bonds. Said bonds are not callable.

Interest on said bonds will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1984. Both principal and interest will be payable at the office of the State Treasurer, Topeka, Kansas.

Said bonds are being issued for the purpose of Street Improvements in said City.

**DELIVERY AND LEGAL OPINION**

Said bonds, properly printed, are to be furnished by the City without cost to the successful bidder, and said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas, phone (316) 685-7212, whose final, unqualified, approving opinion will be furnished and paid for by the City and delivered to the successful bidder as and when the bonds are delivered. The successful bidder will also be furnished with a certified transcript of proceedings evidencing the authorization and issuance of said bonds, and the usual closing proofs, including a non-litigation certificate.

Said bonds will be delivered to the successful bidder through any bank, on or about May 17, 1983 in Kansas City, Missouri; Topeka, Kansas; Wichita, Kansas; or Andover, Kansas, as may be specified by the bidder.

The assessed valuation of all tangible taxable property situated in the city of Andover, Butler County, Kansas, is \$8,999,046.00 for the year 1982.

The total bonded indebtedness of the City is as follows, to-wit:

- G.O. Bonds, \$839,442.19, not including this issue.
- Notes: \$286,779.00, all of which will be picked up by this bond issue and from money on hand;
- Utility Revenue Bonds: \$60,000.00.
- Warrants: None.
- This Issue: \$203,197.85.

Overlapping debt: U.S.D. #385 \$3,410,000.00 of which 33.67% is applicable to Andover.  
Population of Andover, Kansas 3,010  
Third Class City

**COUPON RATE**

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder; provided, however, that each rate specified shall apply to all bonds of the same maturity. Each rate specified shall be an even multiple of *one-tenth of one percent (1/10th of 1%)* OR *one-eighth of one percent (1/8th of 1%)*. There shall be no more than five (5) rates.

**CONDITIONS FOR BIDDERS**

Bids shall be submitted on a contract form with the usual information thereon, and should be addressed to the City Clerk of Andover, Kansas, plainly marked, "Bond Bid." All bids must state the gross interest cost of the bid and the average annual interest rate and premium, if any, all certified by the bidder to be correct, and the City will be entitled to rely upon such representations. Each bid must be accompanied by a certified check, cashier's check or bank draft equal to two percent (2%) (\$4,063.96) of the amount of such bid, to the City of Andover, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned. The awards will be made on the basis of the lowest net interest cost to the City. In the event an error should occur in computing the coupon rates, the net interest cost will govern.

The right is reserved to reject any or all bids.

**ZACK WILKERSON**  
Mayor

ATTEST: **PATRICIA M. STUENKEL**  
City Clerk

(SEAL)

Doc. No. 001011

(Published in the KANSAS REGISTER, March 24, 1983.)

**NOTICE OF BOND SALE**  
**\$611,000.00**  
**GENERAL OBLIGATION**  
**INTERNAL IMPROVEMENT BONDS**  
**SERIES A, 1983**  
**OF THE**  
**CITY OF HAYSVILLE, KANSAS**

The CITY OF HAYSVILLE, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, HAYSVILLE, KANSAS, until 7:00 o'clock P.M., C.S.T., on

TUESDAY, APRIL 12, 1983

for \$611,000.00 par value GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon Bonds, will be in denominations of \$5,000.00 each, except Bond No. 1 in the amount of \$6,000.00, and the Bonds will be dated April 15, 1983. The Bonds will mature serially in accordance with the following schedule:

AMOUNT	MATURITY
\$46,000	December 15, 1983
45,000	December 15, 1984
40,000	December 15, 1985
40,000	December 15, 1986
40,000	December 15, 1987
40,000	December 15, 1988
40,000	December 15, 1989
40,000	December 15, 1990
40,000	December 15, 1991
40,000	December 15, 1992
40,000	December 15, 1993
40,000	December 15, 1994
40,000	December 15, 1995
40,000	December 15, 1996
40,000	December 15, 1997

Interest on the Bonds will first be payable on DECEMBER 15, 1983, and thereafter semiannually on the fifteenth days of JUNE and DECEMBER in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding Six (6) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the Weekly Bond Buyer on Monday, April 11, 1983, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at HAYSVILLE MUNICIPAL BUILDING, HAYSVILLE, KANSAS 67060, ATTENTION: V. FAYE MALLORY, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF HAYSVILLE, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before MAY 27, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of making sewer system and street improvements in the City of Haysville, Kansas.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of

*(continued)*

the Bonds from their date until their respective maturities.

Assessed valuation figures for the City of Haysville, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property	\$11,604,607.00
Tangible Valuation of Motor Vehicles	\$ 3,261,855.00
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 11,116.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$14,877,578.00

The total bonded indebtedness of the City of Haysville, Kansas, at the date hereof, including this \$611,000.00 proposed issue of Bonds, is in the amount of \$2,760,374.86. The City currently has \$160,000.00 Temporary Notes outstanding, \$140,000.00 of which will be retired from the proceeds of the Bonds of this issue.

DATED March 14, 1983.

V. FAYE MALLORY  
City Clerk  
City of Haysville, Kansas

Doc. No. 001009

(Published in the KANSAS REGISTER, March 24, 1983.)

**NOTICE OF REDEMPTION  
CITY OF PRATT, KANSAS  
ELECTRIC UTILITY SYSTEM REVENUE BONDS  
SERIES B, 1981**

Notice is hereby given that pursuant to Section 3 of the City of Pratt, Kansas, Bond Ordinance No. 1113, enacted November 2, 1981, the above electric utility system revenue bonds are subject to redemption by the City on the first day of any month commencing November, 1982, in inverse numerical order, at a price equal to the principal amount thereof plus accrued interest to the redemption date, plus a premium of one percent (1%) of the principal amount so redeemed.

Accordingly, the following bonds are called for redemption as of May 1, 1983, the redemption date:

Bonds Numbered (inclusive)	Principal Amount	Maturity (November 1)	Interest Rate
1 to 6	\$ 30,000	1984	11.5%
7 to 13	\$ 35,000	1985	11.5%
14 to 220	\$1,035,000	1986	11.5%

The bonds called for redemption will become due and payable on May 1, 1983 and interest shall cease to accrue on that date. The bonds will be paid at the redemption price of 101% when presented with all unmatrued coupons attached thereto at the office of the State Treasurer, 535 Kansas Avenue, Topeka, Kansas 66612

CURT WOOD, City Clerk  
City of Pratt, Kansas

Doc. No. 001012

**State of Kansas**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

**NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**STATE BOARD OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
ADMINISTRATIVE REGULATIONS**

**Article 1.—DEFINITIONS**

**5-1-1. Definitions.** As used in these rules and regulations, the Kansas water appropriation act, and by division of water resources in the administration of the Kansas water appropriation act, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section: (a) *Application*—The formal document submitted on the prescribed form furnished by the division for a permit to appropriate water for beneficial use and filed in the office of the chief engineer as provided by K.S.A. 82a-708a and 709.

(b) *Approval of application*—A permit to proceed with construction of diversion works and the diversion and use of water in accordance with the terms and conditions set forth in the permit. Approval of application does not constitute any permit which may be required by other state laws.

(c) *Artificial recharge*—The use of water to artificially replenish the water supply in an aquifer.

(d) *Authorized representative*—Any staff employee designated by the chief engineer to perform duties and functions in the chief engineer's behalf.

(e) *Battery of wells*—Two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a three hundred foot radius circle which are being operated by pumps not to exceed a maximum of two hundred gallons per minute per well and which supply water to a common distribution system.

(f) *Beneficial use*—Beneficial uses of water are domestic, stockwatering, municipal, irrigation, industrial, recreational, water power and artificial recharge.

(g) *Diversion*—The act of bringing water under control by means of a well, pump, dam or other devices for delivery and distribution for the proposed use.

(h) *Diversion works*—All well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a

(continued)

distribution system by which the water will be distributed to the proposed use.

(i) *Division*—The division of water resources of the Kansas state board of agriculture.

(j) *Full irrigation*—The application of water to crops during the growing season. Full irrigation includes water for preirrigation.

(k) *Groundwater*—Water below the surface of the earth.

(l) *Growing season*—The average frost-free period of the year.

(m) *Household purposes*—The use of water by a person for cooking, cleaning, washing, bathing, human consumption, restroom facilities or other uses normally associated with the operation of a household. Household purposes includes the use of one and one half acre-feet of water or less per calendar year by an industrial user.

(n) *Industrial use*—The use of water in connection with the manufacture, production, transport or storage of products, or the use of water in connection with providing commercial services including water used in connection with steam electric power plants, secondary and tertiary oil recovery, air conditioning, heat pumps, restaurants, hotels and motels.

(o) *Irrigation use*—The use of water for the growing of crops and the watering of lawns, golf courses and parks.

(p) *Municipal use*—The various uses made of water delivered through a common distribution system operated by a municipality, a rural water district, public wholesale water supply district, a group of householders, mobile home parks, or any other similar entity distributing water to other water users for household purposes.

(q) *Off season irrigation*—The application of water to land for the purpose of storing moisture in the soil for future use by a crop which will not be irrigated during the growing season.

(r) *Perfect*—The actions of a water user to bring an appropriation right into final form by the completion of diversion works and application of water to the proposed use in accordance with the approved application.

(s) *Point of diversion*—The point at which water is diverted or withdrawn from a source of water supply.

(t) *Preirrigation*—The application of water to the land for a crop prior to planting to assure adequate moisture for early plant growth.

(u) *Prior right*—A vested right, an appropriation right with earlier priority or a permit with earlier priority to that of a subsequent appropriation right or permit.

(v) *Recreational use*—A use of water in accordance with a water right which provides entertainment, enjoyment and relaxation.

(w) *Static water level*—The depth of the top of the groundwater level below land surface which is not affected by recent pumpage.

(x) *Stockwatering*—The use of water for the watering of livestock and other uses of water directly related to the operation of a commercial feedlot required to be licensed by the Kansas livestock commission. That use

shall not include the irrigation of feed grains or other crops.

(y) *Surface water*—Water in creeks, rivers or other water courses, and in reservoirs, lakes and ponds.

(z) *Waste of water*—Any act or omission which causes:

(1) Water to be diverted or withdrawn from a source of supply and not used or reapplied to a beneficial use on or in connection with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use;

(2) The unreasonable deterioration of the quality of water in any source of supply thereby causing impairment of a person's right to the use of water;

(3) Water intended for irrigation use to escape and drain from the authorized place of use.

(4) Water to be applied to an authorized beneficial use in excess of the needs for such use.

(aa) *Water power use*—The use of falling water for hydro-electric or hydro-mechanical power.

(bb) *Immediate vicinity*—As used in specifying the place of use for a water right in which the water is authorized to be used for municipal purposes, this term shall mean within 2,640 feet of the corporate limits of the municipality, rural water district or other entity.

(cc) *Completed substantially as shown on aerial photograph, topographic map or plat*—As used to define the authorized point of diversion this term shall mean within 300 feet of the location as shown on the aerial photograph, topographic map or plat accompanying the application. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-701; modified, L. 1978, ch. 460, May 1, 1978; amended May 1, 1980; amended May 1, 1981; amended May 1, 1983.)

#### Article 5.—CHANGE IN THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF WATER UNDER AN EXISTING WATER RIGHT

**5-5-2.** (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-708b; effective May 1, 1980; revoked May 1, 1983.)

**5-5-3.** Change in consumptive use. The extent of consumptive use shall not be increased substantially after a vested right has been determined or the time allowed in which to perfect the water right has expired, including any authorized extension of time to perfect the water right. (Authorized by K.S.A. 82a-706a, 82a-708b; effective May 1, 1983.)

#### Article 9.—TEMPORARY PERMITS

**5-9-10.** Application fee for a temporary permit. The fee for an application for a temporary permit or extension of a temporary permit shall be twenty-five dollars (\$25.00). This regulation shall be effective on and after September 1, 1982. (Authorized by and implementing K.S.A. 1982 Supp. 82a-727; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

(continued)

**Article 10.—WATER APPROPRIATION**

**5-10-1. Application fee for a permit to appropriate water for beneficial use.** The fee for an application for a permit to appropriate water for beneficial use shall be:

ACRE FEET	FEE
0-100	\$ 50.00
101-250	\$ 75.00
251-320	\$100.00
more than 320	\$100.00 + 7.50 for each additional 200 acre feet or any part thereof

This regulation shall be effective on and after September 1, 1982. (Authorized by K.S.A. 82a-706a, K.S.A. 1982 Supp. 82a-708a; implementing K.S.A. 1982 Supp. 82a-708a; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

**5-10-2. Application fee for a permit to appropriate water for storage.** The fee for an application for a permit to appropriate water for storage shall be:

STORAGE—ACRE FEET	FEE
0-250	\$50.00
more than 250	\$50.00 plus 7.50 for each additional 500 storage acre feet or any part thereof

This regulation shall be effective on and after September 1, 1982. (Authorized by K.S.A. 82a-706a, K.S.A. 1982 Supp. 82a-708a; implementing K.S.A. 1982 Supp. 82a-708a; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

**5-10-3. Application fee for a change of the place of use, the point of diversion, or the use made of water.** The fee for an application to change the place of use, the point of diversion, or the use made of the water shall be twenty-five dollars (\$25.00). This regulation shall be effective on and after September 1, 1982. (Authorized by K.S.A. 82a-706a, K.S.A. 1982 Supp. 82a-708b; implementing K.S.A. 1982 Supp. 82a-708b; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

**5-10-4. Waiver or exemptions.** The chief engineer may grant an exemption or waiver from any regulation adopted by the chief engineer if it is shown that the granting of such exemption or waiver will not prejudicially nor unreasonably affect the public interest and that it will not impair an existing water right. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-711, 82a-712; effective May 1, 1983.)

**Article 22.—EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT No. 2**

**5-22-7. Safe yield.** (a) The approval of all applications for permit to appropriate water for beneficial use, except those for domestic use, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria. The sum of the proposed appropriation, the vested rights, prior appropriation rights and earlier priority applications shall not exceed 4,025 acre-feet within a two mile radius circle whose center is the location of the proposed well. It shall be

assumed, for purpose of analysis, that all prior applications, permits, certificates and vested rights are being fully exercised. All limitation clauses listed on permits and certificates shall be considered to be in force.

If part of the area within the two mile radius circle about the proposed well is outside the district boundary or inside an intensive groundwater use control area, the 4,025 acre-feet quantity of water referred to above shall be reduced proportionately by the percentage of acreage lying outside the district boundary or inside an intensive groundwater use control area. Likewise, the vested rights, prior appropriations and earlier priority applications ascribed to wells within the circle shall only be considered if they are within the district and not within an intensive groundwater use control area.

If a group of wells authorized under a vested right, appropriation, or application are divided by the arc of the two mile circle, then a reasonable quantity of water shall be assigned to each well or wells based upon the best available information. During the evaluation, the center of the two mile radius circle may be moved around the proposed well location within a 300 foot radius to obtain the minimum level of prior appropriations within the two mile radius circle. In the case of an application for a change in the point of diversion referred to above, all applications with a priority earlier than the priority established by the filing of the application of change shall be included in the analysis.

(b) Exceptions to this regulation may be granted if it is proven to the satisfaction of the board and the chief engineer that those exceptions neither will impair a use under an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**Article 24.—NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT No. 4**

**5-24-1. Definitions.** As used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them in this section. (a) Board—The board of directors constituting the governing body of the northwest Kansas groundwater management district no. 4.

(b) District—The northwest Kansas groundwater management district no. 4.

(c) Series of wells—Not more than three wells filed on separate applications in the same local source of supply within a 300 foot radius that supply water to a common distribution system and that do not exceed a maximum of 250 gallons per minute per well.

(d) Tailwater—That portion of the irrigation water applied which appears as run-off from the land.

(e) Well—Any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(continued)

(f) Saturated thickness—The thickness of aquifer which is saturated by groundwater. The measurement shall be the difference between the relative elevations of the recovered static water table and the top of bedrock formation. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-2. Planned depletion.** (a) The approval of all applications for permit to appropriate water for beneficial use, except as set forth in subparagraph (b) below, and the approval of all applications for a change in the point of diversion, if the diversion works have not been completed under the original approval application, shall be subject to the following criteria. The sum of the proposed appropriation, the vested rights, prior appropriation rights and earlier priority applications shall not exceed a calculated rate of depletion of more than two percent of the saturated thickness underlying the area included within a two mile radius (approximately 8,042 acres) whose center is the location of the proposed well. It shall be assumed, for the purpose of analysis, that all vested rights, certificates, permits, and prior applications are being fully exercised. All limitation clauses listed on permits and certificates shall be considered to be in force. In the case of an application for change in the point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis.

The allowable annual appropriation shall be calculated using the following formula:

$$Q = 0.02 \text{ (AMS)} + \frac{AR}{12}$$

Where Q = allowable annual appropriation, acre-feet per/year  
 A = area of consideration, acres  
 M = average saturated thickness, feet  
 S = storage coefficient (specific yield)  
 R = average annual recharge, inches per/year

The average saturated thickness of the 8,042 acre area shall be determined from maps developed by the United States geological survey, the Kansas geological survey or other reliable information as may be available.

The storage coefficient used shall be 0.20 unless additional hydrological information indicates differently.

A value of .5 inch per year shall be used for the purpose of considering recharge and return flow from irrigation.

If part of the radial area is outside the district boundary, it will be excluded from the depletion analysis. Only that portion lying within the boundary of the district shall be a part of the evaluation.

In the event that wells authorized under a vested right, a certified water right or an approved appropriation are divided by the circumference of the radial area, a reasonable quantity of water shall be assigned to each well. If such information is not available, a proportional amount shall be assigned to each well.

(b) Applications for a permit to appropriate water for beneficial use which are not subject to depletion policy shall be as follows:

(1) Applications for domestic use;

(2) applications covering wells withdrawing water from a cretaceous aquifer;

(3) applications covering a well withdrawing water exclusively from an alluvial aquifer; and

(4) applications for temporary permits.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not impair existing rights nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-3. Well spacing.** (a) For wells proposed in the Ogallala aquifer which have satisfied the criteria of regulation 5-24-2, and for wells proposed in alluvial aquifers isolated from the Ogallala aquifer, the required spacing from all non-domestic existing or proposed wells authorized by an approval of application and permit to proceed, certificate of appropriation for beneficial use of water, or vested right shall be:

(1) 0 to 175 acre-feet requested—minimum spacing 1,400 feet;

(2) 176 to 350 acre-feet requested—minimum spacing 2,000 feet;

(3) 351 to 575 acre-feet requested—minimum spacing 2,400 feet; and

(4) more than 575 acre-feet requested—minimum spacing 2,800 feet.

(b) All applications for non-domestic wells shall also be spaced a minimum of 800 feet from domestic wells constructed in the same aquifer unless the domestic wells are owned by the applicant, or the domestic well owner has granted written permissions to reduce the spacing.

(c) Any non-domestic application for additional water from an existing well already covered by water rights shall meet the minimum spacing requirements above for the cumulative total of all existing water rights, earlier appropriations and the proposed appropriation for that well.

(d) For a battery of wells or for a series of wells, the well spacing shall meet the minimum spacing above based on the total amount of water applied for by the battery or series. The minimum spacing distance shall be measured from the outside of the 300 foot radial circle which is centered on the point which is equidistant from the wells within.

(e) Non-domestic wells withdrawing water from a cretaceous aquifer shall be spaced a minimum of 5,000 feet from all existing wells withdrawing water from the same aquifer.

(f) Exceptions to this regulation may be granted on an individual basis by recommendation of the board and in conjunction with the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not impair existing rights and will not prejudicially and unreasonably affect the public interest. (Authorized by K.S.A.

(continued)

1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-4. Tailwater control and waste.** No water user shall allow any water which is being, or has been, diverted under any approval of application and permit to proceed, certificate of appropriation for beneficial use of water, or vested right for irrigation use to leave the land on which it is being, or has been, beneficially applied pursuant to the terms and conditions of that approval of application and permit to proceed, certificate of appropriation or vested right.

All water users shall construct, operate and maintain their water distribution systems in a manner as to prevent waste of water. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-5. Allowable appropriation—reasonable use.** The following guidelines shall be used to determine if a proposed appropriation of groundwater is reasonable for the intended use. (a) Irrigation use.

(1) Any application for irrigation use shall not be allowed more than the amount of water in acre-feet which: (A) equals 50% of the approved diversion rate in gallons per minute; or (B) is in excess of an average of two acre-feet per acre on the land proposed to be irrigated, whichever is less.

(2) Applications for which a sprinkler system will be used to apply the water to beneficial use shall not be approved for a rate of diversion which exceeds six gallons per minute per acre on land proposed to be irrigated.

(b) Municipal use. In determining the amount of water deemed reasonable on an application for municipal use the following criteria shall be used:

(1) The amount for population shall be based on a population projection for the ensuing 20 years. If population projection data is not available, the 20 year projected population shall be determined by extending present population for 20 years at one and one-half percent per year increase. The total amount reasonable for population shall then be determined by increasing present per capita use by 10% and multiplying that figure by the projected population.

(2) The present and projected industrial use for a 20 year period shall also be considered.

(c) Stockwater use. For cattle, the amount of water totaling 15 gallons per head per day for the projected five year maximum stock population shall be considered reasonable. Additional quantities for other than stock drinking purposes may be considered on a case by case basis.

(d) Other uses. All applications for any other use shall be reviewed to determine if the amount and rate of diversion requested are reasonable for the intended use.

(e) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not prejudicially and unreasonably affect the public interest. (Authorized by

K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-6. Changes in points of diversion.** (a) Replacement wells. A replacement well shall be relocated within 2,640 feet of the originally approved location provided the new location satisfies the well spacing criteria herein, and if the replacement well will be withdrawing water from the same local source of supply. If a new location cannot be found that will satisfy the well spacing criteria, the replacement well shall be located within 300 feet of the original well that is being replaced. Upon completion of the replacement well, the landowner shall have the following options concerning the replaced well:

(1) Abandon and plug the well;

(2) receive approval of the district and the chief engineer to convert the well to an observation well in which case the well shall be permanently capped with a cover acceptable to the chief engineer containing a removable plug; or

(3) receive approval of the district and the chief engineer to convert the well to a domestic well within one year or within any authorized extension of time.

(b) Supplemental wells. If it becomes necessary to construct a supplemental well for the purpose of diverting the authorized amount of water under a certificate of appropriation for beneficial use of water or vested right, the supplemental well or wells shall satisfy regulation 5-24-3. A supplemental well or wells shall not be considered for an appropriation unless the water right in question has had a certificate of appropriation issued. At no time shall the total quantity of water diverted or the maximum diversion rate from the existing well or wells plus the supplemental well or wells exceed the amount and rate authorized under the certificate of appropriation for beneficial use of water or vested right. Moreover, the supplemental well or wells plus the original well or wells involved in the certificate of appropriation for beneficial use or vested right shall be properly and adequately metered.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-24-7. Well construction criteria.** (a) All non-domestic wells completed after the effective date of this regulation shall include the installation of a check valve that meets or exceeds specifications set by the chief engineer, division of water resources.

(b) All wells, including domestic, to be completed in a cretaceous aquifer shall be constructed in such a way that the cretaceous aquifer is prevented from mixing with all quaternary, tertiary and any other cretaceous water bearing strata.

(c) Exceptions to this regulation may be granted on

(continued)

an individual basis by recommendation of the board and in conjunction with the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not prejudicially or unreasonably affect the public interest. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

#### Article 25.—BIG BEND GROUNDWATER MANAGEMENT DISTRICT No. 5

**5-25-10. Test log drilling.** Before any application for a permit to appropriate groundwater, except for domestic use and temporary permits, may be considered in proper form for further processing, a test log shall be submitted which includes the following information: (a) The legal description of the test site drilled (described as a 10 acre tract) or another acceptable description which accurately describes the test site drilled;

(b) the date that test log drilling was conducted;

(c) the drilled footage;

(d) a description of strata and the depth below land surface at which those strata were encountered;

(e) the static water level at the test site; and

(f) the driller's estimate of the reasonable maximum rate of pumpage in gallons per minute based upon the geohydrology of the strata at the test site.

Exceptions to this regulation may be made by the chief engineer and the board for good cause shown by the applicant. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

**5-25-11. Determination of distance between wells.** When a question arises as to whether a well is located within some prescribed radius of the applicant's proposed well site, the burden of proof remains upon the applicant to show to the satisfaction of the chief engineer and the board whether that well is located outside of the prescribed radius from the applicant's proposed well. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

#### Article 40.—DAMS

**5-40-1. Definitions.** As used in these rules and regulations, K.S.A. 82a-301 through 305a, and by the division of water resources in administering K.S.A. 82a-301 through 305a, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section: (a) Chief engineer—The chief engineer, director of the division of water resources, Kansas state board of agriculture.

(b) Authorized representative—Any staff employee designated by the chief engineer to perform duties and functions in the chief engineer's behalf.

(c) Dam—Any artificial barrier, together with appurtenant works, which does or may impound water.

(d) Reservoir—The area upstream from a dam which contains or will contain impounded water.

(e) Application—The formal document submitted to the chief engineer requesting a permit, in accordance with the provisions of K.S.A. 82a-301 to 305a, that authorizes the applicant to proceed with the construction of a proposed dam.

(f) Permit—The formal document issued by the chief engineer to the sponsor of a project, that authorizes the sponsor to proceed with the construction of the dam. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-2. Plans and specifications for dams.** Plans for dams shall include: (a) Plan view of dam and dam site. The plan view of the dam and dam site may be shown in connection with the topographic map of the reservoir basin, providing the scale is sufficiently large to show adequate detail. A separate plan view shall be used if necessary to clearly show the features of the entire area in which the dam and spillway are to be located, and the details required below. The area covered by this view shall be on both abutments of the dam as well as a considerable distance both upstream and downstream from the dam. All elevations shown on plans shall be referred to permanent bench marks described on the plans. The following details shall be shown:

(1) Location of the axis of the dam, showing stationing and top width limits;

(2) toe of upstream and downstream slopes;

(3) location of center line and limits of emergency spillway;

(4) location of principal spillway and any stilling basin;

(5) location of berms;

(6) location of slope protection;

(7) location of borings or test holes and test pits;

(8) location of intakes, outlets, valves and valve wells;

(9) location, description and elevation of permanent bench marks; and

(10) location, description and details of all foundation drains;

(b) Map of drainage pattern above and below the dam site. A map, to a scale no smaller than one inch to 2,000 feet, shall show the location of the watercourse across which the dam is to be built and its tributaries above the dam site. The location of the dam and the outline of the reservoir shall be shown. The boundary of the watershed shall be shown by a line enclosing the entire area that will drain into the reservoir. Section lines, with sections properly identified; size of the drainage area; land owned by the sponsor; roads, railroads, pipeline crossings and any other prominent features in the vicinity shall be shown on this map. The point where the axis of the dam crosses the stream shall be shown on this map by showing distances and angles from an apparent section corner or quarter corner. It shall be acceptable to utilize an aerial photograph to make this determination;

(c) Topographic map of the reservoir basin. A topographic map of the dam site and reservoir area shall be shown to the following scale:

(continued)



Surface acres at top of dam	Acceptable scale
less than 30 acres	one inch to 100 feet
30 acres through 100 acres	one inch to 200 feet
more than 100 acres	one inch to 300 feet

The location of the dam shall be superimposed on this map. Topography shall be shown by contours at two foot intervals. For dams more than 20 feet in height, contours may be spaced at greater intervals, but shall not exceed five feet. In addition, contours equivalent to the elevation of the lowest uncontrolled opening (permanent pool), elevation of the crest of the emergency spillway, and elevation of the top of the dam shall be shown. The elevation of each contour shall be clearly noted on the map;

(d) Cross section of dam site and longitudinal section of dam. The cross section of the valley at the dam site shall be taken along the axis of the dam. A separate cross section view shall be used if necessary to clearly show the details required below. The details on this section shall include the following:

- (1) Elevation to which the top of the dam is to be maintained and the elevation to which it is to be initially constructed in order to provide an adequate settlement allowance;
- (2) elevation of streambed;
- (3) location and elevation of the crest of the emergency spillway;
- (4) location and elevation of the crest of the principal spillway;
- (5) elevation of any berms;
- (6) original surface of the ground;
- (7) proposed elevations and dimensions of cutoff trench;
- (8) location and elevation of outlet works;
- (9) location of test holes showing materials encountered in the section; and
- (10) location, description and elevations of all foundation drains;

(e) Cross section of dam. A cross section of the dam at the deepest point shall be shown. If the cross section is variable, a typical section shall be shown for each reach with proper description of the reach by stationing. Additional cross sections along the axis of the principal spillway and the axis of any other outlets shall be shown. Cross sections of the dam shall include the following:

- (1) elevation and width of the top of the dam;
- (2) elevation and width of any berms;
- (3) elevation and width at the bottom of the dam;
- (4) slopes of upstream and downstream faces of the dam;
- (5) elevation, location and type of slope protection;
- (6) zones of earth embankment;
- (7) dimensions to which the dam is to be constructed to provide an adequate allowance for settlement;
- (8) elevation, location and dimensions of cutoff trench and core wall; and
- (9) location of all foundation drains;

(f) Plan, profile, and cross section of emergency spillway. Details of the emergency spillway shall include the following:

- (1) Plan view showing the location and stationing along the center line of the emergency spillway, to-

gether with the location of the control section and details of riprap or other slope and floor protection;

(2) sections showing elevations, slopes and dimensions of spillway; and

(3) profile along axis of spillway, extending from the reservoir area through the control section to streambed below the dam. Stationing on the profile shall correspond to that on the plan view. This profile shall show the existing ground elevation, proposed grade of the bottom of the spillway, elevation of slope protection on the side slopes, and the nature of the material through which the spillway is excavated;

(g) Profile of principal spillway. Details of the principal spillway shall include the profile along axis of the spillway, extending from the intake to the outlet, showing size and spacing of cutoff collars. This profile shall show existing ground elevations and the proposed grade of the spillway. Details of the stilling basin, supports and other features shall also be shown;

(h) Reservoir data. The number of acres enclosed by each contour within the reservoir basin and the total storage capacity of the reservoir in acre-feet at the elevation of each contour shall be determined and tabulated on the plan. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin including the volume of any excavation in the reservoir below the emergency spillway made during construction of the dam. When the reservoir is divided between more than one landowner, the property lines shall be shown on the topographic map of the basin;

(i) Bench marks. When surveys of the dam site and reservoir basin are being made, at least two permanent bench marks shall be set for future reference. They shall be conveniently located for use, both during and after construction. They shall be placed where they will not be destroyed or be under water after the reservoir fills, if possible, at a location along the axis of the dam near both dam extremities. A three or four foot length of pipe or steel driven flush with the ground in an area which is unlikely to be disturbed may be used. Wood or plastic stakes, nails, or marks in trees shall not be considered as permanent bench marks. The location of the bench marks shall be shown on the plans and their description and elevation given. They shall be properly referenced so that they can be easily found in the field from the information shown on the plans. Elevations for size two, size three and size four structures shall be referenced to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot. Elevations for size one structures shall be referred to any assumed datum; and

(j) Spillway discharge capacity data. (1) A curve or table showing discharge capacity of the emergency spillway, in cubic feet per second, shall be developed and shown on the plan.

(2) A curve or table showing discharge capacity of the principal spillway, in cubic feet per second, shall be developed and shown on the plan. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-3. Specifications.** The specifications for dams shall be prepared on sheets of a good grade of white

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bond paper, standard letter size (8½ by 11"), and in sufficient detail to assure that the works will be properly executed. The specifications shall comply with currently accepted engineering practices. The specifications shall include provisions for adequate supervision by the owner's engineer during the period of construction, for notification of the division of water resources of the status of construction, and for inspection by representatives of the division of water resources. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-4. Preparer of maps, plans, profiles and specifications.** All maps, plans, profiles and specifications submitted to the chief engineer, in accordance with K.S.A. 82a-302, as amended, shall be prepared by a licensed professional engineer who is competent in dam design and construction. These details may be prepared by someone working under the direct supervision of a licensed professional engineer, if that engineer approves and places his seal upon the plans and specifications prior to submission to the chief engineer. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-5. Determining capacity of reservoir.** To determine whether a dam impounds 30 acre-feet of water, pursuant to K.S.A. 82a-304, that measurement shall be made at the lowest elevation of the top of the dam. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-6. Waiver.** The chief engineer may waive any of the regulations adopted under this article if it is shown to the satisfaction of the chief engineer that the waiver of the regulation will not pose a hazard to the public safety and that the waiver is in the public interest. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-7. Other maps, plans, profiles, data and specifications.** The applicant shall also submit any other maps, plans, profiles and specifications of the dam and any other data which the chief engineer may require. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-8. Application.** The application shall be filed on the prescribed form or forms furnished by the chief engineer and shall be completed in proper form. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

**5-40-9. Adoption by reference.** All of engineering guide—1 EG-1 relating to earth dams, hazard classes, spillway requirements, detention storage requirements and rainfall data, as revised October 19, 1982, by the Kansas state board of agriculture, division of water resources, is hereby adopted by reference and shall apply to dams constructed in this state. (Authorized by K.S.A. 1982 Supp. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983.)

GUY E. GIBSON  
Chief Engineer-Director  
Division of Water Resources

## State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

#### NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

### STATE BOARD OF AGRICULTURE ADMINISTRATIVE REGULATIONS

#### Article 1.—AGRICULTURAL CHEMICALS

**4-1-17. Registration fee.** The annual registration fee for each agricultural chemical registered shall be \$15.00. This regulation shall be effective for all agricultural chemicals registered in registration periods occurring from and after December 31, 1982. (Authorized by K.S.A. 2-2204, 2-2205; implementing K.S.A. 2-2204; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983.)

#### Article 2.—AGRICULTURAL SEED

**4-2-8. Methods of analyses.** The methods of analyses shall be those published in "Rules for Seed Testing"—Association of Official Seed Analysts," October 1978 edition, a copy of which is on file in the office of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended May 1, 1982; amended May 1, 1983.)

**4-2-15.** (Authorized by K.S.A. 2-1425; effective Jan. 1, 1966; amended Jan. 1, 1972; amended, E-78-32, Dec. 7, 1977; amended May 1, 1978; revoked May 1, 1983.)

**4-2-17. Schedule of charges for seed tests.** (a) Any person may submit to the state seed laboratory samples of agricultural seed for germination, purity tests, or both, or other examination and receive the test upon paying to the secretary a fee per sample, test or examination. The following charges shall be made for all seed tests on samples submitted to the state seed laboratory:

KIND	PURITY only w/ Noxious Weed Examination	GERMINA- TION only	FULL TEST	NOXIOUS WEEDS EXAMINA- TION ONLY
Alfalfa, Clovers, Lespedeza and other similar crops	\$ 6.75	\$ 5.00	\$11.75	\$2.00
Bromegrass, Cordgrass, Or- chardgrass, etc.	10.00	6.00	16.00	3.00

(continued)

Bluegrass, Red Top, etc.	9.50	5.00	14.50	3.00
Buffalograss	10.00	10.00	20.00	3.00
Bluestems, Indiangrass, Si- deoats gramma, etc.	25.00	12.00	37.00	3.00
Blue Gramagrass	15.00	12.00	27.00	3.00
Cereals: Wheat, Oats, Rye, Barley, Triticale, etc.	5.50	5.00	10.50	2.00
Corn and Vegetables		5.00		
Fescues and Ryegrass	8.00	5.00	13.00	3.00
Milletts, Timothy, Oil sun- flowers	5.00	4.50	9.50	2.00
Sorghums and Sudangrass	6.00	5.00	11.00	2.00
Soybeans, Vetch, Cowpeas, etc.	4.00	5.00	9.00	2.00
Wheatgrass (All Agro- pyrons)	12.00	6.50	18.50	3.00
Wild Flowers and Pasture Forbs	6.75	5.00	11.75	2.00

Fees for examining or testing crops not listed shall be charged at same rate as for similar species listed.

(b) Special services and tests. Mixtures shall be charged at 50% over normal rate for purity separations, plus an additional 50% of the normal germination charge for each additional crop specie germinated.

(1) "Purity ahead" on written report. A charge of \$.30 shall be made for each purity report that is prepared and mailed prior to germination report.

(2) "Purity ahead" or any other information requested by telephone. A charge of \$1.00 shall be made for each long distance telephone call via the Kans-a-n system.\*

(3) "Tetrazolium test." "Tetrazolium tests" (TZ tests) shall be handled as a rush service whenever possible. TZ testing shall be limited to small grains, corn, soybeans, sorghums, bromegrass, fescues and switchgrass. The charge shall be \$9.50. All results of TZ tests will be reported by telephone free of charge.

(4) "Soybean stress test." The charge for AA-stress tests will be \$5.00 if submitted separately, or \$9.00 for both an AA test and a standard germination performed on the same sample concurrently.

(5) "All states noxious weed examination." The charge for this test shall be \$2.00 extra per sample.

(6) "Any state noxious weed examination." The charge for this test shall be \$1.00 extra per sample.

(7) "Excessive time." No additional charge will be made for difficult samples when the seed appears to be fit for seeding purposes or when the seed can be processed to a salable quality. (Authorized by K.S.A. 2-1425; implementing K.S.A. 2-1425; effective May 1, 1983.)

**Article 3.—COMMERCIAL FEEDING STUFFS**

**4-3-2. Definitions.** (a) International chick unit of vitamin D is the activity produced by one unit of vitamin D in the U. S. pharmacopoeia "vitamin D reference standard" determined according to the method of the association of official agricultural chemists.

(b) "U.S.P." means the United States pharmacopoeia, volume XIII.

(c) "Crude protein" and "protein" means the product of the amount of nitrogen times the factor 6.25.

(d) "Person" means individuals, partnerships, associations or persons, and corporations.

(e) Livestock. "Livestock" means and includes horses, mules, cattle, sheep, swine and goats.

(f) Poultry. "Poultry" means fowl raised for meat, eggs, or feathers, and includes chickens, ducks, guineas, geese, turkeys and pigeons. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1001; effective Jan. 1, 1966; amended May 1, 1982; amended May 1, 1983.)

**Article 4.—COMMERCIAL FERTILIZER**

**4-4-2. Inspection fee.** The inspection fee for commercial fertilizers shall be \$.25 per ton of 2,000 pounds. This regulation shall apply to fertilizer sold on and after December 31, 1982. (Authorized by and implementing K.S.A. 2-1205; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983.)

**Article 7.—MILK AND DAIRY PRODUCTS**

**4-7-715. Enforcement.** These regulations shall be enforced by the administrative authority in accordance with the corresponding provisions as contained in the grade A pasteurized milk ordinance with administrative procedures—1978 recommendations of the United States public health service, as adopted by reference in K.A.R. 4-7-16, a copy of which shall be on file in the office of the dairy commissioner. Where the mandatory compliance with provisions of the appendix is specified, such provisions shall be deemed a requirement of these regulations. (Authorized by K.S.A. 65-737a; effective July 1, 1970; amended May 1, 1980; amended May 1, 1983.)

**4-7-716. Adoption by reference.** Except for sections 1(X), 2, 9, 15, 16, 17, and 18, the grade A pasteurized milk ordinance as recommended for adoption and contained in the 1978 "recommendations of the public health service and the food and drug administration," as amended effective on January 1, 1982, to include the provisions for aseptic processing and the recommended changes made by the national conference of interstate milk shippers both in 1979 and 1981, is hereby adopted by reference. Copies of the pertinent portions of this regulation shall be available from the dairy division of the Kansas state board of agriculture. (Authorized by K.S.A. 65-737a; implementing K.S.A. 65-737a; effective May 1, 1980; amended May 1, 1983.)

**4-7-800. Butterfat tax for creameries, cheese factories, condensories, milk or cream brokerages, evaporated milk and milk powder plants.** The tax for butterfat purchased by creameries, cheese factories, condensories, milk or cream brokerages, evaporated milk plants and milk powder plants shall be ten cents (\$.10) for each one thousand pounds (1,000) or fraction thereof of butterfat purchased during the three (3) preceding calendar months. This regulation shall be effective on and after October 1, 1982. (Authorized by K.S.A. 1982 Supp. 65-708, 75-1401; implementing

(continued)

K.S.A. 1982 Supp. 65-708; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983.)

**4-7-801. Taxes for the freezing of ice cream and ice milk.** The tax on ice cream factories and ice milk factories established by K.S.A. 65-708 and the fee imposed on ice cream and ice milk imported into the state, established by K.S.A. 65-719, shall be one dollar (\$1.00) for each one thousand (1,000) gallons or fraction thereof of ice cream or ice milk as applicable. This regulation shall be effective on and after October 1, 1982. (Authorized by K.S.A. 1982 Supp. 65-708, 65-719, 75-1401; implementing K.S.A. 1982 Supp. 65-708, 65-719; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983.)

**4-7-802. Grade A milk fees.** The fees required by K.S.A. 65-745 shall be one cent (\$.01) for each one hundred (100) pounds of: (a) milk produced by milk producers under Kansas grade A inspection;

(b) packaged grade A pasteurized milk or milk products sold in Kansas at retail to the final consumer or sold to any person for resale in Kansas at retail to the final consumer by a milk distributor; or

(c) packaged grade A pasteurized milk or milk products which are processed by a milk processor in Kansas for distribution outside the state. This regulation shall be effective on and after October 1, 1982. (Authorized by K.S.A. 1982 Supp. 65-745, 75-1401; implementing K.S.A. 1982 Supp. 65-745; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983.)

**4-7-803. Fees for dairy licenses and permits.** (a) For a butter manufacturer's license, for an ice cream, ice cream mix, ice milk, or ice milk mix manufacturer's license, for a license to manufacture cheese or for a license to manufacture evaporated, condensed, or powdered milk, the fee shall be seventy dollars (\$70.00).

(b) For a license to operate an establishment to freeze ice cream mix or ice milk mix for sale at retail, the fee shall be forty dollars (\$40.00).

(c) The fee for a field superintendent's license shall be sixteen dollars (\$16.00).

(d) The fee for a station license issued to a milk buying or cream buying station shall be sixteen dollars (\$16.00).

(e) The application fee for a milk or cream handler's license shall be fifty dollars (\$50.00).

(f) The milk or cream brokerage license fee shall be twenty dollars (\$20.00).

(g) The fee for a license to operate a public dairy shall be fifty dollars (\$50.00).

(h) The fee for each of the tester permits established by K.S.A. 65-708 shall be ten dollars (\$10.00).

(i) The fees in this regulation shall be effective for all licenses and permits that become effective after December 31, 1982.

(j) This regulation shall be effective on and after October 1, 1982. (Authorized by K.S.A. 1982 Supp. 65-708, 65-719, 75-1401; implementing K.S.A. 1982 Supp. 65-708, 65-719; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983.)

## Article 13.—PESTICIDES

**4-13-8.** Surety bond requirement. Any surety bond submitted by a pesticide business to comply with the provisions of the K.S.A. 1981 Supp. 2-2448 shall provide bond coverage of not less than \$6,000. The bond shall be effective for a period not to exceed one year and shall extend to December 31 of the licensing year. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2448, 2-2467a; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; amended May 1, 1983.)

**4-13-20. Pesticide business license fees.** The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$75.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$10.00 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 thereof, that will be effective for calendar years commencing after December 31, 1982, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2440, 2-2467a; implementing K.S.A. 2-2440; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983.)

**4-13-21. Government agency registration fee.** The application fee for a government agency registration shall be \$35.00. This regulation shall affect all government agency registrations, or renewals thereof, effective for calendar years commencing from and after December 31, 1982, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2440, 2-2467a; implementing K.S.A. 2-2440; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983.)

**4-13-22. Application fee for commercial applicator's certificate.** The application fee for a commercial applicator's certificate shall be \$35.00 for each category in which the applicant applies. This regulation shall apply to all commercial applicator certificates, or renewals thereof, that will be effective for calendar years commencing after December 31, 1982, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2441a, 2-2467a; implementing K.S.A. 2-2441a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983.)

**4-13-23. Examination fees.** The examination fee for a commercial applicator's certificate shall be \$25.00 for each category in which the applicant is to be examined. The same fee shall apply if the applicant seeks reexamination. (Authorized by K.S.A. 2-2443a, 2-2467a; implementing K.S.A. 2-2443a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983.)

**4-13-24. Certified private applicator certificate fee.** The certified private applicator's certificate fee shall be \$10.00. This regulation shall apply to certified private applicator's certificates that will be effective for calendar years from and after December 31, 1982, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2445a, 2-2467a; implementing K.S.A. 2-2445a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983.)

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**Article 14.—FEES**

**4-14-1. Inspection fee.** Fees charged for the inspection of honeybees for disease detection and control are established at the rate of \$20.00 per hour for the time actually required to make the inspection plus the mileage expenses incurred by the inspector in traveling to and from the inspection site. Mileage expenses shall be governed by the mileage allowance rate prescribed by rules and regulations adopted pursuant to K.S.A. 1981 Supp. 75-3203a or amendments thereof. (Authorized by K.S.A. 2-413, 2-424; implementing K.S.A. 2-413; effective, T-83-37, Nov. 10, 1982; effective May 1, 1983.)

**4-14-2. Transportation fee.** The application fee for a permit to import honeybees or used beekeeping equipment into the state shall be \$.15 per colony of bees to be imported or \$5.00 per application, whichever is greater. (Authorized by K.S.A. 2-415, 2-424; implementing K.S.A. 2-415; effective, T-83-37, Nov. 10, 1982; effective May 1, 1983.)

**4-14-3. Registration fee.** The fee for registration of a beekeeper's apiary shall be \$.15 for each colony of bees in the apiary to be registered. (Authorized by K.S.A. 2-422a, 2-424; implementing K.S.A. 2-422a; effective, T-83-37, Nov. 10, 1982; effective May 1, 1983.)

**Article 15.—PLANT AND PLANT PRODUCTS**

**4-15-1. Inspection and certification fees for plant nurseries.** (a) The fee for certification of plant nurseries shall be thirty dollars (\$30.00).

(b) The inspection fee for field grown nursery stock plant nurseries shall be four dollars (\$4.00) per acre or fraction thereof. The same inspection fee shall be applied for each one quarter (1/4) acre or fraction thereof of container grown nursery stock and for each ten thousand (10,000) square feet or fraction thereof of greenhouse grown nursery stock which requires inspection. This regulation shall be effective on and after October 1, 1982. (Authorized by K.S.A. 2-2118, 2-2126; implementing K.S.A. 2-2118; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983.)

**4-15-2. Fees for the inspection and certification of plant or plant products for other than plant nurseries.** Whenever any person, other than a plant nursery, owns or possesses plants or plant products and wishes to have those plants or plant products inspected and certified for out of state shipment the fee shall be: (a) thirty dollars (\$30.00) per hour for the time actually required to make the inspection plus the mileage expenses incurred by the inspector in traveling to and from the inspection site; or

(b) if a compliance agreement is involved, the sum of fifty dollars (\$50.00) plus five dollars (\$5.00) for each certificate issued to cover the shipment of plants or plant products which have been inspected. The applicable fee shall be determined by the quantity and type of plants or plant products being inspected and the point of destination. Mileage expenses shall be governed by the mileage allowance rate prescribed

by the rules and regulations adopted pursuant to K.S.A. 1981 Supp. 75-3203a or amendments thereof. This regulation shall be effective on and after September 1, 1982. (Authorized by K.S.A. 2-2118, 2-2126; implementing K.S.A. 2-2118; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

**4-15-3. Nursery dealer license fee.** The application fee for a nursery dealer's license shall be forty dollars (\$40.00). This regulation shall be effective on and after September 1, 1982. (Authorized by K.S.A. 2-2120, 2-2126; implementing K.S.A. 2-2120; effective, T-83-25, Sep. 1, 1982; effective May 1, 1983.)

**Article 18.—ANNUAL REGISTRATION FEE FOR LIVESTOCK REMEDY**

**4-18-1. Registration fee.** The annual registration fee for each livestock remedy registered shall be \$10.00. This regulation shall be effective for all livestock remedies registered in registration periods occurring from and after December 31, 1982. (Authorized by and implementing K.S.A. 1982 Supp. 47-504; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983.)

**Article 19.—REGISTRATION FEE FOR SOIL AMENDMENT**

**4-19-1. Registration fee.** The registration fee for each soil amendment shall be \$50.00 for each product registered. This regulation shall apply to products registered for registration periods commencing on and after January 1, 1983. (Authorized by K.S.A. 2-2805, 2-2811; implementing K.S.A. 2-2805; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983.)

HARLAND E. PRIDDLE  
Secretary

Doc. No. 000973

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS****NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**DEPARTMENT OF REVENUE  
DIVISION OF  
ALCOHOLIC BEVERAGE CONTROL  
ADMINISTRATIVE REGULATIONS****Article 1.—DEFINITIONS**

**14-1-1. Definitions.** As used in these rules and  
(continued)

regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section: (a) "Church" means a building owned or leased by a religious organization and used exclusively as a place for religious worship and other activities ordinarily conducted by a religious organization.

(b) "Public bonded liquor warehouse" means a public warehouse bonded and licensed in accordance with K.S.A. 82-161 through 82-171, both sections inclusive, and any amendments to those statutes.

(c) "Premises" means the room or rooms contained within the upright structure and specifically designated in the diagram in the application for license wherein the applicant desires authorization to conduct the licensed business and not the surrounding real estate owned or leased by the licensee.

(d) "Intoxicated" means the state or condition of being under the influence of alcoholic liquor, cereal malt beverage, narcotics or other drugs to the extent that the individual does not have the normal use of physical or mental faculties; in this condition the individual is rendered incapable of acting in the manner in which an ordinary, prudent, and cautious person who is in full possession of their faculties, and who is using reasonable care, would act under like conditions.

(e) "Incapacitated" means impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of alcoholic liquor, cereal malt beverage or other drugs to the extent that sufficient understanding or capacity to make or communicate responsible decisions is lacking.

(f) "Furnishings, fixtures or equipment" means counters, permanent shelves, cash registers, carpeting, televisions, radios, desks, chairs, stools, refrigerators, coolers or any other durable item. Furnishing, fixtures or equipment shall not include any product display.

(g) "Interior decoration" means any durable ornament, picture, plaque, mechanical device or other item intended to adorn or beautify the interior of any licensed retailer liquor premises. Interior decoration shall not include any point of sale material.

(h) "Product display" means any nondurable device, including temporary shelves, stackers, poles, bins and racks, in or upon which containers of alcoholic liquor may be placed, and which identifies specifically any manufacturer's brand and bears conspicuous and substantial advertising matter.

(i) "Point of sale material" means any poster, plaque, picture or similar item made of paper, cardboard, or plastic, which identifies specifically any manufacturer's brand. Point of sale material shall not include advertising specialties such as trays, coasters, mats, name cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, cameras, binoculars, mirrors, clocks, calendars, ash trays, bottle or can openers, corkscrews, umbrellas, shopping bags, matches, pamphlets, cards, leaflets, blotters, postcards, pencils and other similar items. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-401,

41-402, 41-403, 41-404, 41-405, 41-406, 41-409, 41-701, 41-703, 41-710, 41-713, 41-714, 41-715, 41-803, 41-1126; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1983.)

### Article 3.—RETAILERS

**14-3-1. Retail premises.** All premises used for the sale of alcoholic liquors at retail shall be located at ground or street level. All entrances for use of the public shall open immediately into the room used for retail sales purposes, or into an energy efficient vestibule. Vestibule means a passage, hall or room between the building's exterior door and the door of the retail liquor store. Vestibule does not include interior passageways through a multi-business commercial building, shopping center or mall. Any arrangement that allows customers access to a retail sales room from another place of business shall be prohibited. The area of an energy efficient vestibule which is common to a retail liquor store and another place of business shall not be construed as another place of business. Access from this common energy efficient vestibule shall not constitute access via an inside entrance if this energy efficient vestibule is so constructed that the entire area of the vestibule is visible from the exterior of the premises. A retail liquor store shall not open into an energy efficient vestibule if any other business which opens into this vestibule provides access to another place of business or provides access to the interior passageway through a multi-business commercial building, shopping center or mall. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-711; effective Jan. 1, 1966; amended Jan. 1, 1973; amended, E-81-36, Dec. 10, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**14-3-5. Placing of objects in front windows which obstruct view of interior of licensed premises prohibited.** No retail licensee shall place or permit the placing of any object on or within the front windows of the licensed premises which obstructs vision into the interior of the licensed premises. This rule and regulation shall not prohibit the placing of transparent, tinted window shades or other devices on the front windows of a licensed premises to shield against the morning or afternoon sun, if the shades or other devices do not obstruct vision into the interior of the licensed premises. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-712, 41-713; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1971; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1983.)

**14-3-13. Records of purchases; invoices or sales tickets to be furnished by distributor; retention; records subject to inspection.** Each retail licensee purchasing alcoholic liquor, at the time of delivery of the alcoholic liquor, shall demand and receive, in duplicate, from the licensed distributor selling the alcoholic liquor, a serially numbered invoice, purchase order, or sales ticket that accurately indicates the kind, brand, quantity, and price of the alcoholic liquor purchased,

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the date and place of purchase, and the name and address of the distributor and the retail licensee. At the time of delivery of the alcoholic liquor, the retail licensee or an authorized agent shall sign the invoice, purchase order, or sales ticket. The retail licensee shall keep one copy of each invoice, purchase order, or sales ticket on the licensed premises for three years from the date the alcoholic liquor was delivered. The records shall be open at all times to inspections by the director, the director's deputies or agents, or any other law enforcement officer. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-708, 41-717; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982; amended May 1, 1983.)

**14-3-19. Intoxicated or incapacitated persons on licensed premises.** A retail licensee shall not allow an intoxicated or incapacitated person to frequent, loiter, or be employed upon the licensed premises. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-715; effective Jan. 1, 1966; amended May 1, 1982; amended May 1, 1983.)

**14-3-35. Sales to licensed club; retailers reports.** (a) A retailer shall not engage in the sale of alcoholic liquor to any licensed private club without having first obtained a federal wholesale basic permit. Retailers engaged in sales to licensed private clubs shall give these clubs vouchered, numbered sales slips in connection with all purchases.

(b) Retailers shall be prohibited from making sales of alcoholic liquor to a licensed private club through any person who is not a registered employee of the licensed private club, or a member of the board of directors of the licensed private club. The itemized sales slip shall include the following information and shall be kept by the retail liquor store for three years:

- (1) date of purchase and name of liquor store and store's address as it appears on the license;
- (2) name and address of private club as it appears on the club license;
- (3) name of individual making the purchase for the club, and individual's position with the club;
- (4) brand, size, proof, and amount of each brand purchased;
- (5) bottle cost to the club and total price for each brand and size; and
- (6) total cost of the order after discount, if applied, and the total cost of the order including enforcement tax. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-308, 41-702; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Feb. 15, 1977; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**14-3-39. Retail advertising signs.** A retailer shall not have any sign on the outside of the retail premises, or upon the property on which the premise is located, unless written approval of the director is obtained. However, a retailer located in a bona fide shopping plaza or mall, after submitting a diagram depicting the sign location and after obtaining written approval of the director, may list the retail liquor store on a shopping plaza or mall directory. Letters on the directory

listing shall not exceed four inches in height and three inches in width. For the purpose of this regulation, a bona fide shopping plaza or mall means a single location in which four or more independently operated business establishments exist. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-714; effective Jan. 1, 1974; amended May 1, 1982; amended May 1, 1983.)

#### Article 4.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS

**14-4-7. Unlawful discrimination by manufacturers among distributors; sales in bulk; price listings; schedules of minimum prices to retailers; penalties.** (a) As used in this rule and regulation, the word "manufacturer" means any person, firm, partnership, association, corporation or other entity which manufactures alcoholic liquor other than beer, and shall also include:

- (1) A corporate subsidiary of any manufacturer who markets its products solely through a subsidiary or subsidiaries; and
- (2) a distributor of alcoholic liquor, other than beer, manufactured or bottled in a foreign country.

(b) Every manufacturer, before selling or offering to sell any alcoholic liquor, except beer, to a licensed distributor, shall file with the director a written statement sworn to by the manufacturer, or in case of a corporation, by one of its principal officers. In that statement the manufacturer shall agree:

- (1) that it will sell any of the brands or kinds of alcoholic liquor manufactured or distributed by it to any licensed distributor;
- (2) and that all sales will be made to all licensed distributors in this state at the same current price and without discrimination; and
- (3) that price lists showing the current prices will be filed by it in the office of the director each month.

(c) The price listing filed by a manufacturer with the director shall include the cash price for alcoholic liquors, other than beer, that are sold by the case. When such alcoholic liquors are sold in bulk, one or more of the following shall be included in the price listing: the cash price, the wholly deferred or partly deferred payment price, f.o.b. the manufacturer's warehouse or the point from which the manufacturer will make shipment. The list shall not include the gallonage tax imposed by the act. The listings as to alcoholic liquors in cases shall show the origin of the shipments; the price per case for each size of original packages of each particular brand or kind of alcoholic liquor, other than beer, sold or offered for sale by that manufacturer; and any other information as the director may require. The listings as to alcoholic liquors in bulk, posted by the barrel, shall show the age, price per proof gallon and original gauge in bond, for each class and type of particular brand or brands, if any, under which the alcoholic liquors in bulk will be bottled, and shall contain any other information the director may require.

- (1) Whenever a brand name or label of alcoholic

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liquor is offered in bulk, it shall also be offered by the case at the time any proceeds of bulk purchases are imported into Kansas.

(2) All price projections required to be filed by manufacturers with the director shall be based on the manufacturer's case price offered to distributors. A certified copy of each contract used for the sale of those alcoholic liquors shall be filed with the director by the manufacturer making those sales.

(d) A manufacturer shall be deemed to have discriminated against licensed distributors (those possessing a franchise to distribute a brand or brands in a geographical territory) if the manufacturer directly or indirectly, or through any agent or employee:

(1) Offers to sell or sells to a distributor alcoholic liquor, except beer, on credit or in any manner that results in a price less than the listed current price which the manufacturer has filed with the director;

(2) pays or offers to pay any of the transportation cost of that alcoholic liquor sold or offered for sale by the manufacturer to a licensed distributor;

(3) makes or offers to make any secret rebate to, or enters into any transaction in any manner whatsoever with any distributor which would result in, or has as its purpose, the purchase of any alcoholic liquor by a licensed distributor at a price less than the current price which the manufacturer has filed with the director. The furnishings and distribution of free samples of alcoholic liquors shall be deemed a rebate;

(4) requires a licensed distributor to purchase in excess of one case lot of any brand, or kind, or container size of that alcoholic liquor that is sold by the case;

(5) refuses to sell any brand or kind of alcoholic liquor, except beer, to a licensed distributor in any quantity ordered by a distributor in lots of one or more cases when alcoholic liquor is sold to distributors by the case;

(6) refuses to sell cash at the listed current price any alcoholic liquor, except beer, to a licensed distributor, if such alcoholic liquor is ordered in a lot of one case or more when the price listed to distributors is by the case;

(7) refuses to sell any brand or kind of alcoholic liquor, other than beer, to a licensed distributor unless the licensed distributor purchases or agrees to purchase alcoholic liquor of another kind, form, quantity, or brand in addition to, or partially in lieu of, the brand or kind of alcoholic liquor specifically ordered by the licensed distributor; or

(8) fails to fill orders of distributors for alcoholic liquor, other than beer, in the chronological sequence in which orders from distributors are received. This paragraph shall not apply when the manufacturer is operating under a rationing plan approved by the director under the provisions of K.S.A. 41-1101.

(e) No manufacturer, supplier, or licensed distributor of alcoholic beverages shall sell, offer for sale or deliver to any licensee any alcoholic beverage unless a schedule of prices for those alcoholic beverages has been filed in the office of the director as designated in K.A.R. 14-4-7(b)(2) by the manufacturer or supplier of that brand.

(f) The schedules of prices to wholesalers required to be filed with the director shall be filed, on a form provided by the director, not later than the first day of each month.

(g) Each licensed distributor shall file with the director a notarized statement, on a form provided by the director, that the distributor shall not discriminate among retailers. The distributor shall file with that notarized statement a schedule of minimum prices to retailers on a form provided by the director.

(h) No licensee shall sell or offer for sale at wholesale, directly or indirectly, any alcoholic beverage listed in the schedule of minimum prices to retailers, in effect at that time and published by the director, at less than its listed price. Special permission to do so may be granted by the director for special cause shown.

The penalty for any violation of the requirements of K.A.R. 14-4-7 (e) through (h), inclusive, shall be suspension or revocation of license. (Authorized by K.S.A. 41-210, 41-211; implementing 41-1112, 41-1118, 41-1119, 41-1120, 41-1121, 41-306, 41-1101, 41-1111, 41-1114, 41-1115, 41-1116, 41-1117; effective Jan. 1, 1966; amended, E-66-10, Aug. 8, 1966; amended Jan. 1, 1967; amended Jan. 1, 1974; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1983.)

**14-4-9. Manufacturers, wholesalers, and distributors; possession of returned empty bottles.** A manufacturer, wholesaler, or distributor shall not accept or have in possession any returned empty original bottles of alcoholic liquor, except beer, unless authorized by the director. Empty beer bottles shall be redeemed only by persons legally authorized to purchase beer. The redemption amount shall only be the amount deposited and may be paid as a credit on a simultaneous beer purchase or by cash upon receipt of bottles. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-308; effective Jan. 1, 1966; amended May 1, 1982; amended May 1, 1983.)

**14-4-13. Licensed distributor's order for alcoholic liquor; requirements for filing.** (a) Every licensed distributor, at the time of ordering and purchasing alcoholic liquor, except beer, from any manufacturer or corporate subsidiary of any manufacturer who markets the manufacturer's products solely through a subsidiary or subsidiaries, or from a rectifier, distiller or fermenter, or distributor of alcoholic liquor bottled in a foreign country, shall mail to the office of the director of alcoholic beverage control a full, true and correct copy of the purchase order. No order shall be shipped to any licensed distributor by any manufacturer or distributor unless the order affirmatively shows on its face that a copy of the order has been filed in the office of the director of alcoholic beverage control. No orders requiring shipment shall be valid after the last day of the second calendar month after that in which the order is placed. If a manufacturer, distributor or vendor fails to ship an item which has been purchased and if shipment is not directed within the time limits provided in this section, then the manufacturer, dis-

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tributor or vendor shall place the order on back order, shall notify the director thereof and shall ship the order when available unless the licensed distributor authorizes the cancellation of the order and notifies the director of the cancellation. No subsequent orders for merchandise back-ordered may be filled and shipped to any distributor until all back-orders of this merchandise have been filled. No such back-order shall be valid to require shipment after the last day of the second calendar month after that in which the order is placed on back-order. In the event orders of more than one licensed distributor are placed on back-order, the orders of such licensed distributors shall be filled in the chronological sequence in which the original orders were received.

(b) In the event the licensed distributor's original order was part of a carload or truckload shipment by common or contract carrier, the manufacturer, distributor or vendor shall be required to make shipment, or partial shipment if agreed to by the purchasing licensed distributor, by less than truckload or less than carload lot, and shall adjust the freight on the basis of the carload or truckload shipment rate to Wichita, Kansas, and shall prepay the freight thereon, unless the purchasing licensed distributor shall agree that such shipment may be delayed until the next carload or truckload shipment is made. No such freight adjustments or prepayments of freight shall be made unless the same are approved by the director. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-1118, 41-1119, 41-1101, 41-1111, 41-1117; effective Jan. 1, 1966; amended, E-66-12, Aug. 8, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1983.)

**14-4-14. Transportation of alcoholic liquor by distributors.** (a) A licensed manufacturer or distributor of alcoholic liquor shall ship or transport alcoholic liquor from its bonded warehouse to the premises of any other licensee by any common, contract or private carrier who holds a carrier's permit issued by the director. All beer sold to a retail licensee shall be delivered during the hours and upon the days that retail premises is legally open. A licensed distributor of strong beer may, in addition to the above methods of delivery, deliver strong beer to a retail licensee at the warehouse of the beer distributor during the above-mentioned hours and days when written permission for that retailer to pick up the beer is obtained from the director and transported to the beer distributor. All orders from licensed retailers for alcoholic liquor shall be received in the office of a licensed distributor prior to 2:00 p.m.

(b) No delivery shall be made to a retail licensee unless the delivery is made after the legal opening hour and before the legal closing hour for the licensed retailer, and unless the day is a legal day for the retail sale of alcoholic liquor. Delivery shall not be made on the same day that the order is placed.

(c) No retail licensee shall accept the delivery of alcoholic liquor, except beer, at the retailer's licensed

premises on any Saturday or Sunday and no licensed distributor shall deliver any alcoholic liquor, except beer, to any licensed retailer on any Saturday or Sunday.

(d) A licensed distributor shall offer to each licensed retailer no less than one day of delivery within an eight day period at the minimum poundage requirement.

(e) When alcoholic liquor, except beer, is shipped or transported by a private carrier, no other goods, wares or merchandise, except point-of-sale items sold under authority of K.A.R. 14-10-1a, shall be transported in the same conveyance at the time the alcoholic liquor is being transported.

(f) A holder of an alcoholic beverage control salesman's permit may make deliveries to retail licensees in a carrier which has a permit issued by the director. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-402, 41-405, 41-408, 41-701, 41-708, 41-709, 41-712, 41-714, 41-1101, 41-1103; effective Jan. 1, 1966; amended, E-73-21, June 29, 1973; amended Jan. 1, 1974; amended Feb. 15, 1977; amended, E-79-31, Nov. 21, 1978; amended May 1, 1979; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended, E-81-36, Dec. 10, 1980; amended May 1, 1981; amended May 1, 1983.)

#### Article 6.—CONTAINERS AND LABELS

**14-6-2.** (Authorized by K.S.A. 41-210, 41-211, 41-1117; implementing K.S.A. 41-211; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1972; amended May 1, 1975; amended Feb. 15, 1977; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1982; revoked May 1, 1983.)

**14-6-2a. Capacities of containers.** Alcoholic liquors shall be sold or offered for retail sale in this state in original containers of the following capacities: (a) Beer: 6½, 7, 8, 10, 11, 11½, 12, 15, 16, 17, 24 or 25.6 fluid ounces; 1 quart; ½ gallon; 2 liters; 1 gallon; 2½ gallons (tapper); ⅓ barrel (37⅞ gallons); ¼ barrel (7¾ gallons); ½ barrel (15½ gallons); or 1 barrel (31 gallons).

(b) Wines: ⅔ pint or 375 milliliters; 1 pint (imports only); ⅔ quarter or 750 milliliters; 1 quart or 1 liter; ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters. A brand or type may be permitted in ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters, provided they are measured in full liter quantities. A brand or type may be permitted in one of the following: the ½ gallon, ⅔ gallon or 1.5 liter size; or the 1 gallon or 3 liter size. Aperitif wine, including vermouth, may be sold or offered for retail sale in this state in original containers having a capacity of 15/16 quart, if the gallonage tax is paid at the full quart rate per bottle.

(c) Alcoholic liquor other than beer and wine: ½ pint or 200 milliliters; ⅓ gallon or 375 milliliters; 1 pint or 500 milliliters; ⅔ quart or 750 milliliters; 1 quart or 1 liter; ½ gallon or 1.75 liter; or 1 gallon.

(continued)

(1) Domestic whiskey, including bonded bourbon, bonded rye, straight bourbon, straight rye, all blends of neutral spirits, corn whiskey, alcohol, domestic and imported gin, vodka, tequila, and Canadian imported whiskey shall not be offered for sale in containers of  $\frac{1}{10}$  gallon.

(2) Domestic brandies, prepared cocktails, rum, American cordials, liqueurs and specialties, flavored gin, flavored vodka, flavored whiskey, and scotch whiskey shall not be offered for sale in containers of 1 pint size, but may be offered in containers of 500 milliliters size.

(3) A brand or type of merchandise may be permitted in one of the following: the  $\frac{1}{10}$  gallon, 1 pint, or 500 milliliters size.

(d) For tax approval purposes on containers offered for sale, a variance in content may be permitted within 2 fluid ounces or 59.14 milliliters for the above approved sizes. (Authorized by K.S.A. 41-210, 41-211, 41-1119; implementing K.S.A. 41-211, 41-1119; effective May 1, 1983.)

#### Article 7.—TAX; TAX STAMPS; CROWNS; LIDS

**14-7-9.** (Authorized by K.S.A. 41-210, 41-211; effective Jan. 1, 1974; amended, E-74-36, July 2, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1982; revoked May 1, 1983.)

#### Article 8.—ADVERTISING

**14-8-2. Prohibited statements and restrictions in the advertising of alcoholic liquor.** (a) Advertisements of alcoholic liquor shall not contain:

(1) Any statement, design, device, or representation of, or relating to, any guaranty which is false or likely to mislead the consumer;

(2) any statement, design, device, or representation which is obscene, indecent, undignified or in bad taste;

(3) any statement concerning the brand of alcoholic liquor that is inconsistent with any statement on the labeling;

(4) any statement of, or reference to the price of the alcoholic liquor, except a reference to the authorized discount on case sales, if the advertisement is directed to the public;

(5) any statement, design, or device representing that the use of any alcoholic liquor has curative or therapeutic effects, if the statement is untrue specifically or tends to create a misleading impression;

(6) any statement, design, device, or representation relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the customer;

(7) any statement that the product is produced, blended, made, bottled, packed, or sold under or in accordance with any authorization, law, or regulation of any municipality, county, state, federal, or foreign government unless this statement is required or specifically authorized by the laws or regulations of that government. If a municipal, county, state or federal permit number is stated, this permit number shall not

be accompanied by any additional statement relating to it;

(8) any statement that alcoholic liquor was manufactured in, or imported from, a place or country other than that of its actual origin or that it was produced or processed by one who was not in fact the actual producer or processor;

(9) any statement, design, device, or pictorial representation of, or relating to, or capable of being construed as relating to, the armed forces of the United States, the American flag, any state flag, or of any emblem, seal, insignia, or decoration associated with any flag or the armed forces of the United States. Advertisements shall not contain any statement, device, design or pictorial representation of, or concerning, any flag, seal, coat of arms, crest or other insignia that is likely to falsely lead the consumer to believe that the product has been endorsed, made, used by, produced for or under the supervision of, or in accordance with the specifications of a government, organization, family, or individual with whom the flag, seal, coat of arms, crest or insignia is associated;

(10) the words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless these words or phrases appear upon the labels of the distilled spirits advertised and unless they are stated in the advertisement in the manner and form in which they appear upon the label; or

(11) any statement, design, or device that, directly or by implication, concerns age or maturity of any brand or lot of alcoholic liquor unless a statement of age appears on the label of the advertised product. If a statement, design, or device concerning age or maturity is contained in any advertisement, it shall include, in direct conjunction and with substantially equal conspicuousness, all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whiskey or brandy which does not bear a statement of age on the label, or an advertisement for rum which is four years old or more, may contain general inconspicuous age, maturity or other similar representations.

(b) Kansas licensees shall not be allowed to advertise any alcoholic liquor by brand name, unless advertised by the licensed distributor owning the label. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-81-36, Dec. 10, 1980; amended, E-82-9, April 27, 1981; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**14-8-10. Advertising referring to certain holidays and special days prohibited.** A manufacturer, distributor, or retailer shall not publish or cause to be published, or circulate in the state of Kansas any advertisement referring to Easter or Holy Week. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1983.)

(continued)

## Article 10.—TRADE PRACTICES

**14-10-1.** (Authorized by K.S.A. 41-210, 41-703, 41-714, K.S.A. 1979 Supp. 41-211; effective, E-80-28, Dec. 12, 1979; effective May 1, 1980; revoked May 1, 1983.)

**14-10-1a. Advertising product displays and point of sale material.** (a) To the extent permitted in this subsection, a distributor may furnish a product display or displays to a retailer. The total value of all product displays furnished by a distributor to any one retailer, which are in use at any one time, shall not exceed \$109.00 per brand per calendar year. The value of a product display is the actual cost to the manufacturer, distiller, importer, wholesaler or distributor who initially purchased it. Transportation and installation costs shall be excluded in determining the value of a product display. Pooling or combining of the dollar limitation in any manner in order to furnish a retailer product displays valued in excess of \$109.00 per brand per calendar year shall be prohibited. No manufacturer, distiller, importer, wholesaler, distributor or any agent, subsidiary or representative thereof shall, directly or indirectly, pay or credit the retailer for furnishing, transporting, constructing, or setting up a product display, or for any other expense incidental to the display.

(b) To the extent permitted in this subsection, a distributor may furnish or give point of sale material to a retailer. The total value of all point of sale material furnished by a distributor to any one retailer, which is in use at any one time, shall not exceed \$109.00 per brand per calendar year. The value of any point of sale material is the actual cost to the manufacturer, distiller, importer, wholesaler, or distributor who initially purchased it. Transportation costs shall be excluded in determining the value of any point of sale material. Pooling or combining of the dollar limitation in any manner to furnish a retailer point of sale material having an aggregate value in excess of \$109.00 per brand per calendar year shall be prohibited. No manufacturer, distiller, importer, wholesaler, distributor or any agent, subsidiary or representative thereof shall directly or indirectly pay or credit the retailer for furnishing, transporting or setting up point of sale material, or for any other expense incidental to the point of sale material.

(c) Each distributor shall keep and maintain, at its licensed premises and for a period of three years, records of all product displays furnished to retailers. These records shall show:

- (1) the name and address of the retailer to whom the product display was furnished;
- (2) the date the product display was furnished;
- (3) a clear and concise description of the product display furnished; and
- (4) the value of the product display furnished.

(d) No manufacturer, distiller, importer, wholesaler, distributor, or retailer or any agent, subsidiary or representative thereof shall furnish coupons to consumers which are redeemable at a retail establishment, nor furnish contest prizes, premium offers, refunds, and like items directly to consumers.

(e) The provisions of this rule and regulation shall be construed strictly by the director of the alcoholic beverage control. Unless specifically set forth in this rule and regulation as permissible, the giving of, or otherwise providing any thing of value to a retailer by a distributor shall be construed as a violation of K.A.R. 14-4-16. Such a violation shall subject the distributor and retailer to suspension or revocation of their license or a fine. Product displays or point of sale materials furnished to a retailer shall not be repurchased by the distributor. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-702, 41-703, 41-714; effective May 1, 1983.)

**14-10-1b. Stocking and pricing products.** (a) Any distributor of distilled spirits, wine or malt beverages may stock and rotate, at a retail establishment, products which are distributed by the distributor. In performing this stocking and rotating, the products of other distributors shall not be disturbed.

(b) Any distributor of distilled spirits or wine may price, at a retail establishment, products which are distributed by the distributor. Distributors of malt beverages shall not price, at a retail establishment, products which are distributed by the distributor.

(c) Stocking and rotation, or pricing of products shall not be performed without the permission of the retailer.

(d) A distributor shall not assist a retailer in rearranging or resetting all or a part of the licensed retail premises.

(e) The stocking and rotation, or pricing of products as authorized in this rule and regulation shall not be conditioned on the retailer's purchasing any distilled spirits, wine or malt beverage. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-703; effective May 1, 1983.)

**14-10-2. Trade practices between distributors and private clubs.** (a) A distributor may, upon request of a licensed private club, furnish to the club for its sole use consumer and retail advertising specialties such as ashtrays, bottle or can openers, corkscrews, matches, pencils, trays, coasters, mats, name cards, paper napkins, foam scrapers, back bar mats, blotters, glasses, pitchers and similar materials which bear substantial advertising matter. All glassware shall be for on-premise use only. Hats, T-shirts, jackets, belt buckles or other items of clothing; lights, thermometers, clocks, cameras, binoculars, calendars, mirrors or other items of secondary value shall not be provided to a private club by any distributor.

(b) The furnishing of these materials shall not be conditioned on the purchase of distilled spirits, wine or malt beverages.

(c) Each distributor shall keep and maintain, at its licensed premises and for a period of three years, records of all materials sold to clubs under this rule and regulation. These records shall show:

- (1) The name and address of the club receiving the materials;
- (2) the date sold;
- (3) the materials sold; and

(continued)

(4) the charge to the club for any materials sold.

(d) The total value of all consumer and retailer advertising specialties furnished to a private club by any distributor shall not exceed \$200.00 dollars per brand in any one calendar year. The value of those items is the actual cost of that item to the manufacturer, distiller, importer, wholesaler, or distributor who actually purchased it. Transportation and installation costs are excluded. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-703, 41-714; effective, E-80-28, Dec. 12, 1979; effective May 1, 1980; amended May 1, 1983.)

#### Article 18.—CLASS A AND B CLUBS

**14-18-23. Prohibited employees.** A manufacturer, distributor, or retailer, or any officer, agent, or employee of a manufacturer, distributor, or retailer, shall not be employed by a licensed club as an officer or manager, or in the capacity of a person registered to mix, serve, sell, or dispense alcoholic liquor. (Authorized by K.S.A. 41-2634; implementing K.S.A. 41-2623, 41-2632; effective Jan. 1, 1974; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**14-18-28. Agreement for reciprocal membership.** Class A clubs shall forward four copies of the reciprocal agreement to the director for approval. Class B clubs shall forward, as a prerequisite for receiving agreement approval, a statement of gross receipts showing the ratio of food sales to alcoholic beverage sales, as those terms are defined in K.S.A. 41-2601 and K.A.R. 92-24-1, on forms provided by the director for this purpose. Upon receiving approval to submit the reciprocal agreement, the class B clubs shall forward four copies of the reciprocal agreement to the director for approval. An approved-stamped copy of the agreement shall be returned to the club for retention on the club premises. In all instances, reciprocal agreements shall be executed by the licensee, if the licensee is an individual, a partner, or an officer or manager of a corporate licensee. At the time a club severs its agreement or agreements, it shall notify the director in writing within five days of this severance. (Authorized by K.S.A. 41-2634; implementing K.S.A. 41-2637; effective May 1, 1982; amended May 1, 1983.)

MICHAEL LENNEN  
Secretary of Revenue

Doc. No. 000976

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