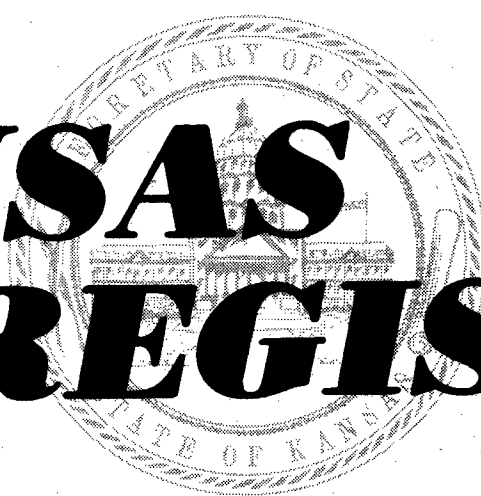


KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 6

February 5, 1987

Pages 129-160

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State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed January 23 through January 30:

Doniphan County Commissioner, 1st District

Harrison Frederick Cluck, Box 75, Highland 66035. Effective January 28, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds H. D. Whetstine, resigned.

Ness County Register of Deeds

Loretta Stoecklein, HC-61, Box 4, Ness City 67560. Effective January 29, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Marjorie M. Laas.

Osage County Commissioner, 3rd District

Neal W. Thorne, Route 1, Osage City 66523. Effective January 27, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Brenda Groff, resigned.

Rice County Clerk

Joan Davison, 309 W. Truesdell, Lyons 67554. Effective January 28, 1987. Expires when a successor is elected and qualifies according to law. Succeeds Mary Bolton, resigned.

Advisory Council of Community Colleges

Marion Stevens, 145 N. 127th E., Wichita 67230. Effective January 28, 1987. Expires January 14, 1989. Succeeds Kay M. Groneman.

Office of the Governor

John Peterson, 6001 W. 100th Terrace, Overland Park 66207. Administrator for the Agreement on Retainers. Effective January 12, 1987.

Governor's Council on Fitness

Irwin Waxman, 4905 W. 90th, Prairie Village 66207. Effective January 28, 1987. Serves at the pleasure of the Governor. Succeeds David Waxman, resigned.

Kansas Land Survey Advisory Committee

Ed Goff, c/o Department of Transportation, 7th Floor, Docking State Office Building, Topeka 66612. Effective January 29, 1987. Term expires July 8, 1987. Succeeds Mickey Quinn, deceased. Appointed by the Secretary of State.

Kansas Public Disclosure Commission

Lowell K. Abeldt, 900 N.W. 2nd, Abilene 67410. Effective February 1, 1987. Expires January 31, 1989. Succeeds Richard E. Dietz.

BILL GRAVES
Secretary of State

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PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas
SOCIAL AND REHABILITATION SERVICES
DIVISION OF SERVICES FOR THE BLIND
ADVISORY COMMITTEE

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Thursday, February 19, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
 Director, Division of
 Services for the Blind

Doc. No. 005024

State of Kansas
FISH AND GAME COMMISSION

NOTICE OF MEETING

The Kansas Fish and Game Commission will meet at 7 p.m. Tuesday, February 10, in rooms A and B of the Convention Center at the Howard Johnson Motor Lodge, 3839 S.W. Topeka Blvd., Topeka.

Items for discussion include a report on the progress of commission-sponsored legislation and legislation supported by the Fish and Game Commission, an update on the marketing program the commission is undertaking, and any other business which may come before the commission. Interested parties may request additional information from Kansas Fish and Game Commission headquarters in Pratt.

JOE FOWLER
 Chairman

Doc. No. 005015

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has issued an order which penalized the following operators for failure to renew their operator or contractor licenses as required by K.S.A. 55-155 and K.A.R. 82-3-120:

- Midland Enterprises
- Riley Oil Co.

Pursuant to K.S.A. 55-164, the matter is set for hearing at 11 a.m. Monday, February 16, in the Balcony Room of the Ramada Hotel at Broadview Place, 400 W. Douglas, Wichita.

JAMES E. BROWNE
 Assistant General Counsel

Doc. No. 005010

State of Kansas
SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL
 COME, GREETING:

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1986 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of February 1, 1987 through February 28, 1987 shall be 10.70 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 30th day of January, A.D. 1987.

BILL GRAVES
 Secretary of State

Doc. No. 005019

State of Kansas
DEPARTMENT OF HUMAN RESOURCES

REQUEST FOR PROPOSALS

The Kansas Department of Human Resources, Service Delivery Area II, which serves 17 counties in northeast Kansas, is soliciting proposals to establish special projects to provide occupational skill training, employability training, basic/remedial education, cooperative education or school-to-work transition programs.

These funds are provided through the Job Training Partnership Act, a federally funded program that is administered through the Department of Human Resources under the auspices of a Private Industry Council and a Local Elected Official Board. JTPA is designed to provide training for economically disadvantaged persons and others with specific employment barriers.

A guide for submitting a proposal along with additional information and technical assistance may be obtained by contacting Cora Johnson, (913) 296-5080. A meeting outlining RFP requirements will be held at 1309 Topeka Blvd., Topeka, at 10 a.m. Tuesday, February 17. Proposals are due by March 31 to the area administrative office at the same address.

For additional information contact Terry Moore, Area Supervisor SDA II, at the address above.

SHELBY SMITH
 Secretary of Human Resources

Doc. No. 005022

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-13

State Departments; Public Officers and Employees—
Kansas Tort Claims Act—Office of District Attorney.

District Officers and Employees—District Attorneys—Application of Kansas Tort Claims Act. James E. Flory, District Attorney, 7th Judicial District, Lawrence, January 22, 1987.

District attorneys and their agents are state employees for purposes of the Kansas Tort Claims Act. Cited herein: K.S.A. 22a-101, 22a-106, 25-2505, 75-6101, 75-6102. JLM

Opinion No. 87-14

Counties and County Officers—Sheriff—Line Item Restriction of Sheriff's Budget. Ed E. Ritchie, Shawnee County Sheriff, Topeka, January 22, 1987.

K.S.A. 1986 Supp. 19-805(d) states that any personnel action taken by the sheriff shall be subject to the budget for the financing of the operation of the sheriff's office as approved by the board of county commissioners. Additionally, county commissioner statutes vest the authority and responsibility for the control of county expenditures in the board of county commissioners. In light of these statutory provisions, a board of county commissioners is authorized to restrict the sheriff from transferring monies from one line item to another even if the sheriff does not exceed the total budget appropriated to the sheriff's department for the year. Cited herein: K.S.A. 19-212; 19-229; K.S.A. 1986 Supp. 19-805(d). BPA

Opinion No. 87-15

Schools—General Provisions—High School Activities Association; Payment of Membership Dues by Boards of Education; Kansas Eight-Man Football Association. Darrell E. Miller, Jewell County Attorney, Mankato, January 26, 1987.

Statutory provisions regulating high school activities associations do not prohibit boards of education of unified school districts from paying membership dues to the Kansas Eight-Man Football Association. Cited herein: K.S.A. 72-130; 72-132; 72-133. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 005017

State of Kansas

PUBLIC DISCLOSURE COMMISSION

Advisory Opinion No. 87-1

Written January 21, 1987 to the Honorable William W. Buntin, State Representative, State House, Topeka, KS 66612.

This opinion is in response to your letter of November 25, 1986, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest statutes.

We understand you request this opinion on behalf of the Topeka Country Club which wishes to make available to the governor a temporary membership during his term in office. The membership would allow the governor and his family use of the club's facilities. All charges incurred during such use would be paid by the governor. The value of the temporary membership is in excess of \$100.00.

You ask whether the proposed convenience to the governor during his term of office here in Topeka is permissible under the conflict of interest law.

In Opinion No. 83-13, the commission dealt with an analogous situation. There, the Topeka Club was considering offering complimentary memberships to certain state officers including the governor. We stated then that in the case of the governor, under K.S.A. 46-237, we did not believe the acceptance of the gift would be appropriate. Since legislation has not been altered since Opinion No. 83-13 was issued, we feel constrained to hold again that such a gift would be inappropriate under K.S.A. 46-237.

Advisory Opinion No. 87-2

Written January 21, 1987 to Max Zimmerman, Zimmerman & Co. Insurance, P.O. Box 888, 24 W. 2nd, Liberal, KS 67901.

This opinion is in response to your letter of January 15, 1987, in which you request an opinion from the Kansas Public Disclosure Commission concerning the disclosure of substantial interests required under K.S.A. 75-4301 *et seq.*

We understand you request this opinion in your capacity as a candidate for the city commission of the city of Liberal, Kansas.

You indicate you are an insurance agent and a salaried employee of Zimmerman & Co., Inc., a Kansas corporation of which you own controlling interest. The commissions from sales go to the corporation and you draw a salary therefrom which is not based directly on the amount of each commission.

Based on this factual situation, you ask whether you are required to list clients who pay commissions to your firm under Section F of the disclosure statement.

Section F of the disclosure form relates to those situations where a person's remuneration is a percentage of each fee paid to a business. Since you receive a salary from the corporation which is not directly related to each separate commission, you are not required to disclose under Section F the names of those clients who pay fees to your business.

LOWELL ABELDT
Vice Chairman

Doc. No. 005009

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

TUESDAY, FEBRUARY 17, 1987

- #27553
Statewide—WIPING RAGS
- #27560
Kansas State Industrial Reformatory—REFUSE COLLECTION
- #67772-A
University of Kansas—AI WORKSTATION
- #68150
Kansas State University—TAPE UNIT
- #68151
University of Kansas—MICROCOMPUTER—IBM COMPATIBLE
- #68152
Kansas State University—AIR PLANTER
- #68153
Kansas State University—PHYSICS RESEARCH EQUIPMENT
- #68154
Kansas State University—PLOT GRAIN DRILL
- #68155
Kansas State University—NETWORK OFFICE INFORMATION AND PUBLISHING SYSTEM/PLOTTER
- #68160
Department of Transportation—PLANT MIX BITUMINOUS, various locations
- #68161
State Grain Inspection Department—CONTINUOUS FORMS
- #68162
Kansas State University—GENERATOR
- #68164
Adjutant General's Department—FURNISH ALL LABOR AND MATERIALS FOR MODIFICATION TO THE ORGANIZATIONAL MAINTENANCE SHOP, Salina
- #68178
University of Kansas—PAPER, PRINTING, AND BINDING
- #68200
University of Kansas—DNA SYNTHESIZER
- #68202
University of Kansas—ID POUCHES
- #68212
Department of Administration, Division of Information Systems and Communications—COMMUNICATIONS NETWORK MANAGEMENT SOFTWARE
- #68216
Kansas State University—GRAIN
- WEDNESDAY, FEBRUARY 18, 1987
- #27544
University of Kansas Medical Center—ELECTRO MEDICAL SUPPLIES (CLASS 16)

- #27547
Kansas Correctional Industries—TRAFFIC ALKYD RESIN
- #27548
University of Kansas—INDUSTRIAL V-BELTS
- #27561
Kansas Fish and Game Commission—HYDRAULIC EXCAVATOR, Tuttle Creek Wildlife Area
- #27564
Winfield State Hospital and Training Center—FROZEN EGGS
- #68163
Kansas State University—TRAILER
- #68166
Kansas Highway Patrol—VEHICLES
- #68167
University of Kansas Medical Center—INFANT TRANSPORT INCUBATOR
- #68168
Kansas State University—ULTRASONIC SCANNER
- #68172
University of Kansas—SPECTROPHOTOMETER
- #68173
Department of Transportation—ROCK CUTTER TEETH, Chanute
- #68174
Department of Administration, Division of Central Motor Pool—VEHICLES
- THURSDAY, FEBRUARY 19, 1987
- #27551
Kansas State Fair—ELECTRICAL SUPPLIES
- #27556
Kansas State University—FROZEN EGGS
- #68175
Department of Transportation—IMPACT WRENCH, various locations
- #68179
University of Kansas—PLAIN PAPER COPIER
- #68180
Department of Administration, Division of Information Systems and Communications—SOFTWARE—IBM
- #68181
University of Kansas—SOFTWARE—APPLE COMPATIBLE
- #68182
University of Kansas Medical Center—MICROCOMPUTER—H.P. COMPATIBLE
- #68183
Kansas Insurance Department—MICROFILM SERVICE AND READER/PRINTER
- #68207
Kansas State University—ANIMAL CAGES
- #68208
Kansas State University—TEMPERATURE CHAMBER
- FRIDAY, FEBRUARY 20, 1987
- #27550
Kansas Economic Development—MAILING SERVICES FOR "KANSAS MAGAZINE" AND "KANSAS TOO!"
- #27555
Kansas Fish and Game Commission—MOWING—Louisburg State Fishing Lake
- #68186
Department of Social and Rehabilitation Services—WHEELCHAIRS, various locations

(continued)

- #68187
Kansas State University—MINICOMPUTER
- #68188
Kansas State University—PLAIN PAPER COPIER
- #68189
Wichita State University—VIDEO EQUIPMENT
- #68194
Department of Health and Environment—MOVING SERVICES
- #68199
Wichita State University—MOVING SERVICES
- #68201
Kansas State University—LAB OVEN
- #68203
Kansas State University—LAB EQUIPMENT
- #68204
Kansas State University—LAB EQUIPMENT
- #68205
Kansas State University—LAB EQUIPMENT
- #68213
Kansas State University—MINI PICKUP
- #68214
Department of Transportation—MRA AGGREGATE, Wyandotte
- #68217
Fort Hays State University—LASER PRINTER
- #68217
Kansas State Industrial Reformatory—WORK SHOES
- TUESDAY, FEBRUARY 24, 1987**
- #A-5381
Department of Corrections, Reception and Diagnostic Center—DOMESTIC WATER LINE RENOVATIONS—MAIN BUILDING
- WEDNESDAY, FEBRUARY 25, 1987**
- #68211
Kansas Fish and Game Commission—FISHING PIER CONSTRUCTION, Clark County
- THURSDAY, FEBRUARY 26, 1987**
- #A-0000
Department of Administration, Division of Architectural Services—PARKING LOT IMPROVEMENTS AT 1ST AND VAN BUREN
- #A-5736
Kansas State Fairgrounds—RENOVATION OF THE GRANDSTANDS—PHASE II
- #27558
Department of Transportation—ASPHALTIC MATERIALS, various locations
- MONDAY, MARCH 3, 1987**
- #27559
Department of Corrections—LEASE OF FARMLAND, RENO COUNTY

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005023

State of Kansas
ABSTRACTERS' BOARD OF EXAMINERS

NOTICE OF EXAMINATION

An examination to secure registration and become subject to license to engage in the business of making, compiling, completing and selling abstracts of title to real estate in Kansas will be held by the Abstracters' Board of Examiners at 8 a.m. Saturday, March 14, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

Interested persons should submit an application and \$25 examination fee to the executive secretary of the board, P.O. Box 218, Jetmore 67854, before March 7. For further information call (316) 357-8328.

JOANNE CLARKE
Executive Secretary

Doc. No. 005011

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES

Notice is hereby given of the commencement of negotiations for contracts for air and water balancing of the mechanical systems and an infrared scan for the Ellsworth Correctional Work Facility, Ellsworth.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Interested individuals or firms in the infrared scan field must be an independent testing company using trained personnel who work full time on infrared testing projects. Personnel shall be familiar with the operation of the infrared camera and capable of analyzing the results. The infrared survey shall be done with a Model No. 750 infrared camera as manufactured by AGA Corporation of Secaucus, New Jersey, or equal. Submit qualifications with letter of interest.

Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to February 20.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 005014

State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION
COURT OF APPEALS DOCKET**

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
Hearing Room Two, 3rd Floor, Judicial Center
301 W. 10th, Topeka, Kansas

Before Brazil, P.J.; Meyer, J; and Page W. Benson,
District Judge, assigned.

Friday, February 13, 1987

9:00 a.m.

Case No.	Case Name	Attorney	County
59,101	City of Kansas City, Appellee,	Gregory Coggs Robert Jenkins	Wyandotte
	v.		
	Ronell A. Carlock, Appellant.	J. R. Russell	
59,540	Dorothy George, Appellant,	Elizabeth A. Carson	Wyandotte
	v.		
	City of Kansas City, Appellee.	Dexter Burdette	
		10:00 a.m.	
59,784	Kansas Commission on Civil Rights, Appellee,	Brandon L. Myers	Wyandotte
	v.		
	Champ Service Line and Jeanette Porter, Appellants.	Catherine A. Walter William G. Haynes	
59,137	State of Kansas, Appellee,	Steve Tatum, Assistant District Attorney Attorney General	Johnson
	v.		
	Troy A. Kreissler, Appellant.	William R. Coffee	
		1:30 p.m.	
59,661	Living Carpets, Inc., Appellee,	John P. Connor	Johnson
	v.		
	Mid-America Preferred Insurance Co., Appellant.	Paul Hasty, Jr.	
59,464	Georgia Armstrong, Appellant,	James M. Sheeley Kenneth J. Reilly	Wyandotte
	v.		
	Goldblatt Tool Co., Appellee.	David W. Hauber Ronald C. Newman	
		2:45 p.m.	
59,474	Missouri Valley Inv. Co., Appellee,	Gerald E. Williams	Johnson
	v.		
	Anthony McB. Curtis, <i>et al.</i> , and Jack Phillip Cook II, Appellant.	Gary L. Sloan Steven D. Treaster Laurence M. Jarvis Douglas Lancaster	
59,684	John Sigears, Appellee,	R. Wayne Lampson	Wyandotte
	v.		
	Mickey Coffey, Appellant.	Michael T. Halloran	

(continued)

Kansas Court of Appeals
 Supreme Courtroom, 3rd Floor, Judicial Center
 301 W. 10th, Topeka, Kansas
 Before Briscoe, P.J.; Parks, J.; and
 Porter K. Brown, District Judge, assigned.

Friday, February 13, 1987
 9:00 a.m.

Case No.	Case Name	Attorney	County
59,730	State of Kansas, Appellee,	Ken Smith, Assistant District Attorney Attorney General	Shawnee
	v.		
	Michael D. Kern, Appellant.	Bryce D. Benedict	
59,656	Richard C. Mesecher and Deborah K. Mesecher, Appellants,	Patrick R. Barnes	Shawnee
	v.		
	Terry Maholland and Shelter Mutual Insurance Co., Appellees.	J. H. Eschmann	
10:00 a.m.			
59,281	State of Kansas, Appellee,	Phillip Burdick, County Attorney Attorney General	Brown
	v.		
	Forrest D. Martinson, Appellant.	Benjamin C. Wood	
59,379	State of Kansas, Appellee,	Sue Carpenter, Assistant District Attorney Attorney General	Shawnee
	v.		
	Gary W. Oldham, Appellant.	Benjamin C. Wood Melissa Sheridan	
1:30 p.m.			
59,732	Tom Lee, Jr., Appellant,	Diane F. Barger	Shawnee
	v.		
	University of Kansas, Appellee.	Mary D. Prewitt	
58,501	State of Kansas, <i>ex rel</i> Robert Stephan, Attorney General, Appellee,	William E. Enright Attorney General	Shawnee
	v.		
	GAF Corp., <i>et al.</i> , Appellant.	Jerry D. Bogle	
2:45 p.m.			
59,517	Lawrence Lloyd, Appellant,	Malcolm G. Copeland	Shawnee
	v.		
	State Farm Mutual Auto Insurance Co., Appellee.	Kevin L. Diehl Frederick K. Starrett	
59,722	William R. Allen, dba Cat's Meow, Appellant,	Robert E. Duncan II	Shawnee
	v.		
	Larry E. Wolgast, Ed.D., Secretary, Department of Human Resources, Appellee.	H. Dean Cotton	

Kansas Court of Appeals
 Court of Appeals Courtroom, 2nd Floor, Judicial Center
 301 W. 10th, Topeka, Kansas
 Before Abbott, C.J.; Rees and Davis, JJ.

Friday, February 13, 1987
 9:00 a.m.

Case No.	Case Name	Attorney	County
59,570	Ralph Boor, Appellee, v. Kansas Power & Light Co., Appellant, and Workers' Compensation Fund.	John M. Ostrowski Camille Q. Bradford Michael J. Unrein	Saline
59,664	Sanctuary Inc., dba Sanctuary, Appellant, v. Ronald M. Smith, Appellee.	Kermit M. Beal James E. Rumsey	Douglas
10:00 a.m.			
59,151	Iowa Beef Processors, Inc., Appellee, v. The State Employment Security Board of Review and Gerald Derritt, Appellants.	Neil Roach Richard Anderson Marlin A. White	Lyon
59,652	State of Kansas, Appellee, v. Robert D. Silk, Appellant.	Mark Knight, Assistant District Attorney Attorney General Michael E. Riling	Douglas
59,710	State of Kansas, Appellee, v. Willard R. Cross, Appellant.	Gregory Kieffer, Assistant County Attorney Attorney General Dan H. Myers	Riley
1:30 p.m.			
59,584	In the Matter of the Adoption of Baby Girl H., a minor.	Caleb Boone Gene F. Anderson Thomas L. Toepfer Willis K. Musick, Gdn. A/L	Ellis
58,968	Richard L. Puckett, Appellee, v. Dale E. Christner, Christner Salvage & Recycling, KFB Insurance Co., Inc., and Mark E. Monnington, Appellants.	George F. Farrell, Jr. Timothy A. Short Thomas A. Krueger	Lyon
2:45 p.m.			
59,463 S.C.	State of Kansas, Appellee, v. Kum Cha Harris, Appellant.	John Taylor, Assistant County Attorney Attorney General Richard A. Pinaire	Geary
59,337	State of Kansas, Appellee, v. Leonard Knight, Appellant.	Lloyd Graham, Assistant County Attorney Attorney General Benjamin C. Wood	Geary

LEWIS C. CARTER
 Clerk of the Appellate Courts

State of Kansas

**STATE HISTORICAL SOCIETY
HISTORIC SITES BOARD OF REVIEW**

NOTICE OF MEETING

The Kansas State Historic Sites Board of Review will meet at 10 a.m. Saturday, February 21, in the Thompson Room at the Student Union, Washburn University, Topeka. The board will evaluate the following properties proposed for nomination to the National Register of Historic Places and Register of Historic Kansas Places:

Carnegie Libraries of Kansas thematic nomination

- Anthony Public Library, 104 N. Springfield, Anthony, Harper County
- Burlington Public Library, 201 N. 3rd, Burlington, Coffey County
- Canton Township Library, Canton, McPherson County
- Chanute Public Library, 102 S. Lincoln, Chanute, Neosho County
- Cherryvale Public Library, 329 E. Main, Cherryvale, Montgomery County
- Clay Center Carnegie Library, 706 6th St., Clay Center, Clay County
- Coffeyville Public Library, 415 W. 8th, Coffeyville, Montgomery County
- Columbus Public Library, 205 N. Kansas, Columbus, Cherokee County
- Concordia Carnegie Library Building, 7th and Broadway, Concordia, Cloud County
- Council Grove Public Library, 303 W. Main, Council Grove, Morris County
- Downs Carnegie Library, 504 S. Morgan, Downs, Osborne County
- Carnegie Library Building, 101 S. Star, El Dorado, Butler County
- Anderson Memorial Library, The Way College of Emporia, Emporia, Lyon County
- Eureka Carnegie Library, 520 N. Main, Eureka, Greenwood County
- Fort Scott Public Library, 2nd and National, Fort Scott, Bourbon County
- Girard Public Library, 128 W. Prairie, Girard, Crawford County
- Herington Public Library, 102 S. Broadway, Herington, Dickinson County
- Hutchinson Carnegie Library Building—Labor Temple, 5th and Main, Hutchinson, Reno County
- Independence Public Library, 220 E. Maple, Independence, Montgomery County
- Kingman Carnegie Library, 455 N. Main, Kingman, Kingman County
- Lincoln Carnegie Library, 203 S. 3rd, Lincoln, Lincoln County
- Lyndon Carnegie Library, 127 E. 6th, Lyndon, Osage County
- Lyons Carnegie Library Building, 105 W. Lyon, Lyons, Rice County (state register)

- Manhattan Carnegie Library Building, 5th and Poyntz, Manhattan, Riley County
- Osborne Public Library, 112 S. 6th, Osborne, Osborne County
- Oswego Public Library, 704 4th St., Oswego, Labette County
- Peabody Township Library, 214 Walnut, Peabody, Marion County
- Sterling Free Public Library, 132 N. Broadway, Sterling, Rice County
- Stockton Public Library, 124 N. Cedar, Stockton, Rooks County (state register)
- Old Carnegie Library Building, Washburn University, Topeka, Shawnee County
- Wellington Public Library, 121 W. 7th, Wellington, Sumner County
- Wichita Carnegie Library Building, 220 S. Main, Wichita, Sedgwick County
- Winfield Public Library, 1001 Millington, Winfield, Cowley County
- Yates Center Public Library, 218 N. Main, Yates Center, Woodson County
- Flanders-Lee House, 200 S. 7th, Salina, Saline County (state register)

JOSEPH W. SNELL
Executive Director

Doc. No. 005012

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills introduced January 22-28:

HB 2073, by Legislative Commission on Kansas Economic Development: An act concerning vocational education capital outlay aid; affecting definitions; providing for distribution thereof on a competitive basis; amending K.S.A. 72-4442 and K.S.A. 1986 Supp. 72-4440, and repealing the existing sections.

HB 2074, by Legislative Commission on Kansas Economic Development: An act concerning vocational education; affecting the determination of financial aid for the provision of vocational education programs by community colleges; amending K.S.A. 71-602 and repealing the existing section.

HB 2075, by Legislative Commission on Kansas Economic Development: An act establishing the Kansas training information program.

HB 2076, by Legislative Commission on Kansas Economic Development: An act relating to agricultural land; concerning the use thereof by corporations; amending K.S.A. 1986 Supp. 17-5903 and 17-5904 and repealing the existing sections; and also repealing K.S.A. 1986 Supp. 17-5904a.

HB 2077, by Legislative Commission on Kansas Economic Development: An act concerning the Kansas technology enterprise corporation; relating to centers of excellence; concerning functions thereof; amending K.S.A. 1986 Supp. 74-8106 and repealing the existing section.

HB 2078, by Legislative Commission on Kansas Economic Development: An act concerning educational institutions under the supervision and control of the state board of regents; relating to certain research and development projects and activities and expenditures thereunder; acquisition of goods and services; allowances for travel; providing certain exemptions; amending K.S.A. 75-3208 and repealing the existing section.

HB 2079, by Committee on Energy and Natural Resources: An act requiring certification of persons testing for the presence of indoor radon contamination; prescribing authorities and duties for the secretary of health and environment relating thereto.

HB 2080, by Representatives Brady, Empson, Lacey and Russell: An act concerning the financing of county courthouse, jail or law enforcement center facilities; authorizing the imposition of a countywide retailers' sales tax for such purpose; exempting revenue bonds issued for such purpose from the county bonded indebtedness limitation; amending K.S.A. 1986 Supp. 10-307, 12-187, 12-192 and 12-195 and repealing the existing sections; also repealing K.S.A. 1986 Supp. 12-192a and 12-192b.

HB 2081, by Committee on Judiciary: An act concerning wrongful death actions; relating to admissibility of certain evidence to prove mitigation of damages; amending K.S.A. 1986 Supp. 60-1904 and repealing the existing section.

HB 2082, by Committee on Judiciary: An act concerning certain unsworn declarations; permitting such declarations under penalty of perjury in certain instances; amending K.S.A. 1986 Supp. 21-3805 and repealing the existing section.

HB 2083, by Committee on Judiciary: An act amending the probate code; amending K.S.A. 59-2223, 59-2233 and 59-2401 and K.S.A. 1986 Supp. 59-2250, 59-3302 and 59-3305 and repealing the existing sections.

HB 2084, by Committee on Judiciary: An act concerning the judicial council; relating to publication and distribution of reports; amending K.S.A. 20-2204 and repealing the existing section.

HB 2085, by Committee on Judiciary: An act repealing K.S.A. 7-119 and 7-120, relating to certain unlawful conduct of attorneys.

HB 2086, by Representative Green: An act concerning cigarettes and tobacco products; prohibiting certain sales and exchanges; amending K.S.A. 79-3321 and repealing the existing section.

HB 2087, by Representatives Acheson and Williams, and Amos, Apt, Barr, Beauchamp, Bideau, Bryant, Buehler, Bunten, C. Campbell, Duncan, Eckert, Foster, Freeman, Harper, King, Littlejohn, Lowther, Mead, R.D. Miller, Mollenkamp, O'Neal, Ott, Pottorf, Roenbaugh, Schauf, Shore, Sifers, Smith and Weimer: An act relating to income taxation; excluding amounts received as social security benefits from adjusted gross income; amending K.S.A. 1986 Supp. 79-32,117 and repealing the existing section.

HB 2088, by Representatives Wagon, Barr, Ramirez and Wisdom: An act relating to property taxation; exempting certain aircraft therefrom.

HB 2089, by Representatives Wagon, Barr, Ramirez and Wisdom: An act relating to antique aircraft; providing for the registration thereof and prescribing procedures and fees therefor; prescribing duties for the director of aviation relating thereto.

HB 2090, by Representatives Ramirez, Chronister, Eckert, Graeber, Jenkins and Reardon: An act concerning insurance; relating to medicare supplement policies; notice of termination and premium due; amending K.S.A. 40-19c09 and repealing the existing section.

HB 2091, by Representative Heinemann: An act concerning fish and game; relating to the certificate of competency and safety in handling firearms; amending K.S.A. 32-401 and repealing the existing section.

HB 2092, by Representative Roenbaugh: An act relating to tax levies for the preservation of records and other historical articles in certain counties; amending K.S.A. 1986 Supp. 19-2651 and repealing the existing section.

HB 2093, by Committee on Commercial and Financial Institutions: An act repealing K.S.A. 9-1111d and 17-5569, concerning liability of depositor for lost or stolen machine readable instruments.

HB 2094, by Representatives C. Campbell, Apt, Bryant, Freeman, Fry, Harper, King, Littlejohn, Long, R.D. Miller, Moomaw, Roe, Sallee, Sand, Shore, Smith, Spaniol, Wilbert and Wisdom: An act concerning fish and game; relating to the use of certain firearms; amending K.S.A. 32-154c and repealing the existing section.

HB 2095, by Representative O'Neal: An act amending the open records act; amending K.S.A. 45-218 and repealing the existing section.

HB 2096, by Committee on Public Health and Welfare: An act concerning adult care homes; providing for the screening of admissions thereto by the secretary of social and rehabilitation services; authorizing fees for screening services.

HB 2097, by Committee on Public Health and Welfare: An act concerning the secretary of social and rehabilitation services; authorizing the sale of certain property in Shawnee county, Kansas.

HB 2098, by Representative Hensley: An act concerning teachers; relating to hearings provided for upon termination or nonrenewal of contracts thereof; affecting the duties of the hearing committee and providing for a final decision thereby; amending K.S.A. 72-5443 and repealing the existing section.

HB 2099, by Representative Walker: An act concerning meetings of public bodies; relating to open meeting requirements and their enforcement; amending K.S.A. 75-4317a and 75-4320 and repealing the existing sections.

HB 2100, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for Kansas state university, Pittsburg state university, university of Kansas, university of Kansas medical center and Wichita state university; authorizing certain transfers imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2101, by Committee on Transportation: An act concerning motor vehicles; providing prisoner of war license plates for surviving spouses of prisoners of war; amending K.S.A. 1986 Supp. 8-177c and repealing the existing section.

HB 2102, by Legislative Commission on Kansas Economic Development: An act concerning education; relating to the supervision and operation of public institutions of postsecondary education and public institutions of vocational education; affecting the powers and duties and functions of the state board of regents; creating the state board of community colleges and vocational education and the state board of governors of state educational institutions and municipal universities and providing for the powers, duties and functions thereof; amending K.S.A. 71-201, 71-202, 71-211, 71-302, 71-306, 71-403, 71-406, 71-602, 71-615, 71-701, 71-802, 71-901, 71-902, 71-1104, 71-1105, 71-1106, 71-1201, 71-1309, 71-1406, 72-4331a, 72-4332, 72-4337, 72-4409, 72-4421, 72-4427, 72-4444, 72-4517, 72-4521, 72-4525, 72-5015, 72-5017, 72-5326, 72-5369, 72-6301, 72-6202, 72-6501, 72-6508, 72-7101, 72-7515, 72-7518a, 72-9002, 72-9006, 74-3201, 74-3203, 74-3204, 74-3205, 74-3209, 74-3210a, 76-711, 76-714, 76-715, 76-716, 76-717, 76-718, 76-719, 76-721, 76-723, 76-724, 76-725, 76-726, 76-727, 76-728, 76-729, 76-730, 76-731, 76-732, 76-738, 76-741 and 76-745 and K.S.A. 1986 Supp. 71-607, 71-609, 72-4408, 72-4412, 72-4415, 72-4418, 72-4429, 76-712, 76-721a, 76-755, 76-761, 76-762 and 76-763, and repealing the existing sections; also repealing K.S.A. 71-801, 72-1393, 72-4409a and 72-4416a.

HB 2103, by Representative Graeber (by request): An act concerning school districts; relating to the age of eligibility of children for attendance in kindergarten and first grade; amending K.S.A. 72-1107 and repealing the existing section.

HB 2104, by Committee on Public Health and Welfare: An act concerning the Kansas commission for the deaf and hearing impaired; relating to the disposition of fees; amending K.S.A. 75-5397a and repealing the existing section.

HB 2105, by Committee on Public Health and Welfare: An act relating to the Kansas criminal code; concerning aggravated juvenile delinquency; amending K.S.A. 1986 Supp. 21-3611 and repealing the existing section.

HB 2106, by Committee on Education: An act concerning school district finance; limitations on budgets per pupil for the 1987-88 school year; amending K.S.A. 1986 Supp. 72-7055 and repealing the existing section.

HB 2107, by Representative Sifers: An act concerning civil procedure; limiting civil liability of volunteers, directors and officers of certain nonprofit organizations.

HB 2108, by Representative Roe: An act concerning radioactive and hazardous waste; relating to the disposal thereof; amending K.S.A. 1986 Supp. 65-3458 and repealing the existing section.

HB 2109, by Committee on Education (by request): An act concerning school districts, area vocational-technical schools and community colleges; authorizing boards thereof to enter into shared-expenditure agreements for certain purposes.

HB 2110, by Representative Hensley: An act relating to the office of commissioner of elections in certain counties; concerning the appointment of the commissioner; amending K.S.A. 1986 Supp. 19-3419 and repealing the existing section.

HB 2111, by Committee on Insurance: An act relating to insurance; concerning quality of care examinations of health maintenance organizations and contractual providers; amending K.S.A. 40-3211 and repealing the existing section.

HB 2112, by Committee on Insurance: An act relating to insurance; concerning regulation of trade practices of nonprofit medical and hospital service corporations and health maintenance organizations; amending K.S.A. 40-2402 and repealing the existing section.

HB 2113, by Committee on Insurance: An act relating to insurance; concerning group life insurance and requirements governing a group contract; amending K.S.A. 40-433 and repealing the existing section.

HB 2114, by Representative Fox: An act relating to school district finance; providing basic education aid to all school districts; amending K.S.A. 72-7042 and repealing the existing section.

HB 2115, by Representatives Roy, Acheson, Barr, Bunten, Hensley, Laird, Mainey,

Sebelius, Smith and Wagon: An act authorizing the secretary of state to grant an easement to the city of Topeka, Kansas, along the Kansas river for diversion of water; prescribing certain conditions.

HB 2116, by Representatives Roy, Acheson, Barr, Bunten, Hensley, Mainey, Sebelius, Smith and Wagon: An act concerning airport authorities; relating to the powers and duties thereof; amending K.S.A. 27-331 and repealing the existing section.

HB 2117, by Representative O'Neal: An act relating to sales taxation; exempting purchases of nonprofit historical societies and museums therefrom; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

HB 2118, by Representative Wilbert: An act concerning cemeteries; relating to permanent maintenance fund requirements; providing for certain exemptions; amending K.S.A. 17-1312f and repealing the existing section.

HB 2119, by Rby Representative Sifers: An act relating to agricultural soil conservation; concerning conservation programs and grants; establishing the agricultural lands conservation fund; providing for the crediting of certain moneys to such fund and expenditures therefrom; and prescribing the authority and duties of the state conservation commission therefor.

HB 2120, by Representative Duncan: An act relating to the Kansas Statutes Annotated; concerning the distribution thereof; amending K.S.A. 77-138, 77-151 and 77-165 and repealing the existing sections.

HB 2121, by Representative Duncan: An act concerning compulsory school attendance; amending K.S.A. 72-1111 and K.S.A. 1986 Supp. 72-1113 and repealing the existing sections.

HB 2122, by Committee on Insurance: An act relating to the probate code; providing for payment to successors of certain decedents by insurance companies under certain circumstances; amending K.S.A. 1986 Supp. 59-1507b and repealing the existing section.

HB 2123, by Committee on Insurance: An act relating to insurance; relating to deposit of assets constituting reserves of life insurance companies; amending K.S.A. 40-404 and repealing the existing section.

HB 2124, by Representative O'Neal (by request): An act relating to the gross earnings tax on money, notes and other evidence of debt; repealing the authority of local governing bodies to levy and collect such tax; amending K.S.A. 12-140 and K.S.A. 1986 Supp. 19-101a and repealing the existing sections; also repealing K.S.A. 12-1,102, 12-1,105, 12-1,106 and 12-1,110 and K.S.A. 1986 Supp. 12-1,101, 12-1,103a, 12-1,104, 12-1,107, 12-1,108 and 12-1,109.

HB 2125, by Representative Francisco: An act relating to smoking; prohibiting smoking a pipe or cigar in a restaurant; providing penalties for violations.

HB 2126, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the Kansas commission on interstate cooperation, legislative coordinating council, legislature and division of post audit; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2127, by Committee on Agriculture and Small Business: An act concerning the interstate compact on agricultural grain marketing; amending K.S.A. 2-3101 and repealing the existing section.

SB 56, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Strick and Warren: An act relating to execution sale of certain agricultural land; requiring creditors to notify defendant owners of the amount they will bid at such sale.

SB 57, by Senators Johnston, Anderson, Daniels, Feleciano, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish and Strick: An act relating to execution sale of certain agricultural land; amending K.S.A. 1986 Supp. 60-2410 and repealing the existing section.

SB 58, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

SB 59, by Committee on Energy and Natural Resources: An act relating to fish and game; concerning hunting, fishing and furharvesting license and permit fees; amending K.S.A. 32-164b and repealing the existing section.

SB 60, by Committee on Energy and Natural Resources: An act relating to fish and game; authorizing the establishment of free fee fishing periods; amending K.S.A. 32-104 and repealing the existing section.

SB 61, by Senators Bogina, Allen, Bond, Burke and Langworthy: An act relating to school district finance; authorizing increases in budgets of operating expenses for certain purposes; amending K.S.A. 1986 Supp. 72-7055 and repealing the existing section.

SB 62, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of social and rehabilitation services and Kansas arts commission; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 63, by Committee on Assessment and Taxation: An act relating to property taxation; concerning exemptions therefrom for personal property held for display or sale at certain functions; amending K.S.A. 1986 Supp. 79-215 and repealing the existing section.

SB 64, by Committee on Public Health and Welfare: An act concerning the family and children trust fund; authorizing certain expenditures therefrom; amending K.S.A. 1986 Supp. 75-5328 and repealing the existing section.

SB 65, by Legislative Commission on Kansas Economic Development: An act relating to income taxation; concerning job expansion and investment credits; amending K.S.A. 1986 Supp. 79-32,153 and repealing the existing section.

SB 66, by Legislative Commission on Kansas Economic Development: An act concerning securities; relating to certain expenses; deposit of securities in escrow; amending K.S.A. 17-1259 and repealing the existing section.

SB 67, by Legislative Commission on Kansas Economic Development: An act amending the Kansas venture capital company act; authorizing the acquisition of income tax credits by taxpayers through transfers from investors exempt from income taxation; amending K.S.A. 1986 Supp. 74-8302 and 74-8308 and repealing the existing sections.

SB 68, by Legislative Commission on Kansas Economic Development: An act relating to income taxation; concerning research and development activity expenditure credits; amending K.S.A. 1986 Supp. 79-32,182 and repealing the existing section.

SB 69, by Legislative Commission on Kansas Economic Development: An act relating to income taxation; concerning credits therefrom for investment in local seed capital pools.

SB 70, by Legislative Commission on Kansas Economic Development: An act concerning Kansas Venture Capital, Inc.; amending K.S.A. 1986 Supp. 74-8202, 74-8203 and 74-8307 and repealing the existing sections.

SB 71, by Legislative Commission on Kansas Economic Development: An act relating to sales and compensating use taxes; concerning the taxation and exemption of certain machinery and equipment; amending K.S.A. 1986 Supp. 79-3603, 79-3606 and 79-3703 and repealing the existing sections.

SB 72, by Legislative Commission on Kansas Economic Development: An act relating to banks and banking; concerning branch banking; amending K.S.A. 9-1111c and K.S.A. 1986 Supp. 9-1113, 9-1114 and 9-111b and repealing the existing sections; also repealing K.S.A. 1986 Supp. 9-525, 9-526, 9-527, 9-528, 9-529, 9-530 and 9-531.

SB 73, by Legislative Commission on Kansas Economic Development: An act enacting the Kansas development finance authority act; amending K.S.A. 1986 Supp. 9-1402 and repealing the existing section.

SB 74, by Senator Montgomery: An act relating to agriculture; concerning the Kansas pesticide law; providing for reciprocity of certified private applicator certificates; amending K.S.A. 2-2445a and repealing the existing section.

SB 75, by Committee on Assessment and Taxation: An act relating to sales taxation; concerning the definition of property which is consumed; amending K.S.A. 1986 Supp. 79-3602 and repealing the existing section.

SB 76, by Committee on Assessment and Taxation: An act relating to taxation; concerning the rate of interest upon delinquent or unpaid taxes; amending K.S.A. 79-2968 and repealing the existing section.

(continued)

(Published in the KANSAS REGISTER, February 5, 1987.)

SB 77, by Committee on Assessment and Taxation: An act relating to property taxation; exempting motor vehicle inventories therefrom; repealing K.S.A. 79-1016 to 79-1018, inclusive, 79-1020, 79-1021 and 79-1023 and K.S.A. 1986 Supp. 79-1019 and 79-1022.

SB 78, by Committee on Public Health and Welfare: An act concerning counselors; providing for the licensure of professional counselors and associate counselors by the behavioral sciences regulatory board; establishing the advisory commission on professional counseling; declaring certain acts to be unlawful and providing penalties for violations; amending K.S.A. 1986 Supp. 74-7501 and 74-7507 and repealing the existing sections.

SB 79, by Committee on Education: An act concerning professional negotiation between boards of education and professional employees thereof; affecting the definition of terms and conditions of professional service; amending K.S.A. 72-5413 and repealing the existing section.

SB 80, by Committee on Education: An act concerning professional negotiation between boards of education and professional employees thereof; relating to the conduct of elections for determination of questions involving designation of a professional employees' organization; amending K.S.A. 72-5419 and repealing the existing section.

SB 81, by Committee on Education: An act concerning school districts; relating to contracts of employment between boards of education and certain employees thereof; amending K.S.A. 72-5412a and 72-5413, and repealing the existing sections.

SB 82, by Senators Frey, Talkington, Allen, Arasmith, Bogina, Bond, Burke, Doyen, Ehrlich, Gordon, Harder, Hoferer, D. Kerr, F. Kerr, Langworthy, Montgomery, Morris, Reilly, Thiessen, Vidricksen and Yost: An act relating to salaries and compensation of certain state officers and employees; providing for a reduction in salaries in certain pay periods chargeable to fiscal year 1987.

SB 83, by Senators Bogina, Allen, Bond, Burke and Langworthy: An act concerning school district finance; relating to the levy of taxes for the purposes thereof; amending K.S.A. 72-7056 and K.S.A. 1986 Supp. 72-7064, and repealing the existing sections.

SB 84, by Committee on Financial Institutions and Insurance: An act amending the uniform consumer credit code; concerning consumer credit insurance; relating to rules and regulations; amending K.S.A. 16a-2-501 and 16a-3-206 and repealing the existing sections.

SB 85, by Committee on Transportation and Utilities: An act enacting the Kansas damage prevention act.

SB 86, by Committee on Public Health and Welfare: An act requiring certain reports concerning the termination of pregnancies; amending K.S.A. 65-445 and repealing the existing section.

SB 87, by Committee on Public Health and Welfare: An act concerning emergency medical services; providing for first responder certification; providing for administration of the act; declaring certain acts to be unlawful and classifying the crime and the penalties for violations; providing exceptions from liability for civil damages.

SB 88, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the board of nursing; amending K.S.A. 74-7256 and repealing the existing section.

SB 89, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the office of the state librarian; amending K.S.A. 74-7270 and repealing the existing section.

SB 90, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the Kansas state library; amending K.S.A. 74-7269 and repealing the existing section.

SB 91, by Senator Bond: An act relating to school district finance; providing state basic education aid to all school districts; amending K.S.A. 72-7042 and repealing the existing section.

SB 92, by Committee on Agriculture: An act establishing a system for effective financing statements; amending K.S.A. 84-9-307 and K.S.A. 1986 Supp. 84-9-401, and repealing the existing sections.

SB 93, by Senators Anderson, Feleciano, Gaines, Gannon, Hayden, Johnston, Karr, Martin, Mulich, Strick and Steineger: An act enacting the Kansas elderly and handicapped transportation act.

SB 94, by Committee on Energy and Natural Resources: An act concerning water; enacting the Kansas recreational river act.

SB 95, by Senators Montgomery, Allen, Anderson, Arasmith, Bogina, Bond, Burke, Doyen, Francisco, Frey, Gaines, Gannon, Gordon, Harder, Langworthy, Martin, Morris, Mulich, Reilly, Salisbury, Talkington, Thiessen, Warren and Werts: An act relating to veterans' preference; concerning retired veterans; amending K.S.A. 75-2955 and repealing the existing section.

SB 96, by Committee on Governmental Organization: An act concerning the open records act; amending K.S.A. 74-2012 and repealing the existing section.

SB 97, by Committee on Judiciary: An act concerning probate procedure; relating to exhibition of demands; allowance without hearing; amending K.S.A. 59-2237 and repealing the existing section.

SB 98, by Committee on Judiciary: An act concerning fiduciaries; relating to standards for investments for trustees; amending K.S.A. 17-5004 and repealing the existing section.

Resolutions

HCR 5006, by Representatives Knopp and Barkis: A concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

HCR 5007, by Committee on Energy and Natural Resources: A concurrent resolution requesting the secretary of health and environment to establish an advisory committee on radon.

HCR 5008, by Committee on Rules and Journal: A concurrent resolution relating to the joint rules for the Senate and House of Representatives for the 1987-1988 biennium.

HCR 5009, by Representative Duncan (by request): A concurrent resolution making application to the Congress of the United States for the calling of a convention for considering, drafting and proposing an amendment to the Constitution of the United States with respect to the election and term of office of the President.

HR 6006, by Representatives Braden, Heinemann, Knopp and Moomaw: A resolution in memory of Harry Darby.

HR 6007, by Representative Rezac: A resolution congratulating and commending the 1986 Mission Valley High School FFA Meats Team and their sponsor, Terry Fanning, on winning the National Western Stock Show Youth Meats Evaluation Contest.

HR 6008, by Representative Wagon: A resolution proclaiming January 28, 1987, as "Reach For The Stars Day."

SR 1806, by Senator Montgomery: A resolution congratulating and commending the 1986 Mission Valley High School FFA Meats Team and their sponsor, Terry Fanning, on winning the National Western Stock Show Youth Meats Evaluation Contest.

SR 1807, by Senator Hoferer: A resolution proclaiming January 28, 1987, as "Reach for the Stars Day."

SR 1808, by Senator Parrish: A resolution congratulating and commending the Seaman High School girls' track team and its coach, Claudia Welch, on winning the 1985 and 1986 Class 6A girls' state track championships.

SR 1809, by Senator Doyen: A resolution urging Congress to reauthorize the Federal-aid Highway Act.

HOUSE BILL No. 2064

AN ACT concerning the secretary of human resources; relating to the powers and duties thereof; authorizing certain contracts.

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

Section 1. Subject to the approval of the governor, the secretary of human resources is authorized to contract with federal government agencies, governmental entities of any state, and private not-for-profit corporations for the performance of data processing services and training.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 27, 1987.

HOUSE concurred in SENATE amendments January 30, 1987.

JAMES D. BRADEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

Passed the SENATE as amended January 29, 1987.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

APPROVED February 2, 1987.

MIKE HAYDEN

Governor.

STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 2nd day of February, 1987.

BILL GRAVES

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, February 5, 1987.)

SENATE BILL No. 26

AN ACT amending the Kansas general corporation code; amending K.S.A. 17-6002 and 17-6305 and repealing the existing sections.

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

Section 1. K.S.A. 17-6002 is hereby amended to read as follows: 17-6002. (a) The articles of incorporation shall set forth:

(1) The name of the corporation which, except for banks, shall contain one of the words "association," "church," "college," "company," "corporation," "club," "foundation," "fund," "incorporated," "institute," "society," "union," "syndicate" or "limited," or one of the abbreviations "co.," "corp.," "inc.," "ltd.," or words or abbreviations of like import in other languages if they are written in Roman characters or letters, and which shall be such as to distinguish it upon the records in the office of the secretary of state from the names of other corporations and partnerships organized, reserved or registered under the laws of this state, unless there shall be obtained the written consent of such other corporation, executed, acknowledged and filed in accordance with K.S.A. 17-6003 and amendments thereto. The name of every corporation heretofore organized, except for banks, may be changed to conform to the provisions of this section, but such change of name for existing corporations shall not be required, and nothing herein shall be construed as requiring any corporation which is subject to special statutory regulation to include any of such names or abbreviations in the

name of such corporation if such name or abbreviation would be inconsistent or in conflict with such special statutory regulation;

(2) the address, which shall include the street, number, city and county of the corporation's registered office in this state, and the name of its resident agent at such address;

(3) the nature of the business or purposes to be conducted or promoted. It shall be sufficient to state, either alone or with other businesses or purposes, that the purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the Kansas general corporation code, and by such statement all lawful acts and activities shall be within the purposes of the corporation, except for express limitations, if any;

(4) if the corporation is to be authorized to issue only one class of stock, the total number of shares of stock which the corporation shall have authority to issue and the par value of each of such shares, or a statement that all such shares are to be without par value. If the corporation is to be authorized to issue more than one class of stock, the articles of incorporation shall set forth the total number of shares of all classes of stock which the corporation shall have authority to issue and the number of shares of each class that are to have a par value and the par value of each share of each such class, the number of shares of each class that are to be without par value, and a statement of the designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof, which are permitted by K.S.A. 17-6401 and amendments thereto, in respect to any class or classes of stock or any series of any class of stock of the corporation and the fixing of which by the articles of incorporation is desired, and an express grant of such authority as it may then be desired to grant to the board of directors to fix by resolution or resolutions any thereof that may be desired but which shall not be fixed by the articles of incorporation. The foregoing provisions of this paragraph (4) shall not apply to corporations which are not organized for profit and which are not to have authority to issue capital stock. In the case of such corporations, the fact that they are not to have authority to issue capital stock shall be stated in the articles of incorporation. The conditions of membership of such corporations shall likewise be stated in the articles of incorporation or the articles may provide that the conditions of membership shall be stated in the bylaws, and if a corporation not organized for profit is to have authority to issue capital stock, such fact shall be stated in the articles of incorporation;

(5) the name and mailing address of the incorporator or incorporators; and

(6) if the powers of the incorporator or incorporators are to terminate upon the filing of the articles of incorporation, the names and mailing addresses of the persons who are to serve as directors until the first annual meeting of stockholders or until their successors are elected and qualify.

(b) In addition to the matters required to be set forth in the articles of incorporation by subsection (a) of this section, the articles of incorporation may also contain any or all of the following matters:

(1) Any provision for the management of the business and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the sale or other disposition of stock and the powers of the corporation, the directors and the stockholders, or any class of the stockholders, or the members of a nonstock corporation, if such provisions are not contrary to the laws of this state. Any provision which is required or permitted by any section of this act to be stated in the bylaws may be stated instead in the articles of incorporation;

(2) the following provisions, in these words: "Whenever a compromise or arrangement is proposed between this corporation and its creditors or any class of them or between this corporation and its stockholders or any class of them, any court of competent jurisdiction within the state of Kansas, on the application in a summary way of this corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this corporation under the provisions of K.S.A. 17-6901 and amendments thereto, or on the application of trustees in dissolution or of any receiver or receivers appointed for this corporation under the provisions of K.S.A. 17-6808 and

amendments thereto, may order a meeting of the creditors or class of creditors, or of the stockholders or class of stockholders of this corporation, as the case may be, to be summoned in such manner as the court directs. If a majority in number representing $\frac{3}{4}$ in value of the creditors or class of creditors, or of the stockholders or class of stockholders of this corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this corporation as consequence of such compromise or arrangement and the reorganization, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all the stockholders or class of stockholders, of this corporation, as the case may be, and also on this corporation";

(3) such provisions as may be desired granting to the holders of the stock of the corporation, or the holders of any class or series of a class thereof, the preemptive right to subscribe to any or all additional issues of stock of the corporation of any or all classes or series thereof, or to any securities of the corporation convertible into such stock. No stockholder shall have any preemptive right to subscribe to an additional issue of stock or to any security convertible into such stock unless, and except to the extent that, such right is expressly granted to such stockholder in the articles of incorporation. All such rights in existence on July 1, 1972, shall remain in existence unaffected by this paragraph (3) unless and until changed or terminated by appropriate action which expressly provides for such change or termination;

(4) provisions requiring for any corporate action, the vote of a larger portion of the stock or of any class or series thereof, or of any other securities having voting power, or a larger number of the directors, than is required by this act;

(5) a provision limiting the duration of the corporation's existence to a specified date; otherwise, the corporation shall have perpetual existence;

(6) a provision imposing personal liability for the debts of the corporation on its stockholders or members to a specified extent and upon specified conditions; otherwise, the stockholders or members of a corporation shall not be personally liable for the payment of the corporation's debts except as they may be liable by reason of their own conduct or acts; and

(7) the manner of adoption, alteration and repeal of bylaws; and

(8) a provision eliminating or limiting the personal liability of a director to the corporation or its stockholders, policyholders or members for monetary damages for breach of fiduciary duty as a director, provided that such provision shall not eliminate or limit the liability of a director (A) for any breach of the director's duty of loyalty to the corporation or its stockholders, policyholders or members, (B) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (C) under the provisions of K.S.A. 17-6424 and amendments thereto or (D) for any transaction from which the director derived an improper personal benefit. No such provision shall eliminate or limit the liability of a director for any act or omission occurring prior to the date when such provision becomes effective. All references in this subsection to a director shall be deemed also to refer to a member of the governing body of a corporation which is not authorized to issue capital stock.

(c) It shall not be necessary to set forth in the articles of incorporation any of the powers conferred on corporations by this act.

Sec. 2. K.S.A. 17-6305 is hereby amended to read as follows: 17-6305. (a) A corporation shall have power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the corporation, by reason of the fact that such person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding, including attorney fees, if such person acted in good faith and in a

(continued)

manner such person reasonably believed to be in or not opposed to the best interests of the corporation; and, with respect to any criminal action or proceeding, had no reasonable cause to believe such person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which such person reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that such person's conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action, or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that such person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit, including attorney fees, if such person acted in good faith and in a manner such person reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of such person's duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, such director, officer, employee or agent shall be indemnified against expenses actually and reasonably incurred by him such person in connection therewith, including attorney fees.

(d) Any indemnification under subsections (a) and (b), unless ordered by a court, shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because such director, officer, employee or agent has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the stockholders.

(e) Expenses incurred by a director or officer in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized by the board of directors in the specific case upon receipt of an undertaking by or on behalf of the director or officer to repay such amount unless if it is ultimately determined that the director or officer is not entitled to be indemnified by the corporation as authorized in this section. Such expenses incurred by other employees and agents may be so paid upon such terms and conditions, if any, as the board of directors deems appropriate.

(f) The indemnification and advancement of expenses provided by, or granted pursuant to, the other subsections of this section shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any bylaw, agreement, vote of stockholders or disinterested directors or otherwise, both as to action in a person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or

agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the corporation would have the power to indemnify such person against such liability under the provisions of this section.

(h) For purposes of this section, references to "the corporation" shall include, in addition to the resulting corporation, any constituent corporation (including any constituent of a constituent) absorbed in a consolidation or merger which, if its separate existence had continued, would have had power and authority to indemnify its directors, officers and employees or agents, so that any person who is or was a director, officer, employee or agent of such constituent corporation, or is or was serving at the request of such constituent corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall stand in the same position under this section with respect to the resulting or surviving corporation as such person would have with respect to such constituent corporation if its separate existence had continued.

(i) For purposes of this section, references to "other enterprises" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to any employee benefit plan; and references to "serving at the request of the corporation" shall include any service as a director, officer, employee or agent of the corporation which imposes duties on, or involves services by, such director, officer, employee or agent with respect to an employee benefit plan, its participants or beneficiaries; and a person who acted in good faith and in a manner such person reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

(j) The indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

Sec. 3. K.S.A. 17-6002 and 17-6305 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body January 20, 1987.

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

Passed the HOUSE January 29, 1987.

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

APPROVED January 30, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 30th day of January, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, February 5, 1987.)

**NOTICE OF BOND SALE
GENERAL OBLIGATION STREET, SEWER,
WATER, GAS AND ELECTRIC BONDS
OF THE
CITY OF CHANUTE, KANSAS**

The city of Chanute, Kansas will receive sealed bids at the office of the City Clerk, Memorial Building, 101 S. Lincoln, Chanute 66720, until 4 p.m. local time on Monday, February 16, 1987, for \$578,950.35 par value general obligation street bonds, Series 1987, of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1987 bonds will be dated February 15, 1987, and shall mature on September 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof, except bond no. 1 in the denomination of \$3,950.35. Interest will be payable semiannually commencing March 1, 1988, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

The bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$ 3,950.35	September 1, 1988
55,000.00	September 1, 1988
55,000.00	September 1, 1989
55,000.00	September 1, 1990
55,000.00	September 1, 1991
55,000.00	September 1, 1992
60,000.00	September 1, 1993
60,000.00	September 1, 1994
60,000.00	September 1, 1995
60,000.00	September 1, 1996
60,000.00	September 1, 1997
\$578,950.35	

Redemption of Bonds Prior to Maturity

Bonds maturing in the year 1992 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on September 1, 1991 or on any interest payment date thereafter at the redemption price of 102 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

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

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

Interest Rates

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city, addressed to Chanute City Clerk, Memorial Building, 101 S. Lincoln, Chanute 66720, and 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. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Chanute, 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.

Award of Bids

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 all of the bids and to waive any irregularities. Unless all

(continued)

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.

Tax Exemption

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

In the opinion of bond counsel, under existing law, statutes, regulations, rulings and judicial decisions, assuming continued compliance by the city with the terms of the bond ordinance, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships, and the interest on the bonds is exempt from federal income taxation except as follows:

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

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

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of excess of the alternative minimum taxable income (without regard

to net operating losses and the deduction for the environmental tax) over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

Qualified Tax Exempt Obligations

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

Delivery of Bonds

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 William P. Timmerman, bond counsel, of Wichita, Kansas. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than March 2, 1987. 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. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder approximately March 10, 1987, 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.

CUSIP Numbers

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

Purpose of Issue

The bonds are being issued for the purpose of con-

structing certain street, sewer, water, gas and electric improvements in the city of Chanute, Kansas.

Assessed Valuation

(Tangible valuations for computation of bonded debt limitations)

Assessed valuation for the city of Chanute, Kansas, a second class city with population of 10,889, for the year 1986, is as follows:

Real estate	\$15,418,615
Personal property	11,606,645
State assessed corp. utilities, etc.	<u>1,698,490</u>
Total:	\$28,723,750
Motor vehicles	\$ 6,202,987
Motor vehicle inventory	Not available
Grand total:	\$34,926,737
General obligation debt as of now:	\$ 4,273,950
Revenue debt:	14,560,000
Temporary notes not being picked up by this issue, all others being picked up:	81,340
Overlapping debts:	
Neosho County	\$ 1,551,000
U.S.D. 413	6,170,000
Neosho County Community College	<u>15,000</u>
	\$ 7,736,000

Industrial revenue issues, and are not a debt of the city = \$18,352,301

Additional copies of this notice of bond sale or further information may be received from William P. Timmerman, 400 N. Woodlawn, Suite 208, Wichita, KS 67208, (316) 685-7212, the city's bond counsel, or the city clerk, Chanute, Kansas, (316) 431-9300.

Dated January 22, 1987.

CITY OF CHANUTE, KANSAS

By James D. Youngberg
City Clerk

Doc. No. 005014

State of Kansas

STATE CORPORATION COMMISSION

**NOTICE OF
MOTOR CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for February 17, 1987

Renoticed Application for Extension of Certificate of Convenience and Necessity to Re-Describe the Authority:

The Big Six Transport Co.,) Docket No. 54,389 M
Inc.)
Route 2, Box 66)
Galva, KS 67443) MC ID No. 100494

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Blvd., Topeka, KS 66603

Livestock,

Between all points and places in Harvey, McPherson, Pawnee, Reno, Sedgwick, Butler, Chase, Morris, Dickinson, Saline, Ottawa, Ellsworth, Russell, Rice and Barton counties, Kansas.

Also,

Between all points and places in said counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

Feeds, grain, hay, straw and seed,

Between all points and places in Harvey, Sedgwick, Cowley, Butler, Greenwood, Chase, Morris, Marion, Dickinson, Saline, McPherson, Rice, Reno and Sumner counties, Kansas.

Also,

Between all points and places in said counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Stagecoach Charters, Inc.) Docket No. 153,741 M
H-3 Happy Homes)
Dodge City, KS 67801)

Applicant's Attorney: None

Passengers and light hand baggage in charter party service and in special operations,

Between all points and places in Kansas.

Applications set for February 26, 1987

Application for Abandonment of Certificate of Convenience and Necessity:

O. C. Wilcox) Docket No. 30,052 M
P.O. Box 517)
Dighton, KS 67839) MC ID No. 100251

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Charles E. Moore, dba) Docket No. 153,405 M
Big Foot Towing and)
Snow Plowing)
1308 S.E. 8th)
Topeka, KS 66607)

(continued)

Applicant's Attorney: Michael Farmer, 500 S. Kansas Ave., Topeka, KS 66603

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Shawnee, Douglas, Leavenworth, Jefferson, Johnson, Wyandotte, Lyon, Osage, Wabaunsee, Saline, Geary, Riley, Dickinson and Jackson counties, Kansas.

Application for Certificate of Convenience and Necessity:

Leon D. Lawson, dba) Docket No. 153,404 M
LDL Trucking)
220 Country Estates Road)
Liberal, KS 67901)

Applicant's Attorney: None

Commodities as dealt in by retail grocery stores,

Between all points and places in Seward County, Kansas.

Also,

Between all points and places in Seward County, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Ely Ford-Mercury, Inc.) Docket No. 153,726 M
224 East Avenue North)
P.O. Box 250)
Lyons, KS 67554)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Rice County, Kansas.

Application for Certificate of Convenience and Necessity:

Lambert Heiman, dba) Docket No. 153,725 M
Lambert Heiman Trucking)
Route 3)
Seneca, KS 66538)

Applicant's Attorney: Michael Ireland, Suite D, 234 N. 7th, Salina, KS 67401

Grain and farm products,

Between points and places in the counties of Jackson, Nemaha, Brown, Doniphan, Atchison, Jefferson, Douglas, Shawnee, Riley, Marshall, Pottawatomie, Wabaunsee and Leavenworth.

Also,

Between the above named counties, on the one hand, and points and places in the state of Kansas, on the other.

Applications set for March 3, 1987

Application for Certificate of Convenience and Necessity:

Jack A. Yost, dba) Docket No. 153,729 M
I-70 Phillips 66 Station)
South Hwy. 281)
Russell, KS 67665)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Russell County, Kansas.

Also,

Between all points and places in Russell County, Kansas, on the one hand, and all points and places in the state of Kansas on the other.

Application for Transfer of Certificate of Convenience and Necessity:

Thomas R. Wilcox, dba) Docket No. 41,389 M
Wilcox Service)
P.O. Box 254)
Pleasanton, KS 66075) MC ID No. 100425
TO:

Jimmie L. Martin, dba
J & L Service
Box 509, South 69 Hwy.
Pleasanton, KS 66075

Applicant's Attorney: None

Wrecked or disabled motor vehicles, trailers, farm tractors and self-propelled harvesting machines,

Between all points and places in Linn County; that portion of Miami County south of U.S. 169 and K-68; that portion of Anderson County east of U.S. 59 and U.S. 169; that portion of Allen County east of U.S. 59 and north of U.S. 54; and that portion of Bourbon County north of U.S. 54.

Also,

Between all points and places within the above described territory, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

George W. Martin, Jr., dba) Docket No. 153,730 M
Martin Oil Co.)
104 N. Douglas)
Ellsworth, KS 67439)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Ellsworth, Lincoln, Rice, Barton, Saline and Russell counties, Kansas.

Also,

Between all points and places in the above de-

scribed territory, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Betty Swartz, dba) Docket No. 153,728 M
 S & S Transportation)
 1507 N. Smelter)
 Pittsburg, KS 66762)
 Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Railroad crews,

Between points and places in Crawford County, Kansas, on the one hand, and points and places in Linn County, Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Robert S. Howell, dba) Docket No. 153,727 M
 Howell Grain Co.)
 Rural Route)
 Coats, KS 67028)
 Applicant's Attorney: None

Livestock, grain, fertilizer, feed and feed ingredients,

Between points and places in Pratt, Kiowa and Barber counties, Kansas.

Also,

Between points and places in the above named counties, on the one hand, and points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Gerald Taliaferro, dba) Docket No. 29,734 M
 Holton Livestock Express)
 Route 1)
 Holton, KS 66436)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock, grain, dry feed, dry feed ingredients, fertilizer, seeds, machinery, construction and fencing materials and salt,

Between points and places in Kansas on and east of U.S. 81 and on and east of I-35.

General commodities (except household goods and classes A and B explosives),

Between points and places in Jackson, Nemaha, Pottawatomie, Wabaunsee, Shawnee, Brown, Doniphan, Atchison, Jefferson, Douglas, Johnson, Leavenworth and Wyandotte counties.

Also,

Between points and places in the above named

counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Applications set for March 5, 1987

Application for Certificate of Convenience and Necessity:

Richard D. Marler, dba) Docket No. 153,734 M
 75 Auto)
 P.O. Box 178, Route 2)
 Neodesha, KS 66757)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Lackey Tank Service, Inc.) Docket No. 153,381 M
 P.O. Box 31)
 227 N. 3rd)
 Sterling, KS 67579)

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, fresh water and salt water,

Between points and places in the Kansas counties of Ness, Rush, Finney, Hodgeman, Pawnee, Stafford, Gray, Ford, Edwards, Haskell, Kiowa, Pratt, Kingman, Meade, Clark, Comanche, Barber, Harper, Sumner, Gove and Lane.

Application for Certificate of Convenience and Necessity:

Gaines Trucking, Inc.) Docket No. 153,732 M
 Route 3, Box 52)
 Newton, KS 67114)

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Blvd., Topeka, KS 66603-3294

Grain, livestock, hay, feed and feed ingredients, steel and steel products, dry fertilizer and machinery,

Between all points and places in Butler, Marion, Harvey, Reno, Sedgwick, Saline, Douglas, McPherson, Lyon, Dickinson, Sumner, Wyandotte and Shawnee counties, Kansas.

Also,

Between all points and places in said counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

(continued)

Application for Abandonment of Certificate of Convenience and Necessity:

Charles Gile) Docket No. 49,328 M
 South Haven, KS 67140) MC ID No. 100467
 Applicant's Attorney: None

Application for Contract Carrier Permit:

Farmer's Union Central) Docket No. 153,731 M
 Exchange, Inc., dba)
 Cenex)
 5500 Cenex Drive)
 Inver Grove Heights,)
 MN 55075)

Applicant's Attorney: James Hovland, 310 Groveland Ave., Minneapolis, MN 55403

Such commodities as are dealt in or used by farm supply cooperatives,

Between points in Kansas. Under contract with Cenex/Land O'Lakes Agronomy Company of Inver Grove Heights, Minnesota.

Application for Extension of Certificate of Convenience and Necessity:

Archie G. Cooley) Docket No. 152,962 M
 Route 1, Box 47A)
 Healy, KS 67850)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock, grain, feed, feed ingredients, hay, dry fertilizer, building and fencing materials, seeds, salt and machinery,

Between all points and places in Decatur, Smith, Sheridan, Russell, Rush, Pawnee, Edwards, Haskell, Seward and Clark counties, Kansas.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Bernhard Bartel, dba) Docket No. 153,733 M
 Bartel Trucking)
 Box 106, HCR3)
 Meade, KS 67864)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Grain, dry feed, feed ingredients, salt, dry fertilizer, dry fertilizer ingredients and food and related products,

Between points in Finney, Haskell, Seward, Meade, Gray, Hodgeman, Ford and Clark counties, Kansas, on

the one hand, and on the other, all points and places in Kansas.

Applications set for March 10, 1987

Application for a Name Change of Certificate of Convenience and Necessity:

Hoffman Transfer, Inc.) Docket No. 132,313 M
 P.O. Box 1351)
 Des Moines, IA 50305) MC ID No. 107035
 TO:
 Highway Carrier Corporation
 P.O. Box 1351
 Des Moines, IA 50305

Applicant's Attorney: None

Fibrous glass products and materials, and insulating products and materials,

From the facilities of Owens Corning Fiberglass Corporation, located at or near Kansas City, and Pauline, Kansas, to all points in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Studer Truck Line, Inc.) Docket No. 22,729 M
 P.O. Box 36)
 Beattie, KS 66406) MC ID No. 100102

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

General commodities (except classes A and B explosives and household goods),

Between points and places lying on and east of U.S. 281.

Also,

Between points and places lying on and east of U.S. 281, on the one hand, and on the other, points in Kansas.

Application for Certificate of Convenience and Necessity:

Jerry L. Hunt, Dennis) Docket No. 153,735 M
 Delana and Stephen)
 Camp, dba)
 Cherokee Tow Service)
 487 Park Drive)
 Bonner Springs, KS 66012)

Applicant's Attorney: Roberta Comer, 109½ S. 4th, Edwardsville, KS 66111

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Wyandotte, Leavenworth, Johnson and Douglas counties, Kansas.

Also,

Between all points and places in Wyandotte, Leavenworth, Johnson and Douglas counties, Kansas, on

the one hand, and all points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Concrete Supply of) Docket No. 153,736 M
Topeka, Inc.)
I-70 and Mac Vicar,)
P.O. Box 4449)
Topeka, KS 66604)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Between points and places in Kansas east of K-99. Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Kevan Kinser, dba) Docket No. 153,737 M
Kinser Shop)
Route 1, Box 148)
Edna, KS 67342)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Labette, Montgomery, Cherokee and Neosho counties, Kansas.

Also,

Between all points and places in the above described counties, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

S. T. Atkins, dba) Docket No. 153,742 M
S.T. Atkins Trucking)
P.O. Box 424)
WaKeeney, KS 67672)

Applicant's Attorney: Michael Brown, 105 E. Cherry, Hill City, KS 67642

Agricultural implement parts, materials and supplies, iron and steel articles, salt, fertilizer, feeds, seeds and grain,

Between all points and places in Trego County, Kansas.

Also,

Between all points and places in Trego County, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Farmland Industries, Inc.) Docket No. 153,738 M
3315 N. Oak Trafficway)
Kansas City, MO 64116)

Applicant's Attorney: None

General commodities (except classes A and B explosives, household goods and commodities requiring refrigeration),

Between all points and places in the state of Kansas.

Applications set for March 12, 1987

Application for Certificate of Convenience and Necessity:

Ronald Cook, dba) Docket No. 153,740 M
Cook and Son Trucking)
2207 Henry Drive)
Hays, KS 67601)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Salt,

Between Reno, Rice and Ellsworth counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

Grain, dry feed, dry feed ingredients, dry fertilizer and dry fertilizer ingredients,

Between points in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Ronald Cook, dba) Docket No. 60,173 M
Cook and Son Water)
Service)
2207 Henry Drive)
Hays, KS 67601) MC ID No. 100612

TO:

Dean Ummel, dba
Ummel's Tank Service
Box 37
Brownell, KS 67521

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between all points and places in the counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, McPherson, Rice, Barton, Rush, Ness, Lane, Scott, Wichita, Greeley, Hodgeman, Pawnee, Stafford, Reno, Kingman, Pratt, Edwards, Kiowa, Comanche, Barber and Harper.

WILLIAM E. GREEN
Administrator
Transportation Division

State of Kansas

**KANSAS PUBLIC DISCLOSURE
COMMISSION****PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1987)

Article 21.—CANDIDATES AND COMMITTEES

19-21-3. Political committees. (a) *General.* The following factors shall be considered in determining whether a combination of two or more persons, or a person other than an individual, constitutes a political committee:

- (1) The intent of the person or persons;
- (2) The amount of time devoted to the support or opposition of one or more candidates for state office;
- (3) The amount of time devoted to the support or opposition of any other political committee or party committee;
- (4) The amount of contributions, as defined by the act, made to any candidate, candidate committee, party committee or political committee;
- (5) The amount of expenditures, as defined by the act, made on behalf of any candidate, candidate committee, party committee or political committee; and
- (6) The importance to any candidate, candidate committee, party committee or political committee of the activities in which the person or persons engage.

(b) *Structure and filing statement of organization.* Each political committee which anticipates that it will receive contributions or make expenditures shall appoint one chairperson and one treasurer for the purposes of the act. A political committee member may serve as both chairperson and treasurer. A political committee may appoint such other officers as it desires, including co-chairpersons.

(c) *Payroll deduction plan exception.* Any person or persons who receive political contributions under a program similar to a payroll deduction plan shall be presumed not to be a political committee if the program administered by the person or persons meets all of the following tests:

- (1) The decision to make any contribution by any individual employee is strictly voluntary;
- (2) The employee alone determines to whom the employee's contribution will be distributed;
- (3) Any contribution made by the employee is made and transferred in the employee's name only; and
- (4) The recipient candidate or committee is not made aware by the employer or the employer's agents that the contribution was made as a part of any such program.

(d) *Affiliated or connected organizations.*

(1) An organization shall be considered to be affiliated or connected with a reporting political committee if it is:

- (A) an organization or group which founded or maintains the reporting committee with a major purpose of influencing the nomination or election of a candidate or candidates to state office;
- (B) an organization or group which has as a major

purpose providing support to a reporting committee or committees;

(C) an organization or group whose membership is generally composed of the same individuals as the reporting committee where the reporting committee advances the political goals of the organization either directly or indirectly on behalf of the organization; or

(D) an organization or group, whether or not a reporting committee, which is substantially controlled, directly or indirectly, by a reporting committee or committees or the controlling persons thereof. In addition, any organization or group controlling an affiliated or connected organization shall likewise be considered an affiliated or connected organization of the group or organization which it controls.

(2) *Exceptions.* If a state-wide union or professional or trade association is considered to be an affiliated or connected organization of a particular political committee under any of the above tests, local units of such unions or associations shall be presumed not to be affiliated or connected organizations of the political committee so long as the state-wide entity is reported as such. (Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, § 1; implementing K.S.A. 25-4143 and K.S.A. 1985 Supp. 25-4145; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sep. 30, 1976; effective Feb. 15, 1977; amended, E-79-24, Sep. 21, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1987.)

19-21-6. Out-of-state committees, and persons. Any combination of three or more individuals or a person other than an individual, not domiciled in this state, which is required to file a verified statement pursuant to K.S.A. 25-4172 as amended by L. 1986, Ch. 144, § 1 shall include the names and addresses of contributors who are residents of Kansas, non-residents with jobs in Kansas, and those making contributions earmarked for use in Kansas. Other contributions may be disclosed in the aggregate. (Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, § 1; implementing K.S.A. 25-4172 as amended by L. 1986, Ch. 144, § 1; effective, E-77-29, June 3, 1976; effective, Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1987.)

**Article 29.—RECEIPTS AND
EXPENDITURES REPORT**

19-29-2. Contents of receipts and expenditures report. (a) *General.* Each receipts and expenditures report shall contain:

- (1) the full name and address of the candidate, party committee, or political committee;
- (2) in the case of candidates, the office sought, and in the case of committees, a designation as to type;
- (3) the period covered by the report;
- (4) a designation, when applicable, that the report is an amended or a termination report; and
- (5) a declaration as to completeness and accuracy, signed by the treasurer.

(b) *Summary section.* Each report shall contain a

summary section for the reporting period which shall include:

- (1) cash on hand at the beginning of the period;
- (2) total contributions and receipts, except in-kind contributions;
- (3) total cash available during the period;
- (4) total expenditures and other disbursements;
- (5) cash on hand at the close of the period;
- (6) total in-kind contributions; and
- (7) the total of other obligations.

(c) *Supporting schedules.*

(1) *General.* Each report shall contain the supporting schedules required by this subsection. For the purpose of subsection (c):

(A) The term "date" means the month, day and year.

(B) The term "name" means the full name of the person indicated.

(C) The term "address" means the street address or rural route, city, state and zip code.

Each accompanying schedule shall include the name of the candidate or committee on whose behalf the report is filed. When the name is used more than once, the same name shall appear throughout the schedule. Whenever additional sheets are necessary to list the information required by any supporting schedule, each page of that schedule shall contain a space, completed by the treasurer, to indicate the subtotal for that page.

(2) "Monetary contributions and receipts" schedule. All monetary contributions and receipts shall be listed on an accompanying schedule. This schedule shall include:

(A) A date column, which shall state the date when the contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(B) a name and address column, which shall state the name and address for each contributor. If the contribution is from a political action committee, this column shall also be used to describe the political committee by including the name of the organization affiliated or connected with the committee or the trade, profession, or primary interest of the contributors;

(C) a description column, which shall state whether the contribution or receipt is a loan, a cash payment, or a check or similar instrument. If the contribution is a loan, the interest rate, and the name and address of any guarantors or endorsers shall be noted in this column. The description column shall also show the name of the candidate or committee to whom funds are dedicated whenever a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee. When a treasurer transfers a contribution made up in whole or in part of dedicated funds, the name of the person initially dedicating the funds, with a notation of the name of the intervening source, shall be reported. Anonymous contributions over \$10, and contributions in excess of the statutory dollar limit, shall be noted in this column;

(D) an amount of cash or check column;

(E) a total amount space in which the aggregate

amount of monetary contributions and other receipts received during the reporting period shall be shown. This amount shall be carried forward to the summary page;

(F) itemized monetary contributions and receipts. Each monetary contribution or receipt over \$50 received during the reporting period shall be itemized. In addition, each contribution or receipt of more than \$10 received during the reporting period for which the name and address of the donor is unknown shall be disclosed on this schedule; and

(G) unitemized monetary contributions and receipts. The aggregate total of all contributions and receipts of \$50 or less received during the reporting period for which the name and address of the donor is known shall be reported as unitemized contributions or receipts. Receipts during the reporting period from the sale of political materials shall also be reported. The proceeds from the sale of tickets or admissions to testimonial events, except those required to be itemized, shall be reported on this schedule. Contributions of \$10 or less received during the election period for which the name and address of the donor is unknown shall be disclosed on this schedule.

(3) "In-kind contributions" schedule. All in-kind contributions shall be listed on this accompanying schedule. This schedule shall include:

(A) A date column, which shall state the date the in-kind contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(B) a name and address column, which shall state the name and address of each in-kind contributor;

(C) a description column, which shall briefly describe the goods or services provided, and when a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee, the name of the candidate or committee to whom the goods or services are dedicated;

(D) a value of in-kind contributions column, which shall state the fair market value of the contribution;

(E) a total amount space in which the aggregate value of itemized and unitemized in-kind contributions shall be shown. This value shall be carried forward to the summary page;

(F) itemized in-kind contributions. Each in-kind contribution having a value of more than \$50 received during the reporting period shall be itemized; and

(G) unitemized in-kind contributions. The aggregate total of in-kind contributions from any one contributor having a value of \$50 or less received during the reporting period shall be disclosed.

(4) "Expenditures and disbursements" schedule. All expenditures and disbursements to any person shall be listed on this accompanying schedule. This schedule shall include:

(A) a date column that shall state the date or dates the payee was actually paid during the reporting period;

(B) a name column that shall state the name of the person to whom payment was made;

(continued)

(C) a purpose of expenditure column that shall reflect the nature of the expenditure. When an expenditure is made by payment to an advertising agency, public relations firm, or political consultants for disbursement to vendors, the report shall show in detail the name of each vendor and the information required on this schedule with regard to each expenditure. Whenever a treasurer makes a disbursement which constitutes a contribution to another candidate or committee and when it is made up in whole or in part of dedicated funds, the treasurer shall disclose the names and addresses of those persons who dedicated the funds. The treasurer shall, in transferring any of these contributions, report the same information to the recipient;

(D) an amount column that shall reflect the aggregate amount of payment to the payee on the date of the entry;

(E) a total amount space in which the total amount of itemized and unitemized expenditures and disbursements during the reporting period shall be shown. This amount shall be carried forward to the summary page;

(F) itemized expenditures and disbursements. Each expenditure or disbursement of over \$50 made during the reporting period shall be itemized; and

(G) unitemized expenditures and disbursements. The aggregate total of all expenditures and disbursements of \$50 or less made during the reporting period shall be disclosed.

(5) "Other transactions" schedule. All other reportable financial transactions made during the reporting period shall be disclosed with reasonable specificity.

(A) Accounts and loans payable. All accounts and loans outstanding at the close of a reporting period shall be disclosed. This disclosure shall include:

- (i) the date the debts or loans were contracted;
- (ii) the person to whom the debt or loan is owed;
- (iii) a description of the goods or services subject to debt or a description of the principal amount and terms of the loan; and
- (iv) the amount outstanding at the close of the reporting period.

(B) loans receivable. All loans receivable outstanding at the close of the reporting period shall be disclosed. This disclosure shall include:

- (i) the date the loan agreement was completed;
- (ii) the person to whom the funds were loaned;
- (iii) the principal amount and terms of the loan; and
- (iv) the amount outstanding at the close of the reporting period. (Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, § 1; implementing K.S.A. 1985 Supp. 25-4148; effective, E-76-56, Nov. 26, 1975; effective, E-77-29, June 3, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

CAROL WILLIAMS
Administrative Assistant

Doc. No. 005005

State of Kansas

DEPARTMENT OF REVENUE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

PERMANENT ADMINISTRATIVE REGULATIONS (Effective May 1, 1987)

Article 2.—LICENSEES AND VENDORS

14-2-6. Licensees; responsibility for conduct of business and of employees. (a) Each licensee shall be responsible for the conduct of the licensee's business at all times and shall be directly responsible at all times for any act or conduct of any employee while engaged in and acting in the course of employment, which is in violation of the act or the rules and regulations of the director.

(b) No person shall be employed by a retail licensee in a managerial capacity or as a sales clerk if that person:

(1) has the same disqualifications as persons to whom licenses may not be issued as set forth in subsection (a)(2) through (6) inclusive and (a)(10) of K.S.A. 1985 Supp. 41-311;

(2) is an employee of a licensed distributor;

(3) is an officer, manager, director, shareholder, or permittee, or is the spouse of an officer, manager, director, shareholder, or permittee of a licensed distributor; or

(4) has been convicted of a violation of the intoxicating liquor laws of any state or the alcoholic beverage control laws of the United States.

(c) Each retail licensee shall submit the signatures of each authorized employee on a form approved by the director at the time the person first becomes an employee and upon renewal of the licensee. (Authorized by K.S.A. 1985 Supp. 41-211, as amended by L. 1986 ch. 185, § 4, K.S.A. 1985 Supp. 41-210, implementing K.S.A. 41-703, 41-713; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1987.)

Article 4.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS

14-4-11. Manufacturer's and distributor's price lists; requirements for filing. (a)(1) On the 15th day of each month, every manufacturer or vendor filing prices pursuant to K.S.A. 1985 Supp. 41-1101, and whose prices are required to be filed under the provisions of K.A.R. 14-4-7, shall file the current price and F.O.B. point of shipment of each item of alcoholic liquor. The filed price shall be the price for which the item will be sold by the manufacturer or vendor to licensed distributors during the second calendar month immediately following the month in which the price is required to be filed.

(2) Each price list shall contain a complete description of the alcoholic liquors to be offered for sale during the month concerned.

(A) The description of alcoholic liquors in cases shall include the brand name, type, container size,

number of containers in each case, and the actual weight per each case, and shall show the proof of all alcoholic liquors, except wines and champagnes.

(B) The description of alcoholic liquors in bulk shall include the class and type, brand or brands, if any, the state in which manufactured, and the location of the warehouses in which stored.

(C) Price lists of all wines and champagnes shall show the alcoholic content.

(D) The container for all alcoholic liquors shall be in compliance with the container sizes specified in K.A.R. 14-6-2.

(E) No amendments to these postings shall be permitted. At any time after the filing of any price list and before the effective date thereof, the price list or any item shown thereon may be withdrawn upon written application of the manufacturer or vendor filing such price list and the written approval of the director.

(3)(A) Each manufacturer shall, on the same day and date the price list or any amendment thereof is forwarded to the office of the director, forward by certified mail to each and every licensed distributor who possesses a franchise for the manufacturer's brands within the state of Kansas, a true and correct copy of the price list or amendment which that manufacturer or vendor has forwarded to the office of the director. Each manufacturer or vendor shall also file with the director an affidavit stating that true and correct copies of the price list or amendment have been forwarded by certified mail to each and every licensed distributor who possesses a franchise for the manufacturer's brands within the state of Kansas.

(B) The failure to mail copies of the price list or amendment or to file the required copies of the price list or amendment or to file the required affidavit shall render the price list ineffective. Upon failure to comply with this provision, the manufacturer or vendor may be denied authority to sell alcoholic liquors to licensed distributors within the state of Kansas.

(4) Alcoholic liquors shall not be sold or offered for sale at prices quoted in the price list or amendment before any such price list or amendment is in force and effect shall be prohibited.

(b)(1) On the 10th day of each month, every distributor shall be required to file the case and bottle prices it charges retailers and the minimum retail price. The minimum retail price shall be calculated using the approved alcoholic beverage control board of review minimum mark-up percentage for each item to be sold by the distributor during the calendar month immediately following the month in which the prices are required to be filed. No amendments to these filings shall be permitted.

(2) At the time of the filing of these prices, every distributor who has filed prices of alcoholic liquor on the 10th day of the month, shall file an affidavit that each item will be sold to all retailers in the geographical territory for which the distributor possesses a franchise for the sale of brands posted.

(3)(A) On the 20th day of the month preceding the month in which the prices posted are to be effective, each distributor shall personally deliver or mail by first class mail to each licensed retailer in the geo-

graphical territory for which the distributor possesses a franchise for the sale of posted brands either a copy of all prices posted with the alcoholic beverage control or a copy of all prices posted that reflect a change from the previous month's posted price. If the distributor delivers a list of the changes only, a copy of all prices posted with the alcoholic beverage control shall be delivered quarterly to each licensed retailer by the twentieth (20th) day of the month preceding the month in which the prices posted are to be effective.

(B) By the last day of the month, each distributor shall file an affidavit that copies of all posted prices or of all price changes have been delivered to licensed retailers as required by this subsection. (Authorized by K.S.A. 1985 Supp. 41-1118; implementing K.S.A. 1985 Supp. 41-1101, K.S.A. 41-1112; effective Jan. 1, 1966; amended, E-66-11, Aug. 8, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1971; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended, E-81-36, Dec. 10, 1980; modified, L. 1981, ch. 418, May 1, 1981; amended May 1, 1985; amended May 1, 1987.)

14-4-17. (Authorized by K.S.A. 41-210, 41-211, 41-1101; effective Jan. 1, 1966; amended Jan. 1, 1974; Revoked May 1, 1987.)

Article 6.—CONTAINERS AND LABELS

14-6-3. Labels on containers of alcoholic liquor except beer, nature. Each original package of alcoholic liquor, except beer, offered for sale in this state shall bear a label setting forth in plain and legible print, in the English language:

(a) The quantity of such liquors in the original package;

(b) The class and type of such liquors together with their alcoholic content;

(c) The name of the importer or manufacturer. If the name of the importer on the label and on the federal, approved label is not the same as the supplier wanting to post the brand or item, a letter of authority or other documentation from the importer shall be submitted; and

(d) The labels shall include the percentage of all ingredients contained in liquor that is a blended product (except wine): However, if any of the provisions of this regulation are contrary to or in violation of regulation No. 5 relating to labeling of distilled spirits, as amended April 1, 1942, of the federal alcohol administration act, the federal regulation shall be followed in all labeling of alcoholic liquor sold or offered for sale in the state of Kansas. (Authorized by K.S.A. 1985 Supp. 41-210; K.S.A. 1985 Supp. 41-211, as amended by L. 1986, ch. 185, § 4; implementing K.S.A. 1985 Supp. 41-211(a)(2), as amended by L. 1986, ch. 185, § 4; K.S.A. 1985 Supp. 41-706; effective Jan. 1, 1966; amended May 1, 1987.)

Article 8.—ADVERTISING

14-8-2. Prohibited statements and restrictions in

(continued)

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) 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

(10) 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 has aged 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. 1985 Supp. 41-210; 1985 Supp. 41-211, as amended by L. 1986, ch. 185, § 4; imple-

menting K.S.A. 1985 Supp. 41-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-81-36, Dec. 10, 1980; amended, E-82-29, April 27, 1981; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

Article 10.—TRADE PRACTICES

14-10-2. Trade practices between distributors and private clubs. (a)(1) Any distributor may, upon request of a licensed private club, sell to the club for its sole use consumer advertising specialties such as ashtrays, bottle or can openers, corkscrews, matches, printed recipes, pencils, lights and similar materials which bear substantial advertising matter.

(2) The cost of these items to the club shall be the actual cost to the supplier or distributor who initially purchased the item. Transportation and installation costs shall be excluded. If no purchase price is available, the distributor shall sell the item to the club for fair market value, as defined in this rule and regulation. "Fair market value" means a reasonable retail price for the same or a comparable item as determined by the director. Evidence submitted from suppliers, distributors, or other relevant sources shall be the basis for the director's determination of fair market value.

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

(b) Each distributor shall keep and maintain adequate records on the licensed premises, for a three-year period, of all materials sold to clubs under this 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

(4) The charges to the club for any materials sold.

(c) The materials sold to the club shall not be repurchased by the distributor. (Authorized by K.S.A. 1985 Supp. 41-211, as amended by L. 1986, ch. 185, § 4; implementing K.S.A. 41-703, K.S.A. 1985 Supp. 41-714; effective, E-80-28, Dec. 12, 1979; effective May 1, 1980; amended May 1, 1987.)

Article 12.—CEREAL MALT BEVERAGES

14-12-1. Applications. (a) In addition to those requirements found in K.S.A. 41-2702, each application for a license, as provided in the law regarding cereal malt beverage or malt products, shall show:

(1) the name of the applicant;

(2) the principal office address of the applicant;

(3) the address or location of the place of business and the location of storage for cereal malt beverage;

(4) the name, brand or other designation of the beverage which the applicant desires to sell in wholesale quantities in the state; and

(5) the geographic territory in Kansas within which the applicant intends to distribute the designated beverages. The geographic territory shall be the territory agreed upon by the brewer and the wholesaler or distributor and shall not be changed without the writ-

ten consent of both the brewer and the wholesaler or distributor. A separate application shall be made for each separate establishment operated by the applicant. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 41-2702; effective May 1, 1987.)

14-12-2. Wholesaler's license bond. Every wholesaler of cereal malt beverage shall furnish to the director, alcoholic beverage control division, a license bond in the sum of \$1,000 executed by a corporate surety authorized to do business in the state of Kansas. The bond shall be conditioned upon the applicant's compliance with the laws and the regulations of the state of Kansas and of the municipalities of the state of Kansas in which the applicant transacts business, and that all fines and forfeitures which may be assessed against the applicant will be paid. The bond shall be approved by the director before a cereal malt beverage license may be issued.

The foregoing bond shall be countersigned by a Kansas resident agent for the surety. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-2713; effective May 1, 1987.)

14-12-3. Change of ownership. Every license shall be granted with the understanding that a cereal malt beverage license is a grant from the state to one particular individual, partnership or corporation and the license is not transferable from one owner to another. If any member of a partnership dies, sells or transfers the member's interest in such partnership, the license shall become null and void. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 41-2702, 41-2703; effective May 1, 1987.)

14-12-4. No trade names for corporations. Any corporation, either domestic or foreign, that seeks a Kansas cereal malt beverage license shall file an application for such license in its corporate name and the license shall be issued only in the corporation name. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 17-6002, 41-2703; effective May 1, 1987.)

14-12-5. Storage of cereal malt beverage. (a) If a wholesaler handles unpasteurized cereal malt beverage, the wholesaler may store the unpasteurized cereal malt beverage in a refrigeration plant in the same city for which the wholesaler has a license, if the address of the refrigeration plant is shown on the wholesaler's application for license.

(b) Any cold storage plant receiving or storing cereal malt beverages shall keep a record of such storage showing the volume handled. These records shall be kept for a period of two years and shall be available for inspection by the director of the alcoholic beverage control division, or the director's authorized agent.

(c) Any cereal malt beverage distributed by a Kansas wholesaler shall be handled from a licensed location. Distribution from any other storage point, whether in a truck or otherwise, that is not in the same city shall constitute operating an establishment, and a license shall be required for the establishment. (Authorized by K.S.A. 1985 Supp. 41-2717; imple-

menting K.S.A. 1985 Supp. 41-409; effective May 1, 1987.)

14-12-6. License; established place of business. A license shall not be issued to any wholesaler unless the applicant has, within the state of Kansas, an established place of business. An established place of business means a location in which a business is carried on in good faith and in which an inventory of cereal malt beverage or malt products are stored and kept in quantities reasonably adequate for and necessary for the requirements of the business. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-409, 41-2713; effective, May 1, 1987.)

14-12-7. Storage of cereal malt beverage in warehouse in which strong beer is stored. If a cereal malt beverage wholesaler or distributor licensed by the director is issued a beer wholesaler's or distributor's license pursuant to K.S.A. 41-307 and handles and distributes strong beer in Kansas under that license, and if the strong beer and cereal malt beverage are both stored in the same warehouse, the cereal malt beverage and strong beer shall be stored separately and shall not be commingled. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-409; effective May 1, 1987.)

14-12-8. Bonds; cancellation. Any surety on a bond furnished by a wholesaler or brewer as provided by the cereal malt beverage laws and regulations shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of 60 days from the date upon which such surety shall have lodged with the director a written request to be released and discharged. The wholesaler or brewer who furnished the bond shall be promptly notified of the request by the director. On or before the expiration of the 60 day period, the wholesaler or brewer may file a new bond with the director that fully complies with the provisions of the cereal malt beverage laws and regulations. If a new bond is not properly filed, the license of such wholesaler shall be promptly revoked by the director in the manner provided by K.S.A. 41-320 *et seq.*, or the "brewer's agreement" with such brewer shall be terminated in the manner provided in the agreement. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-409; effective May 1, 1987.)

14-12-9. Filing of agreements; cancellations. (a) All written contractual agreements between manufacturers and wholesalers or distributors shall be filed with the director of alcoholic beverage control at the time of filing the application for a distributor's license. A manufacturer shall not enter an agreement for the distribution of a brand of cereal malt beverage with more than one wholesaler or distributor for all or part of any designated territory. An agreement filed pursuant to this regulation shall not be cancelled or transferred except upon notice to the director and reasonable opportunity by the director to determine that the terminating licensee has complied with all the provisions of the cereal malt beverage law.

(continued)

(b) Every wholesaler or distributor shall submit a sketch or marked state highway map showing the geographic territory within which the wholesaler or distributor will distribute cereal malt beverages to retailers.

(c) Any wholesaler or distributor who refuses to sell any cereal malt beverage or provide service in connection with that sale to any retailer within the geographic territory shall immediately give a written sale refusal notice to the director. This written notice shall set forth the specific reason or reasons for the refusal of the wholesaler or distributor to sell the cereal malt beverage brand or brands to the named retailer.

(d) Upon receipt of the sale refusal notice, all applicable Kansas licensed wholesalers or distributors shall be notified by the director that the named cereal malt beverage brand or brands may be sold to the named retailer. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-409, 41-2705, 41-2713; effective May 1, 1987.)

14-12-10. Furnishing of bill of lading. The director may require any brewery to submit a bill of lading showing the point of origin and destination of any or all shipments of cereal malt beverage into the state of Kansas. (Authorized by K.S.A. 1985 Supp. 2717; implementing K.S.A. 1985 Supp. 41-409, 41-2705; effective May 1, 1987.)

14-12-11. Invoices. Each brewer shall submit to the director a copy of each invoice of cereal malt beverage sold to a Kansas wholesaler. The copy shall be mailed within three days of the date of the invoice or the shipment of cereal malt beverage. A copy of all credit memorandums covering cereal malt beverage returned from the wholesaler to the brewer shall be mailed to the director in the same manner as provided for invoices. (Authorized by K.S.A. 79-3835; implementing K.S.A. 79-3827, 79-3828; effective May 1, 1987.)

14-12-12. Brewers contract and bond. Any brewer who desires to do business in the state of Kansas may enter into a contract with the director that designates the method of payment of cereal malt beverage tax on cereal malt beverage shipped into Kansas. The contract shall extend to the brewer the obligation of paying to the state of Kansas tax on all cereal malt beverage shipped during a month. The tax shall be paid on or before the 15th day of the month following the shipments or sale. The brewer's contract shall be supported by a corporate surety bond issued by a company authorized to transact business in the state of Kansas, in a sum specified by the director of taxation. The bond shall be countersigned by a Kansas resident agent for the surety. The brewer shall make monthly reports in the form required by the director. (Authorized by K.S.A. 79-3835; implementing K.S.A. 79-3824; effective May 1, 1987.)

14-12-13. Refund of cereal malt beverage tax on military cereal malt beverage. Any cereal malt beverage wholesaler or distributor to any instrumentality of the armed forces of the United States engaged in resale activities to members of the armed forces shall

be exempt from the Kansas cereal malt beverage tax. The Kansas cereal malt beverage wholesaler or distributor may present a claim for refund or claim for credit to the director of alcoholic beverage control division, on forms approved by the director, for the amount of the Kansas cereal malt beverage tax paid on cereal malt beverage sold to any instrumentality of the armed forces of the United States located within the state of Kansas engaged in resale activities to members of the armed forces.

Each Kansas cereal malt beverage wholesaler or distributor shall be responsible for presenting evidence acceptable to the director establishing that the cereal malt beverage for which a claim for refund or claim for credit is filed, was sold by the Kansas wholesaler or distributor to an instrumentality of the armed forces of the United States located within the state of Kansas engaged in resale activities to members of the armed forces. The evidence shall include serially numbered sales slips signed by the receiving officer and designating the club, "P.X." or other instrumentality buying the beer. (Authorized by K.S.A. 79-3835, implementing K.S.A. 79-3824; effective May 1, 1987.)

14-12-14. Importer's contract. Any licensed wholesaler or distributor of cereal malt beverages who desires to do business in Kansas as an importer of cereal malt beverages may enter into an agreement with the director designating the frequency and method for the payment of the cereal malt beverage tax on cereal malt beverage imported into Kansas. The contract shall extend to the wholesale importer the obligation of paying to the state of Kansas tax on all cereal malt beverage received during a calendar month. The tax shall be paid on or before the 15th day of the month following receipt of the cereal malt beverage. The licensed distributor shall have a surety bond as required by K.S.A. 79-3737. The tax liability shall not exceed the statutory value of the bond. (Authorized by K.S.A. 79-3835; implementing K.S.A. 79-3819, K.S.A. 79-3824; effective May 1, 1987.)

14-12-15. Cereal malt beverage unfit for sale. (a) Upon presentation to the director of satisfactory proof that cereal malt beverage on which the Kansas tax has been paid has become unfit for use or consumption, unsalable, or damaged or destroyed by fire, flood, or similar causes, the value of the tax may be refunded to the brewer who has paid the tax.

(1) If the brewer is no longer selling cereal malt beverage in Kansas, the brewer may request a cash refund.

(2) If the brewer is still selling cereal malt beverage in Kansas, the refund will be applied to future tax payments.

(b) The director shall be notified prior to the destruction of damaged or partially damaged cereal malt beverage, and the cereal malt beverage shall be kept available for inspection by a representative of the director. (Authorized by K.S.A. 79-3835; implementing K.S.A. 79-3825; effective May 1, 1987.)

14-12-16. Labels on containers of cereal malt beverage; nature. (a) Each original package of cereal malt

beverage offered for sale in this state shall bear a label setting forth in plain and legible print in the English language and in the manner permitted by federal laws and regulations with respect to the labeling of cereal malt beverage, the word "beer," "ale," or "malt beverage," the number of fluid ounces contained therein, the name of the beer manufacturer, and such additional information as may be required by such laws and regulations. Each label shall be submitted to the alcoholic beverage control division in duplicate accompanied by a federal label approval form.

(b) All labels and can lids submitted for cereal malt beverage shall show the statement "does not contain more than 3.2% alcohol by weight." However, any kind or brand of beer that contains 2% of alcohol or less by weight may substitute the words "does not contain more than 2% of alcohol by weight." (Authorized by K.S.A. 1985 Supp. 41-210; K.S.A. 1985 Supp. 41-211, as amended by L. 1986, ch. 185, § 4; implementing K.S.A. 1985 Supp. 41-211(a)(2), as amended by L. 1986, ch. 185, § 4; effective May 1, 1987.)

14-12-17. Inducements in exchange for exclusive brand at retail establishment prohibited. A brewer, wholesaler, or distributor of cereal malt beverage shall not, directly or indirectly, offer, give or furnish any gifts, prizes, coupons, premiums, rebates, discounts, or any other inducement or thing of value to a licensed retail seller of cereal malt beverage in exchange for the retail seller's agreement to sell only one brand of cereal malt beverage. (Authorized by K.S.A. 1985 Supp. 2717; implementing K.S.A. 1985 Supp. 41-2705; effective May 1, 1987.)

14-12-18. Regulations that apply to CMB distributors who sell wine. Any cereal malt beverage distributor licensed pursuant to K.S.A. 41-2713 who stores and sells wine pursuant to L. 1985, ch. 168, sec. 5, shall be subject to, and shall comply with, the following regulations: K.A.R. 13-2-1 through K.A.R. 13-2-15, inclusive; K.A.R. 13-5-2; K.A.R. 14-1-1; K.A.R. 14-2-1; K.A.R. 14-2-2; K.A.R. 14-2-4; K.A.R. 14-2-5; K.A.R. 14-2-6; K.A.R. 14-2-9 through K.A.R. 14-2-23, inclusive; K.A.R. 14-4-1; K.A.R. 14-4-3; K.A.R. 14-4-4; K.A.R. 14-4-6 through K.A.R. 14-4-23, inclusive; K.A.R. 14-4-26; K.A.R. 14-6-6; K.A.R. 14-7-1; K.A.R. 14-7-4; K.A.R. 14-7-6; K.A.R. 14-8-1; K.A.R. 14-8-2; K.A.R. 14-8-6 through K.A.R. 14-18-13, inclusive; K.A.R. 14-9-1 through K.A.R. 14-9-10, inclusive; K.A.R. 14-10-1a through K.A.R. 14-10-4, inclusive; K.A.R. 14-17-1; K.A.R. 14-17-2; K.A.R. 14-17-4. (Authorized by K.S.A. 1985 Supp. 41-2717; implementing K.S.A. 1985 Supp. 41-2723; effective May 1, 1987.)

Article 16.—LICENSES; SUSPENSION, REVOCATION

14-16-10. Rules of evidence. Rules of evidence as interpreted by the Kansas courts shall be generally followed at all hearings before the director, deputy director or other person designated by the director to preside at hearings. The hearing officer may vary from the technical requirements of these rules when, in the hearing officer's opinion, such variation would be of

assistance in determining the facts. (Authorized by K.S.A. 1985 Supp. 41-210; K.S.A. 1985 Supp. 41-211, as amended by L. 1986 ch. 185, § 4; implementing K.S.A. 1985 Supp. 41-320; effective May 1, 1987.)

14-16-11. Hearing procedures. At any hearing held pursuant to K.S.A. 41-320 or K.S.A. 41-2609, the following procedures shall be used, unless modified by mutual agreement of the parties or waived by the licensee:

(a) The burden of proving all elements of any alleged offenses shall be upon the agency.

(b) The order for the hearing shall be:

(1) reading of the citation into the record;

(2) announcement of appearances;

(3) presentation of evidence by the agency;

(4) presentation of evidence by the licensee; and

(5) closing arguments for both sides.

(Authorized by K.S.A. 1985 Supp. 41-211; as amended by L. 1986, ch. 185, § 4; implementing K.S.A. 1985 Supp. 41-320; effective May 1, 1987.)

14-16-12. Hearing procedures; pre-hearing motions. (a) Upon receipt of a citation and notice of hearing pursuant to K.A.R. 14-16-1, any licensee or licensee's counsel may file with the director any pre-hearing motion, authorized to be filed with the Kansas courts.

(b) Such motions shall be subject to the following timetable:

(1) The motion shall be filed within 10 days of receipt of the citation.

(2) Any response shall be filed by the agency within 10 days of receipt of the motion.

(3) The motion shall be acted upon at least five days prior to the hearing on the citation.

(c) Extensions to the deadlines set out in subsection (b) above may be granted by the director.

(d) Requests for continuances and other non-substantive motions may be submitted orally. All other motions shall be in writing. (Authorized by K.S.A. 1985 Supp. 41-210, K.S.A. 1985 Supp. 41-211, as amended by L. 1986, ch. 185 § 4; implementing K.S.A. 1985 Supp. 41-320; effective May 1, 1987.)

Article 18.—CLASS A AND B CLUBS

14-18-4. Guests of members; guests of management; reciprocal members; registration. (a) Members of licensed private clubs may bring guests upon club premises if the guests are accompanied by the member.

(1) To be a guest of a member, the two individuals shall have known each other for a significant period of time measured in days, weeks or months prior to admittance to the club.

(2) No club may knowingly admit a person who is not a guest of a member, owner, officer, manager, or employee of a licensed private club.

(b) Every club shall require registration of the name and address of all persons who enter the club premises as guests of management or club employees. These

(continued)

guests shall be registered in a permanently bound book kept on the club premises for that purpose.

(1) To be a guest of management or a club employee, the two individuals shall have known each other for a significant period of time measured in days, weeks, or months prior to admittance to the club.

(c) "Reciprocal members" mean members who belong to a club which has executed and filed with the director a written reciprocal agreement with the club to which access is sought. Each reciprocal member shall sign the member's name and address, city of residence and the name and city of the member club in a reciprocal member's guest book.

(d) The extension of club privileges for a guest of management or a guest of a member shall end with the departure of the sponsoring club manager or club member from the licensed premises. (Authorized by K.S.A. 41-2634; implementing K.S.A. 1985 Supp. 41-2637; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended, E-82-22, Dec. 9, 1982; amended May 1, 1982; amended May 1, 1987.)

14-18-31. (Authorized by K.S.A. 41-2634; implementing 1985 S.B. 126, sec. 4; effective, T-86-28, Aug. 19, 1985; effective May 1, 1986, revoked effective May 1, 1987.)

14-18-33. Minimum prices for drinks; how determined. (a) Any licensed private club shall not sell a drink to any person for less than the acquisition cost of that drink to the club.

(b) The cost of the following items shall be included in the acquisition cost of a drink:

(1) all alcoholic liquor or beer contained in the drink; and

(2) any liquid of a non-alcoholic nature contained in the drink.

(c) The following items shall not be required to be included in the acquisition cost:

(1) city service or tap water;

(2) ice;

(3) employee salaries or other usual overhead; and

(4) any other items of clearly negligible value used in the drink.

(d) In determining the minimum price, a club shall not include the drink tax as imposed by K.S.A. 79-41a02. This tax shall be collected in addition to the minimum price for the drink itself. (Authorized by K.S.A. 41-2624; implementing K.S.A. 1985 Supp. 41-2640 as amended by L. 1986 chapter 185, section 7; effective May 1, 1987.)

Article 20.—CLASS B CLUBS

14-20-10. Restaurant clubs; criteria for determination; gross receipts affidavit; estimates. (a) For purposes of reciprocity and multiple ownership of class B private clubs, the director shall determine whether or not a licensed club is a restaurant, as that term is defined by K.S.A. 41-2601(f), by comparing food sales on the licensed premises to total gross receipts for all sales made on the licensed premises for the previous calendar year. Sales of any kind made on permanent public areas that are not a part of the licensed prem-

ises shall not be included. Sales of food or other commodities made on the licensed premises during times that public functions are authorized may be included.

(b) Any club licensee requesting restaurant status shall submit accurate figures for food sales, total gross sales, and whatever other pertinent information is requested on a form to be provided by the Director at the time the licensee initially requests restaurant status, and upon each renewal of the licensee's license.

(c) Any club requesting restaurant status that has not been in operation for a full calendar year may submit established figures for food sales and total gross receipts. However, a successor corporation taking over an existing club shall not utilize estimates unless the owners of at least 60% of the stock in that corporation were not previously involved in the ownership or operation of that club. (Authorized by K.S.A. 41-2634; implementing K.S.A. 1985 Supp. 41-2601(f); effective May 1, 1987.)

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 005007

State of Kansas

MID STATES PORT AUTHORITY

NOTICE TO BIDDERS

Sealed bids will be received until 11 a.m. March 9 for two items of railroad track reconstruction—lining and surfacing 64 miles of track and reconstructing 46 at-grade crossings.

Bidders may obtain the complete bid package, which includes project description, instructions to bidders, bid form, specifications, general conditions, notice to bidders and agreement, by writing the Mid States Port Authority, c/o Kyle Railroad Company, Attn: Bud Sargent, 3rd and Railroad Ave., Phillipsburg 67661.

Bids should be addressed to the Mid States Port Authority at the address above and marked "Bid to Perform Railroad Reconstruction Work." Bids will be opened and publicly read at the office of the Mid States Port Authority at 11 a.m. March 9.

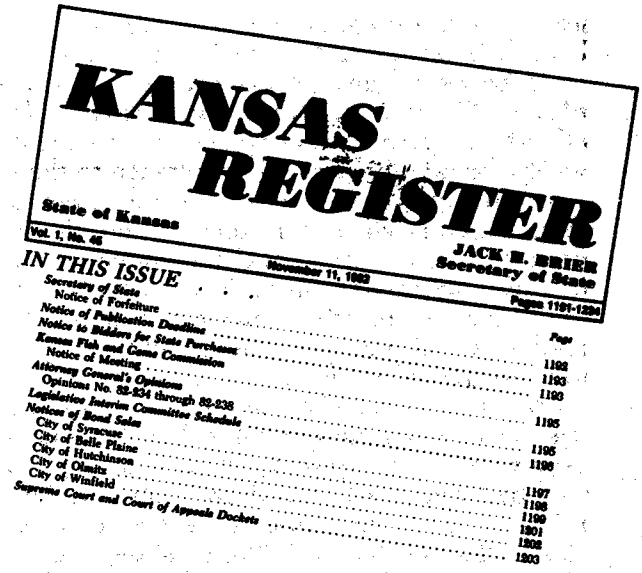
Any bid received after the time and date specified above will not be considered.

T. L. GREEN
General Counsel

Doc. No. 005021

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