

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 41

October 8, 1987

Pages 1467-1504

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State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of October 12 through October 25:

Date	Room	Time	Committee	Agenda
Oct. 12	531-N	10:00 a.m.	Legislative Budget Committee	12th: Staff reports and conference with Secretary of Corrections. 13th: Conferences with representatives of the State Board of Regents and of the Judicial Branch.
Oct. 13	531-N	9:00 a.m.		
Oct. 13	527-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda unavailable.
Oct. 14	527-S	9:00 a.m.		
Oct. 13	Great Bend	10:00 a.m.	Special Committee on Ways and Means—SRS	Review of SRS programs in rural areas.
Oct. 14		8:00 a.m.		
Oct. 15	514-S	10:00 a.m.	Special Committee on Judiciary	15th: Hearings: Proposal No. 18—County Courts; Proposal No. 40—Protection of Property; Proposal No. 44—Compulsory Automobile Liability Insurance. 16th: Committee discussion of selected previously heard proposals and directions to staff.
Oct. 16	514-S	9:00 a.m.		

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



Phone: (913) 296-3489

Oct. 15	Manhattan	10:00 a.m.	Joint Committee on Economic Development	15th: Meeting at Kansas State University; briefing to committee on ongoing economic development projects and tour of Center of Excellence.
Oct. 16	519-S	9:00 a.m.		16th: Presentations and committee discussion on Kansas water pollution control, alternatives to expediting investments in seed and venture capital, and other previously addressed topics. Update by Board of Tax Appeals on review of applications for property exemptions for economic development purposes.
Oct. 15	529-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
Oct. 16	529-S	9:00 a.m.		
Oct. 16	527-S	9:30 a.m.	Legislative Coordinating Council	Legislative matters.
Oct. 19	123-S	10:00 a.m.	Joint Committee on State Building Construction	19th: Review of Regents' institutions FY 1989 capital improvement requests.
Oct. 20	123-S	9:00 a.m.		20th: Presentation by the Regents' institutions on energy conservation alternatives and incentives; Presentation by the Department of Corrections on funding shortfall for the 120-bed housing unit at KCIL.
Oct. 21	531-N	10:00 a.m.	Special Committee on Local Government	Agenda unavailable.
Oct. 22	531-N	9:00 a.m.		
Oct. 22	527-S	10:00 a.m.	Special Committee on Public Health and Welfare	Agenda unavailable.
Oct. 23	527-S	9:00 a.m.		
Oct. 22	519-S	10:00 a.m.	Special Committee on Transportation	Agenda unavailable.
Oct. 23	519-S	9:00 a.m.		
Oct. 23	123-S	10:00 a.m.	Legislative Post Audit	Legislative matters.

PLEASE NOTE

Correction

The additional proposal assigned to the Special Committee on Judiciary should be listed as Proposal No. 45 instead of Proposal No. 44. The correct heading for the new proposal should read as follows: Proposal No. 45—Compulsory Automobile Liability Insurance.

Changes

Representative Bill Bunten has been appointed to replace Representative Sandy Duncan as a member

and vice chairman of the Special Committee on Ways and Means.

Representative Keith Roe has been appointed to serve on the Special Committee on Energy and Natural Resources. Representative Ron Fox is no longer a member of this committee—the position of vice chairman has not been refilled as of this date.

WILLIAM R. BACHMAN
 Director of Legislative Administrative Services

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 October 1, 1987 through October 31, 1987 shall be 12.82 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 September, A.D. 1987.

BILL GRAVES
Secretary of State

Doc. No. 005831

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 infrared scans for the Snow Hall renovation and the Science & Technology Library Facility at the University of Kansas, Lawrence, and the Animal Research Facility at the University of Kansas Medical Center, Kansas City.

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 questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to October 23.

ANN K. COLGAN
Acting Director, Division of
Architectural Services

Doc. No. 005823

State of Kansas

SECRETARY OF STATE**NOTICE OF FORFEITURE**

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

Domestic Corporations

Abilene Plaza, Inc., Abilene, KS.
Alpha Systems Incorporated, Lenexa, KS.
Bateman Sales Co., Inc., Topeka, KS.
Biles & Long Men's Wear, Inc., Hutchinson, KS.
Biotech, Inc., Overland Park, KS.
Black Jack Investment Club, Inc., Sedan, KS.
Bradley Fertilizer, Inc., Belpre, KS.
Bride & Groom's Handbook, Inc., McPherson, KS.
Brueggeman Truck Line, Inc., Dighton, KS.
Builders Woodwork & Supply, Inc.,
Hutchinson, KS.
C.B.J. Enterprises Inc., Colony, KS.
Cameron Enterprises, Inc., Stanley, KS.
Cannatella's Construction Co., Inc., Mission, KS.
Cardiac Diagnostics, Inc., Lenexa, KS.
Central Kansas Insurance, Inc., Great Bend, KS.
Clothiers, The Fine Art of Fabric, Inc.,
Fairway, KS.
DAR, Inc., Newton, KS.
Dorothy's Dolls and Wizard of Oz Memorabilia,
Inc., Overland Park, KS.
Doug Rose, Inc., Kansas City, MO.
Dr. James D. Van Antwerp, M.D., Inc.,
Garden City, KS.
Energy Expansion, Inc., Wichita, KS.
Energy Marketing Associates, Inc., Hays, KS.
Essay Consulting Group, Inc., Merriam, KS.
Fabtec, Inc., Wichita, KS.
Fifteen Hundred Investments, Limited Partnership,
Wichita, KS.
Fogg of Girard, Inc., Girard, KS.
FPE, Inc., Olathe, KS.
Gugler-Teetzen-Gugler, Inc., Junction City, KS.
H. Brewer, Inc., Hutchinson, KS.
H. E. Suderman Loan Company, Newton, KS.
Hacker Construction, Inc., Wichita, KS.
Harvest Ministries Inc., Wathena, KS.
Heartland Investments, Inc., Overland Park, KS.
Highland Development, Inc., Highland, KS.
Hillsboro Fast Foods, Inc., Topeka, KS.
Hillview Pizza Hut, Inc., Topeka, KS.
Hueffle Livestock Company, Inc., Menlo, KS.
J. D. Harper Enterprises, Inc., Neodesha, KS.
J & G Electric Company, Inc., Wichita, KS.
Jameson Plumbing, Inc., Olathe, KS.
K/M Fab, Inc., Mulvane, KS.
KMR Enterprises, Inc., Emporia, KS.
KATCO, Inc., Topeka, KS.
Key Security Corporation, Overland Park, KS.
The Kindle Company, Inc., Lawrence, KS.

KO Investment Corporation, Overland Park, KS.
 Koehler Enterprises, Inc., Merriam, KS.
 L & C Construction, Inc., Shawnee, KS.
 Lungers Furniture, Inc., Augusta, KS.
 Marque II Enterprises, Inc., Stilwell, KS.
 Maverick Real Estate Corporation, Wichita, KS.
 Maysville Pizza Hut, Inc., Topeka, KS.
 McLaughlin Development Co., Inc., Topeka, KS.
 Mt. Washington Pizza Hut, Inc., Topeka, KS.
 NCI Co., Topeka, KS.
 The Neodesha Cooperative Association,
 Neodesha, KS.
 Normandy, Inc., Topeka, KS.
 Opticom Products, Inc., Overland Park, KS.
 P C & B-H, Inc., Toronto, KS.
 P.D. Enterprises, Inc., Shawnee, KS.
 The Pelletier Stores Company, Topeka, KS.
 Pork Royale Farm, Inc., Whiting, KS.
 Prairie Trace Homes Association, Topeka, KS.
 Rainproof Roofing, Inc., Wichita, KS.
 RDC Development Corporation, Anthony, KS.
 Reed Fuller Homes, Inc., Overland Park, KS.
 Riverview Club, Inc., Wichita, KS.
 Rogers Trailers Inc., Holcomb, KS.
 Roher's Inc., Hutchinson, KS.
 RUF Construction Co., Olathe, KS.
 Rupipers, Inc., Hutchinson, KS.
 S & B Associates, Inc., Overland Park, KS.
 Sagamore Management Systems, Inc.,
 Shawnee Mission, KS.
 Sekan Management Group, Inc., Independence, KS.
 Shirack Construction Co., Inc., Wichita, KS.
 Simpson Farm Enterprises, Inc., Ransom, KS.
 Southeast Insurance Services, Inc., Coffeyville, KS.
 Southwest Clinic Land & Building, Inc.,
 Dodge City, KS.
 Ta/Da Music Incorporated, Prairie Village, KS.
 Twilight Video, Inc., Kansas City, KS.
 U.S. Energy Corporation, Cedar Vale, KS.
 Vilinsky, Inc., Overland Park, KS.
 Wam, Inc., Kansas City, KS.
 Waters Construction, Inc., Kansas City, KS.
 Western Carpet Installation, Inc., Kansas City, KS.
 Wiley Improvement Company, Hutchinson, KS.
 William B. Larmer & Associates, Inc.,
 Overland Park, KS.
 19th Fairway Homes, Inc., Garden City, KS.

Foreign Corporations

A. J. August Clothing Company, St. Joseph, MO.
 Ag-Resources Incorporated, Scott City, KS.
 Allied Arborists, Incorporated, Kansas City, MO.
 American TV and Stereo Rental Incorporated,
 Poteau, OK.
 Andicore, Inc., Liberty, MO.
 Azad, Inc., Kansas City, MO.
 Bishop Construction Company, Inc.,
 Kansas City, MO.
 C & S Construction Co., Kansas City, MO.
 Clayton Brokerage Co. of St. Louis, Inc.,
 St. Louis, MO.
 Cook United, Inc., Maple Heights, OH.
 Craftsmen Construction Company, Inc.,
 Englewood, CO.

Drilling & Development Engineering, Inc.,
 Houston, TX.
 Dutoit Construction Co., Overland Park, KS.
 Economic Settlement Alternatives, Inc.,
 Kansas City, MO.
 Gallenkamp Leasing Corp., Columbus, OH.
 L D C Securities, Inc., Columbus, OH.
 La Jolla Properties, Incorporated, La Jolla, CA.
 Mannschreck/Matthies, Inc., Fairbury, NE.
 Marina Construction, Ltd., Lee's Summit, MO.
 Programming Enterprises, Inc., Venice, CA.
 R. R. Tway, Inc., Oklahoma City, OK.
 Rigel, Inc., Colorado Springs, CO.
 Southern Calibration & Service, Inc., Atlanta, GA.
 Sunwest Industries of Oklahoma,
 Oklahoma City, OK.
 Total Copy Systems, Inc., Kansas City, MO.
 Tru-Run, Inc., New York, NY.
 Video Take 2, Inc., Kansas City, MO.

BILL GRAVES
 Secretary of State

Doc. No. 005821

State of Kansas

TOPEKA STATE HOSPITAL

NOTICE TO BIDDERS

In accordance with 1987 House Bill No. 2097, the Secretary of Social and Rehabilitation Services is offering for sale a 5.5 plus land-locked tract of land located north of I-70 and MacVicar Avenue, fronting the river.

The tract of land is in the northeast quarter of section 26, township 11 south, range 15 east of the 6th p.m., city of Topeka, Shawnee County, Kansas, more particularly described as: Beginning at a point on the east line of said northeast quarter 2,168.89 feet north of the southeast corner of said northeast quarter, said point being on the north right of way line of the Chicago, Rock Island, and Pacific railroad; thence westerly on the north right of way line of the Chicago, Rock Island and Pacific railroad to a point 160.00 feet east of the city of Topeka property; thence northerly and parallel with the east line of the city of Topeka property to the south bank of the Kansas river; thence easterly on the south bank of the Kansas river to the east line of said northeast quarter; thence south on the east line of said northeast quarter 351.62 feet, more or less, to the point of beginning.

Interested bidders may contact the Division of Purchases, Landon State Office Building, Topeka, (913) 296-2377, to obtain bid forms. The Division of Purchases file number is 70378.

Sealed bids are to be submitted to the Division of Purchases by 2 p.m., November 6.

L. WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 005791

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
STATE EMERGENCY
RESPONSE COMMISSION**

NOTICE OF MEETING

The State Emergency Response Commission will meet at 9 a.m. Tuesday, October 13, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005825

WEDNESDAY, OCTOBER 21, 1987

#A-4868

Emporia State University—CONSTRUCT ANIMAL SHELTER FACILITY—EXISTING SCIENCE HALL

#A-5878

University of Kansas Medical Center—EMPLOYEE EXIT DRIVE, parking garage facility

#71191

Winfield State Hospital and Training Center—CELL COUNTER

#71192

Wichita State University—SPECTROFLUOROMETER

#71196

Department of Wildlife and Parks—FLOTATION DEVICES, various locations

#71199

University of Kansas Medical Center—DRAW SHEETS

THURSDAY, OCTOBER 22, 1987

#A-5450-1

Pittsburg State University—PHASE II RENOVATION, Technology Education Building

#A-5874

Kansas State University—REROOF SPECIFIED AREAS OF UMBERGER AND DYKSTRA HALLS

#26818

Department of Social and Rehabilitation Services—MICROFICHE, LASER PRINTING AND MAILING SERVICES

#71211

Department of Transportation—AGGREGATE, Richfield

#71214

Department of Social and Rehabilitation Services—CONTINUOUS MAILERS-FP-1520 FOOD STAMPS

#71236

University of Kansas—LAB FREEZER

FRIDAY, OCTOBER 23, 1987

#71252

Kansas State Penitentiary—JACKETS AND COVERALLS

#71254

Department of Transportation—GRADER BLADES—SNOW PLOW BLADES, Norton

#71286

University of Kansas—MICROFILM READER-PRINTER

FRIDAY, OCTOBER 30, 1987

#26239

Statewide—PUBLIC EMPLOYEES FAITHFUL PERFORMANCE BOND

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005834

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

MONDAY, OCTOBER 19, 1987

#27566

Department of Social and Rehabilitation Services, Kansas Industries for the Blind—WIRE INNERSPRING MATTERESS UNITS

#27672(Re-Bid)

University of Kansas Medical Center—ENTERAL PUMPS AND SETS

#27712

Statewide—SUPPLEMENTAL CORPORATE CHARGE CARDS

#70963

Wichita State University—TURF SCOOTERS

#71164

Department of Wildlife and Parks—AQUATIC AND TERRESTRIAL HABITAT STUDY, Melvern

TUESDAY, OCTOBER 20, 1987

#27409

University of Kansas Medical Center and other state agencies—CATHETERS (CLASS 07)

#27709

Wichita State University—SPRINKLERS

#71174

Wichita State University—FLOOR MACHINES

#71175

Emporia State University—OVERHAUL OF CENTRIFUGAL CHILLER

#71189

Department of Administration, Division of Personnel—SERVICE MEDALS

#71251

University of Kansas—PRINTER

#71253

Kansas State University—MICROCOMPUTER, MONITOR, SCANNER

State of Kansas

OFFICE OF THE GOVERNOR**EXECUTIVE ORDER NO. 87-97****CONCERNING THE GOVERNOR'S
COMMITTEE ON CRIME PREVENTION**

WHEREAS, by Executive Order No. 84-72, the Governor's Committee on Crime Prevention was continued in existence; and

WHEREAS, said committee has been composed of fifteen members appointed from a list submitted by the Attorney General; and

WHEREAS, committee staff support and committee expenses have been provided, by the Office of Attorney General; and

WHEREAS, the needs, goals and objectives of a committee on crime prevention are best addressed within the scope of the office of Attorney General; and

WHEREAS, the Attorney General has expressed both a desire and intention to establish an Attorney General's Committee on Crime Prevention with goals parallel to that of the Governor's Committee on Crime Prevention.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and Chief Executive of the State of Kansas, I hereby rescind Executive Order No. 84-72.

This document shall be filed with the Secretary of State as Executive Order No. 87-97, and shall become effective immediately.

Dated June 5, 1987.

MIKE HAYDEN
Governor
BILL GRAVES
Secretary of State

Doc. No. 005840

State of Kansas

OFFICE OF THE GOVERNOR**EXECUTIVE ORDER NO. 87-98****ESTABLISHING THE STATE SUPERCONDUCTING
SUPER COLLIDER PROJECT OFFICE AND
THE SSC COORDINATING COMMITTEE**

WHEREAS, the state of Kansas desires to have the Superconducting Super Collider (SSC) project located in Kansas; and

WHEREAS, the State wishes to assure coordination between the various state, local, and private entities during the planning, development, and implementation phases of the project; and

WHEREAS, the State specifically will need to assure all of its commitments to the Department of Energy are met on a timely basis; and

WHEREAS, the State desires to provide the Department of Energy with a single point of contact for acquisition of all needed permits and to provide other procedural assistance; to secure utility accesses and connections; and to provide and/or maintain access roads, highways, or other facilities; and to provide or secure other facility and/or related community needs;

NOW THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby direct the Kansas Department of Commerce to establish within the Department of Commerce the Superconducting Super Collider Project Office.

The SSC Project Office shall be staffed by a project manager designated by the Secretary of Commerce and such other staff as deemed necessary by the Secretary of Commerce. The SSC Project Office shall remain operational throughout the planning, development, and implementation phases of the SSC Project unless Kansas is advised that the project will not be located in this state.

The Secretary of Commerce shall establish a SSC Coordinating Committee and request participation by representatives of local government and private businesses as deemed necessary by the Secretary of Commerce and request the heads of the following state entities to designate representatives:

1. The Kansas Geological Survey;
2. The Kansas Biological Survey;
3. The Kansas State University College of Architecture and Design;
4. The Kansas Department of Transportation;
5. The Kansas Water Office;
6. The Kansas Department of Health and Environment; and
7. The Kansas Corporation Commission.

Under the supervision of the Secretary of Commerce, the SSC Project Manager shall serve as chairperson of the SSC Coordinating Committee. The Committee shall meet on call of the chairperson.

This document shall be filed with the Secretary of State as Executive Order No. 87-98, and shall become effective immediately.

Dated July 9, 1987.

MIKE HAYDEN
Governor
BILL GRAVES
Secretary of State

Doc. No. 005841

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 87-99

ESTABLISHING A CLEAN AIR POLICY IN THE WORKPLACES OF EXECUTIVE AGENCIES

WHEREAS, tobacco smoking has resulted in numerous deaths each year in the form of heart disease, emphysema, chronic bronchitis, and cancers of the lungs, mouth, throat, pancreas and bladders;

WHEREAS, smoking is the single most preventable cause of illness and death;

WHEREAS, health care costs are greatly increased as a result of illnesses resulting from smoking;

WHEREAS, smoking subjects nonsmokers to the toxic effect of smoke;

WHEREAS, the enactment of 1987 House Bill No. 2412 highlights the concerns of society arising from smoking; and

WHEREAS, a clean air policy in the workplaces of executive agencies will benefit our employees and citizens by reducing medical expenses, lost productivity, absenteeism, premature deaths, maintenance costs, and health insurance costs.

NOW, THEREFORE, under the authority vested in me as Governor of the State of Kansas, it is hereby ordered as follows:

I. That the secretary of administration shall designate the Docking State Office Building, Judicial Center, Landon State Office Building, Memorial Hall, Printing Plant, and the Wichita State Office Building as follows:

- a. All points of public ingress to these buildings will be posted "no smoking except in designated areas."
b. All common areas open to the public in these buildings, that is, restrooms, hallways, and stairwells, will be non-smoking areas.
c. Agency heads of those state agencies leasing space or assigned space in these buildings are to determine and post those areas, if any, which are designated smoking areas.

II. That state agencies occupying other state-owned buildings are responsible for posting the no-smoking signage required by House Bill No. 2412 and designating any areas where smoking is permitted.

III. That all state agencies in private leased space shall post areas under their control and open to the public with appropriate no-smoking signage as required by House Bill No. 2412 and that the designation of smoking areas, if any, in private leased space is the responsibility of the state agency leasing space.

This document shall be filed with the Secretary of State as Executive Order No. 87-99, and shall become effective immediately.

Dated July 1, 1987.

MIKE HAYDEN
Governor
BILL GRAVES
Secretary of State

Doc. No. 005842

State of Kansas

BOARD OF ACCOUNTANCY

NOTICE OF MEETING

The Board of Accountancy will meet at 9 a.m. Thursday, October 15, in conference room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending this meeting should contact the board office, (913) 296-2162, or Suite 907 at the address above.

GLEND A SHERMAN
Board Secretary

Doc. No. 005832

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-142

Soldiers, Sailors and Patriotic Emblems—Memorials, Monuments and Grave Markers—Disposal of Memorial Building and Land or Diversion of Use of Building, When. Mary S. Martin, Coffeyville City Attorney, Coffeyville, September 28, 1987.

Moneys derived from the issuance of bonds or levy of a tax under K.S.A. 73-402 constitute a special fund held in trust for the construction of a memorial monument. The trust character of such a special fund is impressed upon a memorial building produced therefrom, and upon insurance proceeds realized upon destruction of the memorial. Accordingly, the procedure for disposal of a memorial building, set forth in K.S.A. 73-446, applies to insurance proceeds realized from destruction of such a building.

In the absence of a charter ordinance adopted pursuant to Article 12, Section 5 of the Kansas Constitution, a memorial building constructed pursuant to K.S.A. 73-401 et seq. may not be used for a purely commercial enterprise. Cited herein: K.S.A. 73-401; 73-402; 73-404; 73-407; 73-446. TRH

Opinion No. 87-143

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Bodies Subject Thereto; Three Rivers, Inc, Don M. Rezac, Representative, 61st District, Onaga, September 28, 1987.

A private, nonprofit corporation is subject to the Kansas Open Meetings Act if it receives public funds in its operations and acts as a governmental agency in providing services to the public. As Three Rivers, Inc. appears to be such an agency, it is, in our opinion, subject to the Act. Cited herein: K.S.A. 75-4317; 75-4317a; K.S.A. 1986 Supp. 75-4318. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 005833

**State of Kansas
PUBLIC DISCLOSURE COMMISSION**

Advisory Opinion No. 87-16

Written June 9, 1987 to all interested persons.

Pursuant to K.S.A. 46-254, the Kansas Public Disclosure Commission takes this opportunity to issue its opinion on the applicability to K.S.A. 46-215 *et seq.* to members of Kansas, Inc. and Kansas Technology Enterprise Corporation and the president and employees of those organizations.

Under House Bill 2582, New Section 2(a), it is our opinion that the president of Kansas, Inc. and its employees are not covered by the provisions of K.S.A. 46-215 *et seq.*, since that subsection describes such individuals as state employees only under very limited circumstances and specifically precludes the definition of state employee applying to such individuals in all other settings. Similarly, under House Bill 2582, New Section 5(a), it is our opinion that the president and employees of Kansas Technology Enterprise Corporation do not fall under the provisions of K.S.A. 46-215 *et seq.*

Members of the corporations are treated differently since there is no specific exemption relating to them. Thus, since the members of Kansas Technology Enterprise Corporation receive compensation under K.S.A. 75-3223, they are state officers and employees by definition of K.S.A. 46-221 and the conflict of interest law applies to them. In addition, substantial interest statements will need to be filed under K.S.A. 46-247(d) by those members to whom the provision applies.

Members of Kansas, Inc. are not subject to the conflict of interest laws contained in K.S.A. 46-215 *et seq.*, since they receive only expenses as provided in K.S.A. 75-3223(e) and are, therefore, exempt from the definition of state officer or employee under K.S.A. 46-221(a)(4). Those individuals who are members of Kansas, Inc. who are appointed subject to confirmation are, however, required to file the substantial interest statement under 46-247(d).

Advisory Opinion No. 87-17

Written June 9, 1987 to Ron Alexander, Topeka, Kansas.

This opinion is in response to your letter of May 25, 1987, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction on this matter is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not here applying. Thus, whether some other common law, statutory system, rule and regulation or administrative policy applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as an employee of the Kansas Department of Social and Rehabilitation Services/Alcohol and Drug Abuse Service (SRS/ADAS). SRS/ADAS provides funding to the Wichita public schools via grants to operate a training program. In the past as part of your

duties you have instructed at the program. Your job duties have now changed and do not include teaching in the program but you have been asked to do so by the school system.

You advise us that you do not participate in the making of the grant by SRS/ADAS to the school system, nor do you participate in licensing, regulating or inspecting the school system. You propose to take annual leave to work at the program.

You ask whether the consulting with the school system is permissible under the conflict of interest law.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety and it is our opinion, based on the factual situation provided to us, that the proposal you have made is permissible under the conflicts law.

Advisory Opinion No. 87-18

Written June 9, 1987 to Kenneth C. Clark, Hoyt, Kansas.

This opinion is in response to your letter received in our office on May 22, 1987.

We note at the outset that the commission's jurisdiction on this matter is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not here applying. Thus, whether some other common law, statutory system, rule and regulation or administrative policy applies to your question is not covered by this opinion.

We understand you request this opinion as a Public Information Officer with the Kansas Department of Revenue, Division of Vehicles. You advise us that you are preparing a book on the history of Kansas personalized license plates and regular license plates. The book is intended as a commercial venture. The book would contain a list by county of personalized license plates, which list was purchased from the department. We understand this is not a project that the department would undertake.

You ask whether you may publish such a book during your service as a state employee.

It is our opinion, based on the factual situation provided to us, that so long as you do not use confidential information acquired during your state employment, do the work on the book outside of state hours and do not participate on behalf of the state in the making of any contracts with yourself concerning the book, the project you describe is permissible under the general conflict of interest laws set out in K.S.A. 46-215 *et seq.*

LOWELL ABELDT
Chairman

Doc. No. 005830

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE OF PENDING
UNDERGROUND INJECTION
CONTROL PERMIT

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the continuation of use of two salt solution mining galleries, each consisting of five wells, within the state of Kansas, for the Vulcan Materials Company, P.O. Box 12283, Wichita 67277.

The wells are described as follows:

Well Number	Well Location
M-1	NW SE NW Section 20, Township 29S, Range 2W. Sedgwick County, Kansas.
M-2	NW SE NW Section 20, Township 29S, Range 2W. Sedgwick County, Kansas.
M-3	NW SE NW Section 20, Township 29S, Range 2W. Sedgwick County, Kansas.
M-4	NE SW NW Section 20, Township 29S, Range 2W. Sedgwick County, Kansas.
M-5	NE SW NW Section 20, Township 29S, Range 2W. Sedgwick County, Kansas.
J-26	SW NE NE Section 25, Township 29S, Range 3W. Sedgwick County, Kansas.
J-27	SW NE NE Section 25, Township 29S, Range 3W. Sedgwick County, Kansas.
J-28	SW NE NE Section 25, Township 29S Range 3W. Sedgwick County, Kansas.
J-29	SW NE NE Section 25, Township 29S, Range 3W. Sedgwick County, Kansas.
J-30	SW NE NE Section 25, Township 29S, Range 3W. Sedgwick County, Kansas.

These facilities are designed for the production of salt by solution mining activities.

Persons may submit written comments on the proposed determinations to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to November 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number and name of applicant as listed in preparing your comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations.

The application, proposed permit, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the address above. Division of Environment offices are open from 8 a.m. to 4:30 p.m., Monday through Friday.

These documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the address above.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005828

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

The Kansas Department of Health and Environment will conduct a public hearing at 11 a.m. Friday, October 30, in the Community Health conference room, 10th floor, Landon State Office Building, 9th and Jackson, Topeka, to consider the adoption of proposed permanent Kansas Department of Health and Environment rules and regulations.

The regulations are summarized as follows:

K.A.R. 28-17-6, fees for copies and searches. This regulation is changing the fee from \$4 to \$6 for searches of files or records. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to collect from the applicant a fee of \$6 for each five-year period for which a search is requested, or for each fractional part of that period. The state registrar shall also be entitled to collect a fee of \$6 for any search of files necessary for preparing amendment to a standard certificate already on file. This regulation would generate approximately \$6,500 per year.

K.A.R. 28-17-20, corrections to certificates and records. Clarifies how corrections may be made to vital records. This amended regulation does not impose any additional fiscal impact.

K.A.R. 28-17-21, dissemination of certain information to state and federal agencies. This is a new regulation that allows the department to provide other state and federal agencies with certain death certificate information for file clearance purposes. Since the fees charged will be limited to "cost of service," there will be no fiscal impact.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Dr. Lorne Phillips, Department of Health and Environment, 1st Floor, Landon State Office Building, 9th and Jackson, Topeka 66620-0001, (913) 296-1414.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005822

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment will conduct a public hearing at 1 p.m. Monday, November 2; in the auditorium of the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka, to consider the adoption of the following amended temporary and permanent Kansas Department of Health and Environment rules and regulations: K.A.R. 28-50-1, 28-50-2, 28-50-5, 28-50-6, 28-50-7, 28-50-8, 28-50-9 and 28-50-14, pertaining to asbestos control. These proposals are intended to be adopted as temporary and permanent regulations to become effective before January 1, 1988.

The major changes proposed in these regulations include the establishment of a new fee for the review of proposed asbestos control projects and increases in the fees that are presently charged for the licensing of asbestos control firms and the certification of asbestos control workers. Another proposal would substantially change the type and amount of training required of all of the state's certified asbestos control workers, so that the training conforms to new federal requirements that have been developed for persons who engage in asbestos control work that is done in elementary and secondary level school buildings. The remaining proposals involve changes in existing administrative and work practice requirements that are of lesser fiscal significance.

The new fee system is expected to generate approximately \$137,000 annually that will be used to defray expenditures from the state general fund, which presently support the state asbestos control program. The proposals to increase the training requirements for certified workers would result in an initial total expenditure of approximately \$500,000 for retraining of the state's 1200 currently certified workers. All but about \$100,000 of these expenditures could be expected to be incurred even without the amendments, because of the new federal regulations and most of the affected workers' probable future involvement in work done at schools. The remaining costs would be associated with employees of firms that specialize in industrial type asbestos removal and demolition work, or employees of a limited number of public agencies.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Howard Saiger, Department of Health and Environment, Forbes Field, Topeka 66620-0001, (913) 296-1544.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the

proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005829

State of Kansas

DEPARTMENT OF COMMERCE**NOTICE CONCERNING KANSAS
SMALL CITIES CDBG PROGRAM**

Public notice is hereby given that according to Public Law 93-383, Title I of the Housing and Community Development Act of 1974, as amended, and in compliance with 104(d) of the Act:

"(d) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under Section 106 or under Section 107(a), together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) or under Section 107(b) and to the requirements of subsection (b)(3) or Section 107(c)(3). Such report shall also be made available to the citizens in each grantee's jurisdiction in sufficient time to permit such citizens to comment on such report prior to its submission, and in such manner and at such times as the grantee may determine. The grantee's report shall indicate its programmatic accomplishments, the nature of and reasons for changes in the grantee's program objective, indications of how the grantee would change its programs as a result of its experiences, and an evaluation of the extent to which its funds were used for activities that benefitted low-and-moderate income persons. States shall report on the use made of funds distributed to local recipients when the State determines that all administrative actions and all required activities of the local recipient have been completed by the local recipient and the State. The report shall include a summary of any comments received by the grantee from citizens in its jurisdiction respecting its program."

Submission deadline of the performance and evaluation report to HUD is October 30, 1987.

The document may be obtained or reviewed and written comments on the performance and evaluation report will be received until 5 p.m. October 15 in the offices of the Kansas Small Cities CDBG Program, 400 W. 8th, Suite 500, Topeka 66603.

HARLAND PRIDDLE
Secretary of Commerce

Doc. No. 005826

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING
WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for water pollution abatement facilities for the feedlots described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations, of the state of Kansas and the Environmental Protection Agency. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kan Tex Feeders, Inc. Route 2, Box 73 Ulysses, KS 67880	S½ Section 16, NE¼ Section 21 & NW¼ Section 22, Township 30S, Range 36W, Grant County, KS	Cimarron River Basin

Kansas Permit No: A-CIGT-C002 Fed. Permit No: KS-0036749

The feedlot has capacity for approximately 25,000 cattle with expansion planned for an additional 35,000 cattle and a contributing drainage area of approximately 405 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 135 acre-feet.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit may be submitted to Bethel Spotts, Clerk, Permit Program, Department of Health and Environment, Division of Environment, Water Pollution Control, Forbes Field, Topeka 66620. All comments received prior to November 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination within 60 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

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

These documents are available upon request at the copying cost assessed by the department. Additional

copies of this public notice may also be obtained at the Division of Environment.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005836

State of Kansas

KANSAS WATER AUTHORITY

NOTICE OF STATE WATER PLAN
INFORMATION FORUM

The Kansas Water Authority will conduct a State Water Plan information forum for members of organizations and committees interested in recommendations to implementation of the plan. The forum will be held October 22 at the Holidome, 1400 N. Loraine, Hutchinson, beginning at 1 p.m.

The purpose of the forum is to brief key members of interested organizations on the recommendations in the state water plan and to begin a dialogue on the actions necessary to implement the plan. Representatives from all local units of government and all private organizations or committees with an interest in water issues are encouraged to participate. The public may also attend.

The agenda for the forum is as follows:

State Water Plan Information Forum

1:00 p.m.	Convene Purpose and Process	John L. Baldwin, Hutchinson, Chairman, Kansas Water Authority Kansas Water Office
1:15 p.m.	Quality Section Overview, Discussion	Larry Panning, Ellinwood, Chairman, Quality Committee Kansas Water Office
2:00 p.m.	Management Section Overview, Discussion	Doyle Rahjes, Agra, Chairman, Management Committee Kansas Water Office
2:45 p.m.	Break	
3:00 p.m.	Basin Planning Sections Overview, Discussion	Helen Schabel, Cherryvale, Chairperson, Basin Planning Committee Kansas Water Office
3:45 p.m.	Summary, Comments	Bob Binder, Hays, Chairman, Federal and State Affairs Committee
4:00 p.m.	Adjourn	

Members of organizations may register for the forum by contacting Dotty Kester in the Kansas Water Office, Suite 200, 109 S.W. 9th, Topeka 66612-1215, (913) 296-3185, by October 20. Attendance will be limited to two participants from each organization and local units of government. There is no registration fee.

JOHN L. BALDWIN
Chairman

Doc. No. 005838

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE CONCERNING
WATER POLLUTION
CONTROL PERMIT**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Natural Gas Pipeline Company of America 701 E. 22nd P.O. Box 1207 Lombard, IL 60148 Cloud County, Kansas	Republican River via Oak Creek	Hydrostatic test discharge

Kansas Permit No. I-LR08-P005 Fed. No. KS-0085910
Description of facility: Water is discharged to Oak Creek after it is used to hydrostatically test an existing natural gas pipeline. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Boeing Military Airplane Company 380 S. Oliver Wichita, KS 67210 Sedgwick County, Kansas	Arkansas River via unnamed tributary	Process wastewater and stormwater

Kansas Permit No. I-AR94-P020 Fed. No. KS-0000396
Description of facility: This facility manufactures aircraft components and assembles and rehabilitates operational aircraft for military and commercial purposes. This is an existing facility and the previous effluent limitations have been modified. Proposed effluent limitations are pursuant to Kansas surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Sedan Limestone Company, Inc. Portable Plant #1 P.O. Drawer J Sedan, KS 67361 Elk County, Kansas	Verdigris River via Fall River via Indian Creek via Little Indian Creek	Stormwater runoff

Kansas Permit No. I-VE17-P001 Fed. No. KS-0085774
Description of facility: Limestone crushing operation with no washing, seasonal operation lasting two to three months. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Timber Wolf Estates Wastewater Treatment Facility c/o Johnson County Unified Wastewater Districts 6000 Lamar P.O. Box 39 Shawnee Mission, KS 66201 Johnson County, Kansas	Wolf Creek	Secondary wastewater treatment facility

Kansas Permit No. M-M014-0003 Fed. No. KS-0082970
Description of facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Forbes Field, Topeka 66620.

All comments received prior to November 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number and name of applicant as listed in preparing your comments.

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

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the address above. Division of Environment offices are open from 8 a.m. to 4:30 pm., Monday through Friday.

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

STANLEY C. GRANT, Ph.D.
Secretary of Health and Environment

Doc. No. 005835

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

It is the intent that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. November 19, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Wyandotte—35-105 K-1775-03—I-35, 0.3 mile south of the Johnson-Wyandotte county line northeast to K-12 (Southwest Boulevard), 2.3 miles, grading, surfacing and bridge. (Federal Funds)

Wyandotte—35-105 K-2701-02—I-35 and 18th Street Expressway (U.S. 69) interchange, grading, surfacing and bridge. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

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

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005837

(Published in the KANSAS REGISTER, October 8, 1987.)

NOTICE OF REDEMPTION

Kansas City, Kansas

Single Family Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that, pursuant to section 3.01 of the Trust Indenture dated May 1, 1980, \$2,915,000 principal amount of the bonds are called for redemption November 1, 1987, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

- Due May 1, 1988: 369, 381, 390, 399, 408, 427, 437
Cusip 484770-BD
Due May 1, 1989: 448, 460, 471, 480, 490, 500, 514, 521
Cusip 484770-BE
Due May 1, 1990: 531, 545, 568, 578, 589, 597, 605
Cusip 484770-BF
Due May 1, 1991: 619, 629, 639, 648, 656, 679, 686, 696, 709
Cusip 484770-BG
Due May 1, 1992: 719, 732, 740, 751, 760, 772, 782, 792, 802, 814
Cusip 484770-BH
Due May 1, 1993: 827, 837, 856, 867, 877, 887, 900, 911, 918, 927, 940
Cusip 484770-BJ
Due May 1, 1994: 950, 959, 971, 982, 1007, 1017, 1027, 1036, 1046, 1054, 1066, 1076
Cusip 484770-BK
Due May 1, 1995: 1084, 1092, 1103, 1116, 1126, 1137, 1145, 1155, 1166, 1174, 1185, 1195, 1205
Cusip 484770-BM
Due May 1, 1996: 1233, 1245, 1256, 1266, 1277, 1287, 1298, 1308, 1322, 1332, 1345, 1358, 1373, 1383
Cusip 484770-BN

Due May 1, 1999 (Cusip 484770-BP)

Table with 6 columns of serial numbers for Due May 1, 1999 (Cusip 484770-BP)

Due May 1, 2012 (Cusip 484770-BL)

Table with 6 columns of serial numbers for Due May 1, 2012 (Cusip 484770-BL)

(Published in the KANSAS REGISTER, October 8, 1987.)

2527	3436	4339	5384	6322	7199
2541	3451	4353	5396	6335	7214
2554	3462	4367	5409	6346	7228
2576	3475	4379	5424	6359	7240
2592	3487	4401	5434	6377	7254
2603	3500	4414	5449	6390	7265
2616	3514	4431	5465	6401	7283
2627	3526	4443	5476	6418	7297
2643	3537	4454	5494	6435	7309
2656	3548	4470	5506	6451	7321
2669	3562	4480	5519	6464	7338
2681	3575	4498	5529	6475	7351
2693	3586	4523	5540	6487	7364
2709	3595	4533	5553	6499	7376
2721	3609	4551	5566	6511	7388
2735	3622	4589	5581	6523	7403
2756	3637	4599	5593	6534	7416
2769	3651	4612	5604	6547	7427
2780	3663	4625	5614	6557	7441
2794	3676	4635	5634	6568	7456
2810	3693	4652	5648	6579	7468
2822	3705	4666	5659	6591	7481
2835	3717	4680	5672	6604	7495
2849	3730	4695	5686	6613	7507
2862	3744	4704	5699	6626	7520
2878	3756	4719	5712	6639	7536
2892	3769	4730	5725	6649	7555
2905	3783	4740	5736	6661	7567
2919	3795	4753	5750	6675	7579
2932	3809	4767	5764	6688	
2946	3822	4776	5779	6705	
2959	3838	4805	5791	6716	
2974	3852	4816	5810	6730	
2986	3877	4828	5842	6741	

NOTICE OF REDEMPTION
City of Hutchinson, Kansas
Sewage System Revenue Bonds
Series 1981
Dated December 1, 1981

Notice is hereby given to the holders of the Sewage System Revenue Bonds, Series 1981, of the city of Hutchinson, Kansas, dated December 1, 1981, that the city hereby calls for redemption on November 1, 1987, the following bonds of said series:

Bond Numbers	Principal Amount	Maturity May 1	Interest Rate
1- 25	\$125,000	1988	9.75%
26- 53	140,000	1989	10.00%
54- 83	150,000	1990	10.25%
84-108	125,000	1991	10.50%

On such date, each of the aforesaid bonds shall become due and payable at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest thereon to November 1, 1987, and from and after such redemption date interest shall cease to accrue and be payable on said bonds.

Dated October 1, 1987.

City of Hutchinson, Kansas
 By James D. Dennison
 Merchants National Bank of Topeka
 as Escrow Trustee

Doc. No. 005844

(Published in the KANSAS REGISTER, October 8, 1987.)

NOTICE OF BOND SALE
\$23,880,000
Internal Improvement Bonds
Series, 1987
(general obligations payable from
unlimited ad valorem taxes)
and Library Bonds
Series 1987
of Johnson County, Kansas

Sealed Bids

Sealed bids will be received by the undersigned, finance director of Johnson County, Kansas, on behalf of the Board of County Commissioners at the Johnson County Courthouse, Room 206, Cherry Street at Santa Fe, Olathe, Kansas, until 10 a.m. C.D.T. on Thursday, October 15, 1987, for the purchase of \$23,880,000 aggregate principal amount of internal improvement bonds, Series 1987, and Library Bonds, Series 1987, (collectively, the bonds), of the county hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated November 1, 1987, and becoming due serially on September 1 in the years as follows:

(continued)

The serial numbers of the registered bonds to be partially redeemed in the amounts described below:

Due May 1, 1990:

Cusip 484770-BF

Registered Bond Number	Amount Called
R 5	5,000

Due May 1, 1999:

Cusip 484770-BP

R 56	5,000
R 138	5,000
R 144	25,000
R 150	5,000
R 161	5,000

Due May 1, 2012:

Cusip 484770-BL

R 11	5,000
R 49	5,000
R 127	5,000
R 146	5,000
R 159	200,000
R 166	5,000
R 170	5,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers when presenting their securities for collection.

Notice is hereby given that on and after November 1, 1987, interest on the bonds hereby called for redemption shall cease to accrue.

Security Bank of Kansas City
 Kansas City, Kansas, Trustee

Doc. No. 005789

\$23,215,000
Internal Improvement Bonds
Series 1987

Maturity September 1	Principal Amount	Maturity September 1	Principal Amount
1988	1,925,000	1998	390,000
1989	1,925,000	1999	390,000
1990	1,925,000	2000	390,000
1991	1,925,000	2001	390,000
1992	1,925,000	2002	390,000
1993	1,925,000	2003	390,000
1994	1,925,000	2004	390,000
1995	1,925,000	2005	390,000
1996	1,925,000	2006	390,000
1997	1,935,000	2007	445,000

\$665,000
Library Bonds
Series 1987

Maturity September 1	Principal Amount	Maturity September 1	Principal Amount
1988	70,000	1993	70,000
1989	70,000	1994	70,000
1990	70,000	1995	70,000
1991	70,000	1996	70,000
1992	70,000	1997	35,000

(Plus Accrued Interest)

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1988.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the county and the Kansas Attorney General. The bonds will be registered as either fully registered certificated bonds or uncertificated (book entry) bonds.

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

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar at least two weeks prior to the closing date. In the absence of such information, the county will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the county at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the county by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1997, inclusive, shall become due without option of prior payment. At the option of the county, bonds maturing in the years 1998 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 county in such equitable manner as it may determine) on September 1, 1997, or on any interest payment date thereafter at par, plus accrued interest to the redemption date.

Whenever the county is to select bonds for the purpose of redemption, it will, 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 county elects to call any bonds for redemption and payment prior to the maturity thereof, the county will publish once in a financial journal published in New York, New York, a notice of the intention of the county to call and pay said bonds, the same being described by number and maturity, said notice to be published not less than 30 days prior to the date on which said bonds are called for payment. The county will also give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by first class United States mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, Topeka, Kansas, to the paying agent, 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 bonds shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly Credit Markets in New York, New York, on the Monday preceding the day on which the bonds are sold, plus 2 percent. No rate specified may be lower than any rate specified for an earlier maturity of the bonds. 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. Each bid must specify the total interest cost to the county during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid, all certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the county on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body will determine which bid, if any, shall be accepted, and its determination will be final. The county reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to and in full compliance with the constitution and laws of the state of Kansas, including K.S.A. 12-1257, as amended by Chapter 69, 1987 Session Laws of Kansas, K.S.A. 19-101a, K.S.A. 25-4403 and 25-4404, K.S.A. 68-580 to 68-585, inclusive, K.S.A. 68-728, all as may be amended, and the county's charter resolution 18-84 and home rule resolution 78-87, for the purpose of paying the cost of certain road, bridge and sewer improvements, purchase and renovation of a building for Human Services offices and the nursing home, acquisition of voting machines, building and other improvements to the library. The internal improvement bonds, Series 1987, constitute general obligations of the county and are payable as to both principal and interest from ad valorem taxes which may be levied upon all the taxable tangible property, real and personal, within the territorial limits of the county. The wastewater and special benefit road portions are payable from special assessments levied upon property benefited by certain improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the county.

The library bonds, Series 1987, constitute an obligation of the county payable from ad valorem taxes levied upon all the taxable tangible property, real and personal, within the county *except* that contained within the city limits of the city of Olathe, Kansas.

Legal Opinion and Tax Exemption

In the opinion of Burke, Williams, Sorensen & Gaar, Overland Park, Kansas, bond counsel, assuming continued compliance by the county with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative

minimum tax imposed on such corporations. No opinion is expressed regarding other federal tax consequences arising with respect to the bonds.

The Internal Revenue Code of 1986, as amended, imposes certain requirements which must be met subsequent to the issuance of the bonds in order for the interest thereon to be and remain excluded from gross income for federal income tax purposes. Non-compliance with such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issue of the bonds. These requirements include, but are not limited to, limitations on the use of bond proceeds and restrictions on the yield which may be earned on the investment of bond proceeds and other amounts. In the resolution authorizing the issuance of the bonds, the county will covenant to comply with the provisions of the code relating to the exclusion of the interest on the bonds from gross income for federal income tax purposes.

The county has not designated the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code.

Prospective purchasers of the bonds should be aware that (1) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds or, in the case of a financial institution (within the meaning of Section 265(b)(5) of the code), that portion of an owner's interest expense allocable to interest on the bonds; (2) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (3) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (4) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (5) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (6) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers to the applicability of these consequences.

A form of bond counsel's opinion is contained in the official statement of the county with respect to the bonds.

Delivery and Payment

The county will pay for printing the bonds and will

(continued)

deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the continental United States as may be specified by the successful bidder and is acceptable to the county. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the county.

The number, type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners must be submitted in writing by the successful bidder to the county and bond registrar no more than 10 days after the sale date. In the absence of such information, the county will deliver the bonds in the denominations of each maturity registered in the name of the successful bidder. The successful bidder shall make a bona fide public offering of the bonds, and, as a condition to the county's obligation to deliver the bonds, the successful bidder must furnish to the county, no more than 10 days after the sale date, a certificate acceptable to bond counsel (a) specifying the reoffering price at which a substantial amount (at least 10 percent of the bonds of each maturity) of the bonds was sold to the public (excluding bond houses, brokers and other intermediaries) and (b) certifying as to the accuracy of such reoffering prices.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable the order of the county. If a bid is accepted, said check or the proceeds thereof will be held by the county until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

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 or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

Bond Rating

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned finance director and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the Johnson County Courthouse, Room 206, Cherry at Santa Fe, Olathe, KS 66061, and must be received by the undersigned prior to 10 a.m. C.D.T. on Thursday, October 15, 1987.

Official Statement

The county has prepared a preliminary official statement dated October 1, 1987, copies of which may be obtained from the finance director. Upon the sale of the bonds, the county will adopt the final official statement and, upon request, will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county, as of August 25, 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$1,181,983,368
Tangible valuation of motor vehicles	328,123,247
Equalized assessed tangible valuation for computation of bonded debt limitations	\$1,510,106,615

The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$119,855,000. Virtually all of such indebtedness is exempt from the county's statutory debt limit. Temporary notes in the principal amount of \$12,752,253.53 will be retired out of proceeds of the bonds and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the Finance Director, Johnson County Courthouse, Room 206, Olathe, KS 66061, Attention: Ronald Cousino, (913) 782-5000.

Dated October 1, 1987.

JOHNSON COUNTY, KANSAS

By Ronald F. Cousino

Finance Director

Johnson County Courthouse

Room 206

Olathe, KS 66061

(913) 782-5000

Doc. No. 005827

(Published in the KANSAS REGISTER, October 8, 1987.)

NOTICE OF BOND SALE

\$4,970,000

**City of Topeka, Kansas
General Obligation Bonds
Series 1987-B**

(Internal Improvement Bonds)

Sealed Bids

Sealed bids for the purchase of \$4,970,000 principal amount of general obligation bonds, Series 1987-B (internal improvement bonds), of the city hereinafter described will be received by the undersigned, city clerk of the city of Topeka, Kansas, on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, until 11 a.m. C.D.T. on Tuesday, October 13, 1987. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1987, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1992	\$470,000
1993	500,000
1994	500,000
1995	500,000
1996	750,000
1997	750,000
1998	750,000
1999	750,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1988.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

the bond registrar, will be the responsibility of the bondholders.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on November 1, 1995 and thereafter will be subject to redemption and payment prior to maturity on November 1, 1994, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select 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 bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. 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 index of treasury bonds published by the weekly 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 1.5 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be

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initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various internal improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 was signed into law by the President of the United States on October 22, 1986. The provisions of the code regarding obligations of state and local units of government are generally effective for obligations such as the bonds issued after August 31, 1986. Certain of these provisions impose requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Further-

more, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does not intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds without cost to the successful bidder, properly prepared, executed and registered on or prior to October 28, 1987, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and

bond registrar not later than 4 p.m. C.D.T. on October 19, 1987. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 4 p.m. C.D.T. on October 19, 1987, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$99,400, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the city as and for liquidated damages.

CUSIP Numbers

CUSIP identification numbers will be printed on the 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 this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bond Ratings

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 11 a.m. on Tuesday, October 13, 1987.

Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial adviser, Shearson Lehman Brothers Inc., 2345 Grand Ave., Suite 1600, Kansas City, MO 64112, (816) 346-6101. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1987 is \$455,877,284. The total general obligation bonded indebtedness of the city, following the concurrent issuance of the bonds and the city's temporary notes, Series 1987-B, dated October 1, 1987, in the aggregate principal amount of \$3,195,000, is \$75,455,000. There will be retired out of the proceeds of the bonds herein offered for sale temporary notes in the aggregate principal amount of \$3,301,000. A description of the city's temporary notes, Series 1987-B, is set forth within the city's official statement relating to said notes, copies of which may be obtained from the city clerk or the financial adviser. In accordance with the financial adviser's agreement with the city, the financial adviser will not be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated October 1, 1987.

CITY OF TOPEKA, KANSAS

Norma E. Robbins

City Clerk

City Hall

215 E. 7th

Topeka, KS 66603

(913) 295-3940

Doc. No. 005843

(Published in the KANSAS REGISTER, October 8, 1987.)

NOTICE OF NOTE SALE

\$3,195,000

City of Topeka, Kansas

Temporary Notes

Series 1987-B

Sealed Bids

Sealed bids for the purchase of \$3,195,000 principal amount of temporary notes, Series 1987-B, of the city hereinafter described will be received by the undersigned, city clerk of the city of Topeka, Kansas, on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, until noon C.D.T. on Tuesday, October 13, 1987. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter.

Note Details

The notes will be issued in the principal amount of \$3,195,000 as negotiable bearer notes, dated October 1, 1987, and maturing on September 1, 1988. The notes will be numbered from 1 consecutively upward and will be in the denomination of \$5,000 or any integral multiple thereof as designated by the successful bidder. No more than 150 notes will be issued.

The notes will bear interest at the rate to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity. The principal of and interest on the notes will be payable in federal reserve funds at a bank or trust company located in a city in which a federal reserve bank is located which is specified by the successful bidder and approved by the city. Any collection charges made by a bank or trust company in connection with payment of the principal of and interest on the notes will be paid by the successful bidder. The city clerk must be advised within 48 hours after the time of the bid opening of the denominations of the notes and of the place of payment of the principal of and interest on the notes. In the absence of such information, the city will deliver notes in the denomination determined by the city. The notes will not be subject to redemption prior to maturity.

Conditions of Bids

Proposals will be received on the notes bearing such rate of interest as may be specified by the bidders, subject to the following conditions: The bid shall offer to purchase all of the notes for not less than par plus accrued interest. The same interest rate shall apply to all notes, and no interest rate shall exceed a rate equal to the treasury bonds index published by the weekly Credit Markets in New York, New York, on the Monday next preceding the day on which the notes are sold, plus 2 percent. Each bid shall specify the total interest cost to the city on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the annual net interest rate to the city on the basis of such bid. Bids should be computed on a 30-day month and 360-day year basis.

If the bidder intends to offer the notes to the public, it shall specify in the bid form the price (exclusive of

accrued interest), expressed as a dollar price, at which it intends to initially offer the notes to the public (the initial reoffering price). If the bidder does not intend to reoffer the notes, it shall upon the closing of the issuance of the notes certify by executing a certificate acceptable to the city's bond counsel that it is purchasing the notes as its own investment and that it has no present intent to reoffer the notes to the public.

Basis of Award

The award of the notes will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the annual net interest rate specified, the specified net interest cost shall govern and the interest rate specified in the bid shall be adjusted accordingly. If two or more proper bids providing the identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authority and Security for the Notes

The notes are being issued pursuant to K.S.A. 10-123, which authorizes municipalities to issue temporary notes to finance the costs of improvements which have been duly authorized by the municipality and which will be paid for by the issuance of general obligation bonds. The statute provides that renewal temporary notes may be issued upon the maturity of such temporary notes for improvements that have not been completed or for other specified reasons. The statute further provides that such temporary notes shall constitute general obligations of the municipality which issues them.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 was signed into law by the President of the United States on October 22, 1986. The provisions of the code regarding obligations of state and local units of government are generally effective for obligations such as the notes issued after August 31, 1986. Certain of these provisions impose requirements on the city which must be met subsequent to the issuance of the notes by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the notes. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the notes. Purchasers of the notes should be aware that should the notes lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the notes are neither callable nor will the rate of interest on the notes be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the notes, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without

regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the notes.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the notes if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does not intend to designate the notes as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

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

Delivery and Payment

The city will pay for printing the notes and will deliver the notes, without cost to the successful bidder, properly prepared, executed and registered in the office of the Kansas State Treasurer, on or prior to October 28, 1987, at such bank or trust company located in a city in which a federal reserve bank is located as may be specified by the successful bidder and approved by the city. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the notes and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the notes affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the notes shall be made in federal reserve funds, immediately subject to use by the city.

The successful bidder shall, if it has offered the notes to the public, furnish the city by 4 p.m. C.D.T. on October 19, 1987, a certificate acceptable to the city's bond counsel to the effect that (i) the successful

bidder has made a bona fide public offering of the notes at the initial reoffering prices, and (ii) a substantial amount of the notes was sold to the public (excluding brokers and other intermediaries) at such initial reoffering price. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the notes was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the notes).

Note Rating

The outstanding general obligation notes of the city are rated "MIG-1" by Moody's Investor Service, Inc., and the city has applied for rating on the notes herein offered for sale.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Temporary Notes." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to noon C.D.T. on Tuesday, October 13, 1987.

Official Statement

Upon the sale of the notes, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the notes may be obtained from the city clerk or the city's financial adviser, Shearson Lehman Brothers Inc., 2345 Grand Ave., Suite 1600, Kansas City, MO 64112, (816) 346-6101. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder. In accordance with the financial adviser's agreement with the city, the financial adviser will not be submitting a bid or participating in a group submitting a bid for the purchase of the notes.

Dated October 1, 1987.

CITY OF TOPEKA, KANSAS
Norma E. Robbins
City Clerk
City Hall
215 E. 7th
Topeka, KS 66603
(913) 295-3940

Doc. No. 005824

State of Kansas

**DEPARTMENT OF REVENUE
DIVISION OF
ALCOHOLIC BEVERAGE CONTROL**

**SUMMARY OF TEMPORARY
ADMINISTRATIVE REGULATIONS**

The following is a summary of regulations adopted by the Alcoholic Beverage Control Division of the Department of Revenue. The complete text of the following regulations has not been published because of its length and the excessive expense of publication. These regulations were adopted by the secretary of the Kansas Department of Revenue on July 1, 1987 and approved by the Kansas Rules and Regulations Review Board on July 1, 1987. Copies of the complete text of any of the following regulations may be obtained by contacting the Legal Section, Alcoholic Beverage Control Division, Kansas Department of Revenue, Topeka 66625-1284, (913) 296-3946.

Article 1.—DEFINITIONS

14-1-1. Definitions. Defines the following terms: church, public bonded liquor warehouse, premises, drinking establishment, hotel, club and caterer.

Article 2.—LICENSEES AND VENDORS

14-2-1. Living quarters connected with licensed premises prohibited. Prohibits licensees from having living quarters opening into their licensed premises; exception for drinking establishments and hotels.

14-2-3. Licensees, eligibility; interest of individual or corporation stockholder in cereal malt beverage license as disqualification. Establishes eligibility criteria for licensing of individuals and corporations based on beneficial interests relating to cereal malt beverages and malt products; amendments change certain restrictions. Any stockholder of a corporation applying for a manufacturer's or nonbeverage user's license, who owns more than 25 percent of the stock of such corporation and is also a stockholder in any corporation which is licensed for cereal malt beverages and malt products, is deemed to have a beneficial interest in such licensed operations. Any corporation in which the stockholder owns more than 25 percent of the stock shall not be eligible to have a manufacturer's or nonbeverage user's license.

14-2-8. Gambling and gambling devices and certain other devices on licensed premises prohibited. Prohibits gambling of any kind or character on the licensed premises; lottery exception.

14-2-19. Licenses not issued to persons beneficially interested in illegal businesses. Prohibits licensing to persons who have a beneficial interest in any illegal business which is contrary to the laws of this state relating to public morals, decency, gambling devices, or bookmaking; lottery exception.

14-2-20. Former licensees or premises with outstanding citations; licensee qualifications; rejection. Establishes criteria for rejecting application for a li-

cense related to the former licensee or former premises that has been involved in an attempt to circumvent remedial action taken by the director.

14-2-22. Defective liquor containers; repurchase by distributor; when allowed. Describes defective liquor containers that may not be knowingly sold by distributors and permits buy back by distributors of alcoholic liquor and cereal malt beverage which is damaged or otherwise not fit for resale to the general public.

Article 3.—RETAILERS

14-3-7. Sales and deliveries must be made within licensed premises. Restricts the sale and delivery of alcoholic liquor within the licensed premises of retailer, except as provided by K.A.R. 14-3-8.

14-3-8. Transactions, agreements and deliveries by retailer for sale or resale off licensed premises; registration of vehicle. Any retailer may sell and deliver alcoholic liquor to a club, drinking establishment or caterer provided such deliveries are made to the licensed premises by a registered employee and registered vehicle of the retailer. Describes additional criteria concerning sale and resale of alcoholic liquor by retailers.

14-3-11. Liquor must be stored in licensed premises; exception. Requires storage of alcoholic liquor in the licensed premises unless the director provides written authority for an exception. Alcoholic liquor shall not be stored in the licensed premises after sale except upon written authority of the director.

14-3-15. Inducements with sale of alcoholic liquor prohibited. Restricts retailer from offering any inducements with the sale of any alcoholic liquor.

14-3-19. Intoxicated persons on licensed premises. Prohibits licensee from allowing an intoxicated person to be upon the licensed premises.

14-3-20. Use of licensed premises for conduct of business of others prohibited. Retailers shall not permit any other person to use the licensed premises for any other business activity except for lottery operations if authorized by the Kansas lottery commission.

14-3-22. Certain rebates, agreements and transactions prohibited between retailers and distributors. Retailers shall not accept any cash rebate or purchase any alcoholic liquors at a price less than the listed price as filed by the distributor in the office of the director.

14-3-35. Sales to licensed clubs; drinking establishments and caterers; requirements for; reports of sales. Establishes requirements for sales to licensed clubs, drinking establishments or caterers. Retailers shall keep itemized sales slip for three years and shall submit to the director a certified report of all sales made to licensed clubs, drinking establishments, caterers or temporary permit holders during the preceding month.

14-3-38. Retailer shall not be employed by a licensed club, drinking establishment or caterer. Pro-

hibits a retail licensee or spouse of such licensee from employment in the capacity of an officer, a manager, or in connection with the mixing, serving, selling and dispensing of alcoholic liquor for a club, drinking establishment or caterer.

14-3-23, 14-3-24, 14-3-41. Revoked.

Article 4.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS

14-19-8, 14-19-9, 14-19-11, 14-19-12, 14-19-13. Revoked.

14-4-6. Corporations; stock ownership records; inspection of records; change of ownership or control; notices to director. Establishes requirements for maintaining registers of stockholders, records of elections and stocks issued, notification of stock transfers, change of ownership, and application hearings. The register shall contain the names, current addresses, amount of stock owned by each stockholder, and shall be open for inspection by the director, the director's agents or employees. Every corporation holding a manufacturer's, distributor's or nonbeverage user's license shall notify the director within 20 days after the transfer of any stock. The sale of the majority of the corporate stock or the transfer of control of a corporation holding a manufacturer's, distributor's, or nonbeverage user's license shall constitute a change of ownership and shall be deemed a sale of the licensed business.

14-4-7. Unlawful discrimination by manufacturers among distributors; sales in bulk; price listings; schedules of minimum prices to retailers; penalties. Establishes criteria for business operations conducted by manufacturers. Requires every manufacturer to file monthly price listings of alcoholic liquor in the office of the director. Each licensed distributor shall file with the director a notarized statement that the distributor will not discriminate among retailers. The penalty for specific violations shall be suspension or revocation of license.

14-4-22. Distributors; monthly report and state copy of invoices; when to be sent. Specifies requirements for such report of invoices at the end of each calendar month to show date of sale, invoice number, name of retailer, distributor or supplier, and dollar amount of sale.

Article 5.—TRANSPORTATION; CARRIERS; STORAGE

14-5-1. Alcoholic liquor (except beer) transported into state or federal area only by registered carriers. Except for a licensed distributor holding a valid private carrier permit and valid liquor carrier permit, all alcoholic liquor which is taxable under the act and shipped into this state or a federal area shall be transported only by common, contract or private carriers which hold liquor carrier permits issued by the director.

14-5-2. Carriers' permits; application; fees. Requires a common, contract or private carrier to obtain a

permit to transport alcoholic liquor within or into the state and a permit fee of \$5.00 at the time of application.

14-5-4. Storage of alcoholic liquor in transit in public liquor warehouses; reports of warehouseman. Requires written notice to the director within 48 hours of receipt or discharge of alcoholic liquor that is stored in transit by any public bonded liquor warehouse.

14-5-6. Required delivery of alcoholic liquor to distributor by common carrier. Requires all alcoholic liquor transported into this state and consigned to a licensed distributor or a licensed manufacturer to be delivered and received into the consignee's bonded warehouse.

14-5-3. Revoked.

Article 18.—CLASS A AND CLASS B CLUBS

14-18-2, 14-18-3, 14-18-4, 14-18-5, 14-18-6, 14-18-7, 14-18-8, 14-18-9, 14-18-10, 14-18-11, 14-18-12, 14-18-13, 14-18-14, 14-18-15, 14-18-16, 14-18-17, 14-18-18, 14-18-19, 14-18-20, 14-18-21, 14-18-22, 14-18-23, 14-18-25, 14-18-26, 14-18-28, 14-18-29, 14-18-30, 14-18-32, 14-18-33. Revoked.

Article 19.—CLASS A CLUBS

14-19-14. Definitions. Defines the following terms: alcoholic liquor, beer, beneficial interest, bulk wine, cereal malt beverage, director, licensed premises, manager, member, morals charge, nonprofit fraternal club, nonprofit social club, nonprofit war veterans club, person, retailer, spirits, and wine.

14-19-15. Applications and renewals; documents required. Describes the procedure and appropriate documents deemed necessary by the director to apply for a class A club license. Documents include appropriate copies of articles of incorporation, bylaws, partnership agreement, declaration of trust, or other documents setting forth the aims and purposes of the organization; a copy of lease or proof of ownership of club premises; a copy of any management or catering contract; a description of the club premises; a statement certifying compliance with applicable zoning regulations; a copy of appropriate federal income tax exemption forms; a statement certifying club is a bona fide nonprofit social, fraternal or war veterans club; registration and license fee in the form of a certified check, cashier's check, money order or cash; a disclosure statement listing individuals owning a beneficial interest in the club; and a disclosure statement of all personnel who will be mixing or dispensing alcoholic liquor.

14-19-16. Requirements for class A club license. Describes restrictions pertaining to officers, managers, directors, stockholders, spouses, partners, or owners associated with corporations, partnerships, business trusts or associations operating a class A club. A club shall not be issued a license if said individuals have been convicted of a felony; convicted of keeping a house of prostitution; convicted of any other crime

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opposed to decency and morality; are less than 21 years of age; supervise, or work as a law enforcement official; act as the agent of another; are ineligible for renewal based on first application; have had a club, drinking establishment, caterer's, cereal malt beverage license or temporary permit revoked; have a beneficial interest in the manufacture, wholesale, retail sale, or any other club or drinking establishment; have been a citizen of the United States for less than 10 years or a resident of the state of Kansas for less than one year; are not a resident of the county in which the club is located; or lease the club premises from an individual having a beneficial interest in the licensed business if rent includes gross receipts from sale of alcoholic liquor, other items to be mixed with alcoholic liquor, or club membership fees.

14-19-17. Issuance of license. Provides the criteria for the director to issue or refuse to issue a license to an applicant. The director shall issue a license to each applying organization who is determined to be a bona fide nonprofit social, fraternal or war veterans club pursuant to the definition contained in K.A.R. 14-19-14. An application for a license may be rejected when the club premises or individuals with a beneficial interest in the club have had a previous license revoked or surrendered due to violations of this act; delinquent taxes; or if such application for a new license is an apparent attempt to circumvent or avoid any possible remedial action taken by the director against the former licensee.

14-19-18. Licenses, loss or destruction of; application for and issuance of duplicate. States procedures for obtaining duplicate license. A duplicate license may be issued after ascertaining the facts and circumstances concerning the loss or destruction of the former license; and, if such application for a duplicate license is made in good faith and is true and correct.

14-19-19. Change of club status. Prohibits conversion of class A club license to a class B club or a drinking establishment license.

14-19-20. Refund upon voluntary cancellation. Provides for refund of one-twelfth of the annual license fee for each full calendar month of the license which remains, if the license is voluntarily cancelled and application for such refund is made to the director at the time of notice of cancellation.

14-19-21. Guests of members; reciprocal members; registration. Defines requirements and privileges of guests and reciprocal members of licensed private clubs. A member or reciprocal member of a licensed private club may bring guests if the guests are accompanied by the member. The extension of club privileges to a guest shall end with the departure of the member. All reciprocal members must legibly sign a reciprocal guest book maintained on the licensed premises of the club.

14-19-22. Roster of stockholders, partners, beneficiaries or associates. Each licensee shall maintain a current roster of stockholders, partners, beneficiaries or associates who are entitled to access and use of the

licensed premises and to services offered by the licensee.

14-19-23. Agreement for reciprocal membership. Permits two or more class A clubs to establish reciprocity of club membership. Class A clubs shall forward four copies of the reciprocal agreement to the director for approval. If a club severs its agreement, it shall notify the director in writing within five days of this severance. These provisions do not apply to a nationally chartered war veterans club.

14-19-24. Employees; registration of same; those prohibited. Defines criteria for officers and employees of a club who are involved in the mixing, selling, serving or dispensing of alcoholic liquor. Each club shall file with the director the names and addresses of those officers and employees of the club involved in the mixing, selling, serving or dispensing of alcoholic liquor. No club shall employ or continue to employ: any person under 18 years of age to serve alcoholic liquor or cereal malt beverage; any person under 21 years of age to mix or dispense alcoholic drinks; or, any person convicted of a felony, a crime involving a morals charge, or a violation of any intoxicating liquor law of any state.

14-19-25. Purchase of alcoholic liquor and cereal malt beverages; requirements and restrictions thereon. Permits purchase and delivery of alcoholic liquor only from a retailer and purchase and delivery of bulk wine, beer and cereal malt beverages from a distributor. Clubs shall purchase alcoholic liquor or beer only from retailers or distributors who possess a federal wholesaler's basic permit. All liquor purchased on any one particular day shall be picked up at the retail liquor store or delivered by the retailer prior to retailer's closing time on that same day. If purchased from a distributor, delivery shall be prior to the distributor's closing time on the following day. Each club shall maintain the sales slip for three years from the date of purchase which shows the unit cost, total cost, brand, size, proof, and amount of each brand; and, the names and addresses of the club and individuals involved in the buying, selling and delivering alcoholic liquor.

14-19-26. Licensee's responsibility for conduct of business and employees. Makes licensee responsible for any violation of rules and regulations by employees or other persons under contract related to the operation of any club while such employees or persons are engaged in and acting in the course of their employment.

14-19-27. Storage of liquor. Requires storage of liquor on the licensed premises of the club unless it has written approval from the director to do otherwise. Each club shall inform the director where liquor is stored in the club.

14-19-28. Removal of liquor from club premises prohibited. Prohibits removal of alcoholic liquor purchased on the club premises. A club shall not make any sales of alcoholic liquor which are not made for on-premise consumption.

14-19-29. Nontaxed liquor and refilling of containers prohibited. Prohibits refilling original alcoholic liquor containers. Alcoholic liquors shall only be dispensed from original containers bearing Kansas alcoholic liquor identification stamps. States requirements for bottles brought onto the club premises by members or guests. Each person bringing a bottle onto the club premises shall remove the bottle when departing from the club premises.

14-19-30. Cereal malt beverages sale allowed. Requires a club to notify the director when it obtains or renews a license for the retail sale of cereal malt beverages. Violation of any cereal malt beverage statute shall subject licensee to suspension or revocation of its license or to a monetary fine.

14-19-31. Minimum prices for drinks; how determined. Prohibits any licensed club from selling a drink to any person for less than the acquisition cost of that drink and defines acquisition cost as the cost of all alcoholic liquor and any liquid of a non-alcoholic nature contained in the drink. In determining the minimum price, a club shall not include the drink tax which shall be collected in addition to the minimum price for the drink.

14-19-32. Clubs charge the same price for the same drink all day; day defined. Prohibits variable prices for the same drink between the opening and closing hours for a single business day. Any particular drink offered for sale at any time during the day shall be offered at the same price for the entire day. A licensee shall not make any false or misleading representations with respect to any alcoholic liquor product nor deceive a customer by removing or changing any label from a container of alcoholic liquor or beer.

14-19-33. Licensee must pay city or county license tax before making sales. Requires licensee to pay annual occupation or license tax imposed by the city or county before operating club for business. No licensee shall sell 3.2 beer without first having obtained a cereal malt beverage license.

14-19-34. Federal retail stamp. Requires licensees to purchase from the United States bureau of alcohol, tobacco and firearms a federal retail stamp and to display stamp, or proof of payment for the stamp, in public view on the licensed premises.

14-19-35. Excise, sales and withholding tax must be current. Makes class A club subject to a fine or cancellation of its license for delinquent payment of excise taxes, sales tax, withholding tax; or failure to register with director of taxation for an excise tax registration number, retailers' sales tax number or Kansas withholding tax number.

14-19-36. Suspension and revocation; grounds for; procedure. The director may revoke or suspend any class A club license for violating the laws of Kansas or the United States pertaining to the sale of alcoholic liquor or involving a morals charge upon the licensed premises. Additionally, grounds for revocation or suspension exist when the licensee omits or misstates a material fact in its application; misrepresents its man-

ner of operation; does not meet the criteria of a class A club; engages in a prohibited transaction; violates any provision of the liquor control act, the club and drinking establishment act, the cereal malt beverage act or any rules and regulations; purchases and displays on the licensed premises a federal wagering occupational stamp or a federal coin operated gambling device stamp; or refuses to permit inspection of the premises by the director, agent, or employee of the director or the secretary. The provisions of K.A.R. 14-16-1, 14-16-2, 14-16-3, 14-16-4, 14-16-5, and 14-16-6, shall apply to the suspension or revocation of club licenses and the fining of club licensees.

14-19-37. Public functions upon licensed premises; when allowed; approval of director. Requires written approval of the director for public functions on licensed premises and states specific requirements and restrictions for such functions. Requirements include the dates and hours of the public function, a diagram of the area available to the general public, an affidavit that no alcoholic liquor will be sold, dispensed or consumed by anyone in the area during the time indicated, a description of the activity to be conducted and by whom, and, the date and time that normal club activities will be resumed. Violations of chapter 41 of the Kansas Statutes during any such public function held on the licensed premises may be cause for suspension, revocation, or fine.

Article 20.—CLASS B CLUBS

14-20-14. Definitions. Defines the following terms: alcoholic liquor, beer, beneficial interest, bulk wine, cereal malt beverage, director, distributor, licensed premises, manager, member, morals charge, person, retailer, restaurant, spirits, and wine.

14-20-15. Applications and renewals; documents required. Describes the procedure and appropriate documents deemed necessary by the director to apply for a class B club license. Documents include appropriate copies of articles of incorporation, bylaws, partnership agreement; a copy of lease or proof of ownership of club premises; a description of the club premises; a statement certifying compliance with applicable zoning regulations; registration and license fee in the form of a certified check, cashier's check, money order or cash; a disclosure statement listing individuals owning a beneficial interest in the club; and a disclosure statement of all personnel who will be mixing or dispensing alcoholic liquor.

14-20-16. Requirements for class B club license. Describes restrictions pertaining to officers, managers, directors, stockholders, spouses, partners, or owners associated with corporations, partnerships, or other entities operating a class B club. A club shall not be issued a license if said individuals have been convicted of a felony; convicted of keeping a house of prostitution; convicted of any other crime opposed to decency and morality; are less than 21 years of age; supervise, or work as a law enforcement official; act as the agent of another; are ineligible for renewal based

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on first application; have had a club, drinking establishment, caterer's, cereal malt beverage license or temporary permit revoked; have a beneficial interest in the manufacture, wholesale, retail sale, or any other club or drinking establishment, except for hotels and restaurants; have been a citizen of the United States for less than 10 years or a resident of the state of Kansas for less than one year; are not a resident of the county in which the club is located; or lease the club premises from an individual having a beneficial interest in the licensed business if rent includes gross receipts from sale of alcoholic liquor, other items to be mixed with alcoholic liquor, or club membership fees.

14-20-17. Issuance of license. Provides the criteria for the director to issue or refuse to issue a license to an applicant. The director shall issue a license to each applicant who is determined to have satisfied the requirements of the club and drinking establishment act and this article of these rules and regulations. An application for a license may be rejected when the club premises or individuals with a beneficial interest in the club have had a previous license revoked or surrendered due to violations of this act; delinquent taxes; or if such application for a new license is an apparent attempt to circumvent or avoid any possible remedial action taken by the director against the former licensee.

14-20-18. Licenses, loss or destruction of; application for and issuance of duplicate. States procedures for obtaining duplicate license. A duplicate license may be issued after ascertaining the facts and circumstances concerning the loss or destruction of the former license; and if such application for a duplicate license is made in good faith and is true and correct.

14-20-19. Change of club status. States requirements to maintain status as a class B club and permits change of status from a class B club to a drinking establishment. Whenever a class B club with reciprocal agreements fails to maintain at least 50 percent of its gross receipts derived from the sale of food, then all that class B club's reciprocal agreements shall be canceled. If such club is owned by a licensee holding multiple licenses, then that licensee shall have 10 days to advise the director, in writing, of its intent to sell such club and the date upon which the sale shall be effective. If the date of sale is not within 30 days of the delivery of the licensee's notice of intent to sell, then such license shall be canceled 40 days from the date the licensee receives the director's notice of cancellation. When changing status from a class B club to a drinking establishment, said licensee will apply at least 45 days prior to the desired date of the change in status and voluntarily cancel its current license upon the issuance of the new type license.

14-20-20. Refund upon voluntary cancellation. Provides for refund of one-twelfth of the annual license fee for each full calendar month of the license which remains, if the license is voluntarily cancelled and application for such refund is made to the director at the time of notice of cancellation.

14-20-21. Guests of members; guests of manage-

ment; reciprocal members; registration. Defines requirements and privileges of guests and reciprocal members of licensed private clubs. A member or reciprocal member of a licensed private club may bring guests if the guests are accompanied by the member. The extension of club privileges to a guest shall end with the departure of the member. All reciprocal members must legibly sign a reciprocal guest book maintained on the licensed premises of the club.

14-20-22. Roster of members. The licensee shall maintain, at all times upon the licensed premises, a current roster of members who are entitled to access and use of the licensed premises and the services offered thereon.

14-20-23. Agreement for reciprocal membership. Permits two or more class B clubs which are restaurants to establish reciprocity of club membership. A statement of gross receipts showing the ratio of food sales to alcoholic beverage sales must be submitted and approved by the director prior to submitting four copies of the reciprocal agreement for final approval by the director. An approved-stamped copy of the agreement shall be returned to the club for retention on the club premises. If a club severs its agreement, it shall notify the director in writing within five days of this severance.

14-20-24. Restaurant clubs; criteria for determination; gross receipts affidavit; estimates. Provides procedure for determining restaurant status based on proportion of food sales to total gross sales for purposes of reciprocity and multiple ownership of class B clubs. The director shall determine restaurant status by comparing food sales to total gross sales for a period of 12 months or more. Licensees shall submit accurate figures for food sales and total gross sales for initial and renewal applications. If requesting restaurant status and operations do not cover 12 months, then estimated figures for food sales and gross sales may be submitted. A successor corporation taking over an existing club shall not utilize estimates if 40 percent or more of the successor corporation is owned by persons who were required to meet the licensing qualifications of the existing club.

14-20-25. Temporary memberships; granting, records, and billing. Requires records of temporary memberships to registered, nonresident guests of hotels and to air travelers granted by clubs located on hotel or airport premises. Temporary memberships shall be granted only by the club and not by the hotel management. However, billing may be handled by the hotel if all funds are accounted to the club. Hotel guests must provide appropriate detailed information on a preprinted form or statement on hotel letterhead signed by the desk clerk or other authorized hotel employee or official to be eligible for temporary membership. Guests at clubs on airport property must complete application forms that shall be valid only for the day on which the air traveler's ticket is valid. All temporary membership records shall be maintained on the club premises for one year from date of issuance.

14-20-26. Employees; registration of same; those prohibited. Defines criteria for officers and employees of a club who are involved in the mixing, selling, serving or dispensing of alcoholic liquor. Each club shall file with the director the names and addresses of those officers and employees of the club involved in the mixing, selling, serving or dispensing of alcoholic liquor. No club shall employ or continue to employ: any person under 18 years of age to serve alcoholic liquor or cereal malt beverage; any person under 21 years of age to mix or dispense alcoholic drinks; or, any person convicted of a felony, a crime involving a morals charge, or a violation of any intoxicating liquor law of any state.

14-20-27. Purchase of alcoholic liquor and cereal malt beverages; requirements and restrictions thereon. Permits purchase and delivery of alcoholic liquor only from a retailer and purchase and delivery of bulk wine, beer and cereal malt beverages from a distributor. Clubs shall purchase alcoholic liquor or beer only from retailers or distributors who possess a federal wholesaler's basic permit. A club shall not warehouse its liquor on retail liquor store or distributor's premises. Each club shall maintain the sales slip for three years from the date of purchase which shows the unit cost, total cost, brand, size, proof, and amount of each brand; and, the names and addresses of the club and individuals involved in the buying, selling and delivering alcoholic liquor.

14-20-28. Licensee's responsibility for conduct of business and employees. Makes licensee responsible for any violation of rules and regulations by employees or other persons under contract related to the operation of any club while such employees or persons are engaged in and acting in the course of their employment.

14-20-29. Storage of liquor. Requires storage of liquor on the licensed premises of the club unless it has written approval from the director to do otherwise. Each club shall inform the director where liquor is stored in the club.

14-20-30. Removal of liquor from club premises prohibited. Prohibits removal of alcoholic liquor purchased on the club premises. A club shall not make any sales of alcoholic liquor which are not made for on-premise consumption.

14-20-31. Nontaxed liquor and refilling of containers prohibited. Prohibits refilling original alcoholic liquor containers. Alcoholic liquors shall only be dispensed from original containers bearing Kansas alcoholic liquor identification stamps. States requirements for bottles brought onto the club premises by members or guests. Each person bringing a bottle onto the club premises shall remove the bottle when departing from the club premises.

14-20-32. Cereal malt beverages sale allowed. Requires a club to notify the director when it obtains or renews a license for the retail sale of cereal malt beverages. Violation of any cereal malt beverage statute shall subject licensee to suspension or revocation of its license or to a monetary fine.

14-20-33. Minimum prices for drinks; how determined. Prohibits any licensed club from selling a drink to any person for less than the acquisition cost of that drink and defines acquisition cost as the cost of all alcoholic liquor and any liquid of a non-alcoholic nature contained in the drink. In determining the minimum price, a club shall not include the drink tax which shall be collected in addition to the minimum price for the drink.

14-20-34. Clubs charge the same price for the same drink all day; day defined. Prohibits variable prices for the same drink between the opening and closing hours for a single business day. Any particular drink offered for sale at any time during the day shall be offered at the same price for the entire day.

14-20-35. Licensee must pay city or county license tax before making sales. Requires licensee to pay annual occupation or license tax imposed by the city or county before operating club for business. A licensee shall not sell 3.2 beer without first having obtained a cereal malt beverage license.

14-20-36. Federal retail stamp. Requires licensees to purchase from the United States bureau of alcohol, tobacco and firearms a federal retail stamp and to display stamp, or proof of payment for the stamp, in public view on the licensed premises.

14-20-37. Excise, sales and withholding tax must be current. Makes class B club subject to a fine or cancellation of its license for delinquent payment of excise taxes, sales tax, withholding tax; or failure to register with director of taxation for an excise tax registration number, retailers' sales tax number or Kansas withholding tax number.

14-20-38. Suspension and revocation; grounds for; procedure. The director may revoke or suspend any class B club license for violating the laws of Kansas or the United States pertaining to the sale of alcoholic liquor or involving a morals charge upon the licensed premises. Additionally, grounds for revocation or suspension exist when the licensee omits or misstates a material fact in its application; misrepresents its manner of operation; engages in a prohibited transaction, violates any provision of the liquor control act, the club and drinking establishment act, the cereal malt beverage act or any rules and regulations; purchases and displays on the licensed premises a federal wagering occupational stamp or a federal coin operated gambling device stamp; or, refuses to permit inspection of the premises by the director, agent, or employee of the director or the secretary. The provisions of K.A.R. 14-16-1, 14-16-2, 14-16-3, 14-16-4, 14-16-5, and 14-16-6, shall apply to the suspension or revocation of club licenses and the fining of club licensees.

14-20-39. Public functions upon licensed premises; when allowed; approval of director. Requires written approval of the director for public functions on licensed premises and states specific requirements and restrictions for such functions. Requirements include the dates and hours of the public function, a diagram

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of the area available to the general public, an affidavit that no alcoholic liquor will be sold, dispensed or consumed by anyone in the area during the time indicated, a description of the activity to be conducted and by whom, and, the date and time that normal club activities will be resumed. Violations of chapter 41 of the Kansas Statutes during any such public function held on the licensed premises may be cause for suspension, revocation, or fine.

14-20-1, 14-20-2, 14-20-4, 14-20-7, 14-20-8, 14-20-9, 14-20-10. Revoked.

Article 21.—DRINKING ESTABLISHMENTS (new)

14-21-1. Definitions. Defines the following terms: alcoholic liquor, beer, beneficial interest, bulk wine, cereal malt beverage, director, distributor, licensed premises, manager, morals charge, person, restaurant, retailer, spirits, and wine.

14-21-2. Applications and renewals; documents required. Describes the procedure and appropriate documents deemed necessary by the director to apply for a drinking establishment license. Documents include appropriate copies of articles of incorporation, bylaws, partnership agreements, a copy of lease or proof of ownership of premises; a description of the premises which will be used by the director to determine the appropriate license fee for hotels; a statement certifying compliance with applicable zoning regulations; registration and license fee in the form of a certified check, cashier's check, money order or cash; a disclosure statement listing individuals owning a beneficial interest in the drinking establishment; a disclosure statement of all personnel who will be mixing or dispensing alcoholic liquor; and a statement of gross receipts showing the ratio of food sales to alcoholic beverage sales are not less than 30 percent.

14-21-3. Requirements for drinking establishment license. Describes restrictions pertaining to officers, managers, directors, stockholders, spouses, partners, or owners associated with corporations, partnerships, or other entities operating a drinking establishment. A drinking establishment shall not be issued a license if said individuals have been convicted of a felony; convicted of keeping a house of prostitution; convicted of any other crime opposed to decency and morality; are less than 21 years of age; supervise, or work as a law enforcement official; act as the agent of another; are ineligible for renewal based on first application; have had a club, drinking establishment, caterer's, cereal malt beverage license or temporary permit revoked; have a beneficial interest in the manufacture, wholesale, retail sale, or any other club or drinking establishment, except for hotels and restaurants; have been a citizen of the United States for less than 10 years or a resident of the state of Kansas for less than one year; are not a resident of the county in which the drinking establishment is located; or lease the premises from an individual having a beneficial interest in the licensed business if rent includes gross receipts from sale of alcoholic liquor or other items to be mixed with alcoholic liquor.

14-21-4. Issuance of license. Provides the criteria for the director to issue or refuse to issue a license to an applicant. The director shall issue a license to each applicant who is determined to have satisfied the requirements of the club and drinking establishment act and this article of these rules and regulations. An application for a license may be rejected when the premises or individuals with a beneficial interest in the drinking establishment have had a previous license revoked or surrendered due to violations of this act; delinquent taxes; or if such application for a new license is an apparent attempt to circumvent or avoid any possible remedial action taken by the director against the former licensee.

14-21-5. Licenses, loss or destruction of; application for and issuance of duplicate. States procedures for obtaining duplicate license. A duplicate license may be issued after ascertaining the facts and circumstances concerning the loss or destruction of the former license; and if such application for a duplicate license is made in good faith and is true and correct.

14-21-6. Change of drinking establishment status. States requirements to change status to a class A or class B club. When changing status, licensee will apply at least 45 days prior to the desired date of the change in status and voluntarily cancel the drinking establishment license upon the issuance of the new type license. Whenever a drinking establishment fails to maintain at least 30 percent of its gross receipts derived from the sale of food, then that drinking establishment's license shall be canceled. Said drinking establishment licensee shall have 10 days to make application to become a class B club. If application is denied or applicant fails to process its application within 30 days, then licensee will cease operations and surrender its license to the director. If said drinking establishment is owned by a licensee holding multiple licenses pursuant to K.A.R. 14-21-8 and fails to maintain at least 50 percent of its gross receipts derived from the sale of food, then licensee shall have 10 days to advise the director, in writing, of its intent to sell said drinking establishment and the date upon which the sale shall be effective. If the date of sale is not within 30 days of the delivery of the licensee's notice of intent to sell, then such license shall be canceled 40 days from the date the licensee receives the director's notice of cancellation.

14-21-7. Refund upon voluntary cancellation. Provides for refund of one-twelfth of the annual license fee for each full calendar month of the license which remains, if the license is voluntarily cancelled and application for such refund is made to the director at the time of notice of cancellation.

14-21-8. Restaurant drinking establishments; criteria for determination; gross receipts affidavit; estimates. Provides procedure for determining restaurant status based on proportion of food sales to total gross sales for purposes of multiple ownership of drinking establishments. The director shall determine restaurant status by comparing food sales to total gross sales for a period of 12 months or more. Licensees shall

submit accurate figures for food sales and total gross sales for initial and renewal applications. If requesting restaurant status and operations do not cover 12 months, then estimated figures for food sales and gross sales may be submitted. A successor corporation taking over an existing drinking establishment shall not utilize estimates if 40 percent or more of the successor corporation is owned by persons who were required to meet the licensing qualifications of the existing drinking establishment.

14-21-9. Employees; registration of same; those prohibited. Defines criteria for officers and employees of a drinking establishment who are involved in the mixing, selling, serving or dispensing of alcoholic liquor. Each drinking establishment shall file with the director the names and addresses of those officers and employees of the club involved in the mixing, selling, serving or dispensing of alcoholic liquor. No club shall employ or continue to employ: any person under 18 years of age to serve alcoholic liquor or cereal malt beverage; any person under 21 years of age to mix or dispense alcoholic drinks; or any person convicted of a felony, a crime involving a morals charge, or a violation of any intoxicating liquor law of any state.

14-21-10. Purchase of alcoholic liquor and cereal malt beverages; requirements and restrictions thereon. Permits purchase and delivery of alcoholic liquor only from a retailer and purchase and delivery of bulk wine, beer and cereal malt beverages from a distributor. Drinking establishments shall purchase alcoholic liquor or beer only from retailers or distributors who possess a federal wholesaler's basic permit. A drinking establishment shall not warehouse its liquor on retail liquor store or distributor's premises. Each drinking establishment shall maintain the sales slip for three years from the date of purchase which shows the unit cost, total cost, brand, size, proof, and amount of each brand; and the names and addresses of the drinking establishment and individuals involved in the buying, selling and delivering alcoholic liquor.

14-21-11. Licensee's responsibility for conduct of business and employees. Makes licensee responsible for any violation of rules and regulations by employees or other persons under contract related to the operation of any drinking establishment while such employees or persons are engaged in and acting in the course of their employment.

14-21-12. Storage of liquor. Requires storage of liquor on the licensed premises of the drinking establishment unless it has written approval from the director to do otherwise. Each club shall inform the director where liquor is stored in the club.

14-21-13. Removal of liquor from club premises prohibited. Prohibits removal of alcoholic liquor purchased on the club premises. A club shall not make any sales of alcoholic liquor which are not made for on-premise consumption.

14-21-14. Nontaxed liquor and refilling of containers prohibited. Prohibits refilling original alcoholic liquor containers. Alcoholic liquors shall only be dis-

pensed from original containers bearing Kansas alcoholic liquor identification stamps. States requirements for bottles brought onto the drinking establishment premises by other individuals. Each person bringing a bottle onto the drinking establishment premises shall remove the bottle when departing from the drinking establishment premises.

14-21-15. Cereal malt beverages sale allowed. Requires a drinking establishment to notify the director when it obtains or renews a license for the retail sale of cereal malt beverages. Violation of any cereal malt beverage statute shall subject licensee to suspension or revocation of its license or to a monetary fine.

14-21-16. Minimum prices for drinks; how determined. Prohibits any licensed drinking establishment from selling a drink to any person for less than the acquisition cost of that drink and defines acquisition cost as the cost of all alcoholic liquor and any liquid of a non-alcoholic nature contained in the drink. In determining the minimum price, a drinking establishment shall not include the drink tax which shall be collected in addition to the minimum price for the drink.

14-21-17. Drinking establishments charge the same price for the same drink all day; day defined. Prohibits variable prices for the same drink between the opening and closing hours for a single business day. Any particular drink offered for sale at any time during the day shall be offered at the same price for the entire day. A licensee shall not make any false or misleading representations with respect to any alcoholic liquor product nor deceive a customer by removing or changing any label from a container of alcoholic liquor or beer.

14-21-18. Licensee must pay city or county license tax before making sales. Requires licensee to pay annual occupation or license tax imposed by the city or county before operating a drinking establishment. A licensee shall not sell 3.2 beer without first having obtained a cereal malt beverage license.

14-21-19. Federal retail stamp. Requires licensees to purchase from the United States bureau of alcohol, tobacco and firearms a federal retail stamp and to display stamp, or proof of payment for the stamp, in public view on the licensed premises.

14-21-20. Excise, sales and withholding tax must be current. Makes a drinking establishment subject to a fine or cancellation of its license for delinquent payment of excise taxes, sales tax, withholding tax; or failure to register with director of taxation for an excise tax registration number, retailers' sales tax number or Kansas withholding tax number.

14-21-21. Suspension and revocation; grounds for; procedure. The director may revoke or suspend any drinking establishment license for violating the laws of Kansas or the United States pertaining to the sale of alcoholic liquor or involving a morals charge upon the licensed premises. Additionally, grounds for revocation or suspension exist when the licensee omits or

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misstates a material fact in its application; misrepresents its manner of operation; engages in a prohibited transaction; violates any provision of the liquor control act, the club and drinking establishment act, the cereal malt beverage act or any rules and regulations; purchases and displays on the licensed premises a federal wagering occupational stamp or a federal coin operated gambling device stamp; or refuses to permit inspection of the premises by the director, agent, or employee of the director or the secretary. The provisions of K.A.R. 14-16-1, 14-16-2, 14-16-3, 14-16-4, 14-16-5, and 14-16-6 shall apply to the suspension or revocation of drinking establishment licenses and the fining of drinking establishment licensees.

Article 22.—CATERER (new)

14-22-1. Definitions. Defines the following terms: alcoholic liquor, beer, bulk wine, cereal malt beverage, director, distributor, event, morals charge, organization, permitted premises, person, principal place of business, retailer, spirits, sponsor, and wine.

14-22-2. Applications and renewals; documents required. Describes the procedure and appropriate documents deemed necessary by the director to apply for a caterer's license. Documents include appropriate copies of articles of incorporation, bylaws or partnership agreements; a copy of lease or proof of ownership of premises; registration and license fee in the form of a certified check, cashier's check, money order or cash; and a disclosure statement listing individuals owning a beneficial interest in a corporate applicant and certifying that individuals listed meet qualifications as provided in K.A.R. 14-22-3.

14-22-3. Requirements for caterer's license. Describes restrictions pertaining to officers, managers, directors, stockholders, spouses, partners, or owners associated with corporations, partnerships, or other entities operating as a caterer. A caterer's license shall not be issued if said individuals have been convicted of a felony; convicted of keeping a house of prostitution; convicted of any other crime opposed to decency and morality; are less than 21 years of age; supervise or work as a law enforcement official; act as the agent of another; are ineligible for renewal based on first application; have had a club, drinking establishment, caterer's, cereal malt beverage license or temporary permit revoked; have a beneficial interest in the manufacture, wholesale, or retail sale of alcoholic liquors; have been a citizen of the United States for less than 10 years or a resident of the state of Kansas for less than one year; or lease the premises from an individual having a beneficial interest in the licensed business if rent includes gross receipts from sale of alcoholic liquor or other items to be mixed with alcoholic liquor.

14-22-4. Issuance of license. Provides the criteria for the director to issue or refuse to issue a license to an applicant. The director shall issue a license to each applicant who is determined to have satisfied the requirements of the club and drinking establishment act and this article of these regulations. An application

for a license may be rejected when the premises or individuals with a beneficial interest in a catering business have had a previous license revoked or surrendered due to violations of this act; delinquent taxes; or if such application for a new license is an apparent attempt to circumvent or avoid any possible remedial action taken by the director against the former licensee.

14-22-5. Licenses, loss or destruction of; application for and issuance of duplicate or additional. States procedures for obtaining duplicate or additional license. A duplicate license may be issued after ascertaining the facts and circumstances concerning the loss or destruction of the former license, and if such application for a duplicate license is made in good faith and is true and correct. Licensee may obtain at cost additional certified copies of a caterer's license when conducting more than one function requiring display of license.

14-22-6. Events; filings; notice; food sales required. When catering an event, the licensee shall file notice of said event with the city police chief or county sheriff to include a copy of the catering contract; a detailed description of the premises to be catered; a disclosure of all personnel who will be mixing or dispensing alcoholic liquor at the event; and the date and time of the event. At the entrance to the catered premises, licensee shall display upon a poster or other device the caterer's name, caterer's license, name of sponsor, and a copy of the required notice. Caterers shall not conduct an event upon a licensed premise unless said premise is licensed in caterer's name. Catered events are not authorized between the hours of 2:00 a.m. and 6:00 a.m.; will not sell cereal malt beverage; and will not deny access by any law enforcement officer. For each event records shall be kept for three years which confirm payment of all excise taxes; payment of all sales taxes; and the required minimum 30 percent ratio of food sales to alcoholic beverage sales, unless the county where the event is held has eliminated this requirement.

14-22-7. Refund upon voluntary cancellation. Provides for refund of one-twelfth of the annual license fee for each full calendar month of the license which remains, if the license is voluntarily cancelled and application for such refund is made to the director at the time of notice of cancellation.

14-22-8. Drinking establishments/caterer criteria for determination; gross receipts affidavit; estimates. A drinking establishment may obtain a license as a caterer by completing necessary forms required by the director. Each dual license holder shall maintain separate records for catered events and for the drinking establishment. For purposes of determining the gross receipts ratio, sales of food or beverage at a catered event shall not be included in the sales of the drinking establishment.

14-22-9. Employees; registration of same; those prohibited. Defines criteria for officers and employees of a caterer who are involved in the mixing, selling, serving or dispensing of alcoholic liquor. Each caterer

shall file with the director within five days of initial employment the names and addresses of those officers and employees involved in the mixing, selling, serving or dispensing of alcoholic liquor. No caterer shall employ or continue to employ: any person under 18 years of age to serve alcoholic liquor; any person under 21 years of age to mix or dispense alcoholic drinks; or any person convicted of a felony, a crime involving a morals charge, or a violation of any intoxicating liquor law of any state.

14-22-10. Purchase of alcoholic liquor; requirements and restrictions thereon. Permits purchase and delivery of alcoholic liquor only from a retailer and purchase and delivery of bulk wine and beer from a distributor. A caterer shall purchase alcoholic liquor or beer only from retailers or distributors who possess a federal wholesaler's basic permit. A caterer shall not warehouse its liquor on retail liquor store or distributor's premises. Each caterer shall maintain the sales slip for three years from the date of purchase which shows the unit cost, total cost, brand, size, proof, and amount of each brand; and the names and addresses of the caterer and individuals involved in the buying, selling and delivering of alcoholic liquor.

14-22-11. Licensee's responsibility for conduct of business and employees. Makes licensee responsible for any violation of rules and regulations by employees or other persons under contract related to the operation of any caterer while such employees or persons are engaged in and acting in the course of their employment.

14-22-12. Storage of liquor. Requires storage of liquor in a specific location at the caterer's principal place of business unless it has written approval from the director to do otherwise. Alcoholic liquor which has been opened at an event shall not be restocked or placed in the liquor storage area. For each event the caterer shall make a record of unused alcoholic liquor and its disposition. Caterers who hold a drinking establishment license shall keep all alcoholic liquor intended for use at catered functions separate from that intended for use in the drinking establishment. Separate storage areas will be required.

14-22-13. Removal of liquor from event premises prohibited. Prohibits removal of alcoholic liquor purchased on the event premises. A caterer shall not make any sales of alcoholic liquor which are not made for consumption at an event. A caterer holding a drinking establishment license may sell alcoholic liquor upon a licensed premise as provided in Article 21 of these rules and regulations.

14-22-14. Nontaxed liquor and refilling of containers prohibited. Prohibits refilling original alcoholic liquor containers. Alcoholic liquors shall only be dispensed from original containers bearing Kansas alcoholic liquor identification stamps. States requirements for bottles brought onto the event premises by other individuals. Each person bringing a bottle onto the event premises shall remove the bottle when departing from the event premises.

14-22-16. Minimum prices for drinks; how determined. Prohibits any licensed caterer from selling a drink to any person for less than the acquisition cost of that drink and defines acquisition cost of all alcoholic liquor and any liquid of a non-alcoholic nature contained in the drink. In determining the minimum price, a caterer shall not include the drink tax which shall be collected in addition to the minimum price for the drink.

14-22-17. Caterers charge the same price for the same drink all day; day defined. Prohibits variable prices for the same drink between the opening and closing hours for a single business day. Any particular drink offered for sale at any time during the day shall be offered at the same price for the entire day.

14-22-18. Licensee must pay city or county license tax before making sales. Requires licensee to pay any occupation or license tax imposed by the city or county before operating a principal place of business or holding an event at a location in the city or county where such tax is required.

14-22-19. Federal retail stamp. Requires licensees to purchase from the United States bureau of alcohol, tobacco and firearms a federal retail stamp and to display stamp, or proof of payment for the stamp, in public view at the licensee's principal place of business.

14-22-20. Excise, sales and withholding tax must be current. Makes caterer subject to a fine or cancellation of its license for delinquent payment of excise taxes, sales tax, or withholding tax; or failure to register with director of taxation for an excise tax registration number, retailers' sales tax number or Kansas withholding tax number.

14-22-21. Suspension and revocation; grounds for; procedure. The director may revoke or suspend any drinking establishment license for violating the laws of Kansas or the United States pertaining to the sale of alcoholic liquor or involving a morals charge upon the licensee's principal place of business or a catered event by licensee. Additionally, grounds for revocation or suspension exist when the licensee omits or misstates a material fact in its application; misrepresents its manner of operation; engages in a prohibited transaction; violates any provision of the liquor control act, the club and drinking establishment act, the cereal malt beverage act or any rules and regulations; purchases and displays on the licensed premises a federal wagering occupational stamp or a federal coin operated gambling device stamp; or refuses to permit inspection of the premises by the director, agent, or employee of the director or the secretary. The provisions of K.A.R. 14-16-1, 14-16-2, 14-16-3, 14-16-4, 14-16-5, and 14-16-6, shall apply to the suspension or revocation of caterer's licenses and the fining of caterer licensees.

Article 23.—TEMPORARY PERMITS (new)

14-23-1. Definitions. Defines the following terms:
(continued)

alcoholic liquor, beer, beneficial interest, cereal malt beverage, director, distributor, event, licensed premise, morals charge, organization, permitted premises, person, retailer, spirits, and wine.

14-23-2. Applications; documents required. Describes the procedure and appropriate documents deemed necessary by the director to apply for a temporary permit. Documents include a statement of the purpose and the intended use of the proceeds of the event; a permit fee in the form of a certified check, cashier's check, money order or cash; a detailed description of the premises for which the temporary permit is sought; and a statement certifying that the permitted premises are properly zoned and the applicant has control over the permitted premises for the duration of the event.

14-23-3. Requirements for temporary permit. Describes restrictions pertaining to officers, managers, directors, stockholders, partners, or owners associated with corporations, partnerships, or other entities operating under a temporary permit. A temporary permit shall not be issued if said individuals have been convicted of a felony; convicted of keeping a house of prostitution; convicted of any other crime opposed to decency and morality; are less than 21 years of age; appoint, supervise, or work as a law enforcement official; act as the agent of another; are ineligible for renewal based on first application; have had a club, drinking establishment, caterer's, cereal malt beverage license or temporary permit revoked; or have been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

14-23-4. Issuance of permit. Provides the criteria for the director to issue or refuse to issue a temporary permit to an applicant. The director shall issue a temporary permit to each applicant who is determined to have satisfied the requirements of the club and drinking establishment act and this article of these regulations. An application for a permit may be rejected if the premises or individuals with a beneficial interest in any type of club, drinking establishment or caterer's license have had a previous license revoked or surrendered due to violations of this act; if such application for a temporary permit is an apparent attempt to circumvent or avoid any possible remedial action taken by the director against the former licensee; or if four permits have been granted in the 12 months immediately preceding the application.

14-23-5. Events; filings; notice; prohibitions. At the entrance to the permitted premises, the permit holder shall display upon a poster or other device the temporary permit and the name of the agent of the organization who is in charge of the event. Permit holders shall not conduct an event upon a licensed premise; shall not conduct an event with a duration of longer than three days; shall not operate an event between the hours of 2:00 a.m. and 9:00 a.m.; shall not sell cereal malt beverages; and shall not deny access to any law enforcement officer. An individual permit holder or other designated individual shall be present at all

times during an event who will be responsible for the conduct of the event.

14-23-6. Refund upon voluntary cancellation. Temporary permit fees shall not be refunded by the director upon cancellation of a permit or event, regardless of the reason.

14-23-7. Employees; those prohibited. A temporary permit holder shall not employ any person under 18 years of age to serve alcoholic liquor; any person under 21 years of age to mix or dispense alcoholic drinks; or any person convicted of a felony, a crime involving a morals charge, or a violation of any intoxicating liquor law of any state.

14-23-8. Purchase of alcoholic liquor; requirements and restrictions thereon. Temporary permit holders shall purchase alcoholic liquor only from a retailer who possesses a federal wholesaler's basic permit. Temporary permit holders shall not warehouse liquor on retail liquor store premises. All liquor purchased on any one particular day shall be picked up at the retail liquor store on that same day. Temporary permit holders shall maintain the sales slip for one year from the date of purchase which shows the unit cost, total cost, brand, size, proof, and amount of each brand; and the names and addresses of the permit holder, retailer, and individuals involved in the buying and selling of the alcoholic liquor.

14-23-9. Permit holder's responsibility for conduct of event. The permit holder is responsible for the conduct of the event and any violation of rules and regulations by employees or other persons under contract related to the operation of any event while such employees or persons are engaged in and acting in the course of their employment.

14-23-10. Removal of liquor from event premises prohibited. A permit holder shall not make any sales of alcoholic liquor which are not made for consumption at an event and upon the permitted premises.

14-23-11. Nontaxed liquor and refilling of containers prohibited. Prohibits refilling original alcoholic liquor containers. Alcoholic liquors shall only be dispensed from original containers bearing Kansas alcoholic liquor identification stamps. States requirements for bottles brought onto the event premises by other individuals. Each person bringing a bottle onto the event premises shall remove the bottle when departing from the event premises.

14-23-12. Minimum prices for drinks; how determined. Prohibits any permit holder from selling a drink to any person for less than the acquisition cost of that drink and defines acquisition cost as the cost of all alcoholic liquor and any liquid of a non-alcoholic nature contained in the drink.

14-23-13. Charge the same price for the same drink all day; day defined. Prohibits variable prices for the same drink between the opening and closing hours for a single business day. Any particular drink offered for sale at any time during the day shall be offered at the same price for the entire day.

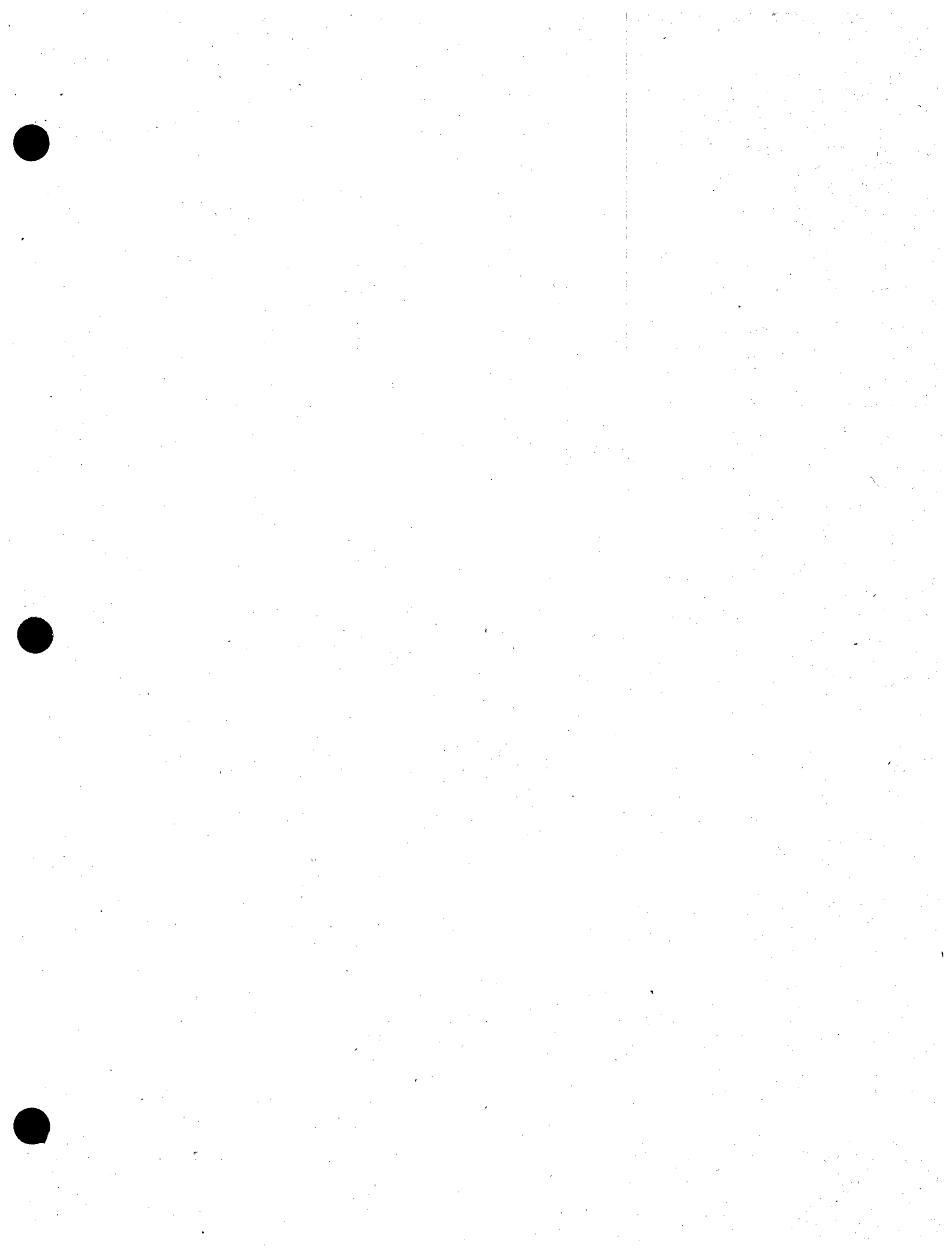
14-23-14. Federal retail stamp. Requires licensees to purchase from the United States bureau of alcohol, tobacco and firearms a federal retail stamp and to display stamp, or proof of payment for the stamp, in public view at the event.

14-23-15. Suspension and revocation; grounds for; procedure. The director may revoke or suspend a temporary permit for violating the laws of Kansas or the United States pertaining to the sale of alcoholic liquor or involving a morals charge upon the event premises. Additionally, grounds for revocation or suspension exist when the permit holder omits or misstates a material fact in its application; misrepresents its manner of operation; engages in a prohibited transaction; violates any provision of the liquor control act, the club and drinking establishment act, or any rules and regulations; or purchases and displays on the licensed premises a federal wagering occupational stamp or a federal coin operated gambling device stamp. The provisions of K.A.R. 14-16-1, 14-16-2, 14-16-3, 14-16-4, 14-16-5, and 14-16-6, shall apply to the suspension or revocation of a temporary permit and the fining of the permit holder.

TOM HANNA
Director, Division of
Alcoholic Beverage Control

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