

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

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State of Kansas

**BOARD OF INDIGENTS' DEFENSE SERVICES**

**NOTICE OF MEETING**

The State Board of Indigents' Defense Services will meet at 1 p.m. Friday, December 4, in Room 511, Landon State Office Building, Topeka.

For additional information contact Ron Miles, Director, State Board of Indigents' Defense Services, 900 Jackson, Room 506, Topeka 66612, (913) 296-4505.

**RONALD E. MILES**  
Director

Doc. No. 005926

State of Kansas

**STATE BANK COMMISSIONER STATE BANKING BOARD**

**NOTICE OF MEETING**

The State Banking Board will meet at 9:30 a.m. Monday, November 16, in the conference room of the State Banking Department, Suite 300, 700 Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

**W. NEWTON MALE**  
State Bank Commissioner

Doc. No. 005930

State of Kansas

**KANSAS JUDICIAL COUNCIL**

**NOTICE OF MEETINGS**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka.

Date	Committee	Time	Location
November 6	Probate Law	9:00 a.m.	Room 266
November 6	Civil Code	9:30 a.m.	Room 259
November 13	Pattern Jury Inst.	9:30 a.m.	Room 259
November 20	Public Defender	9:30 a.m.	Room 259

**ROBERT MILLER**  
Chairman

Doc. No. 005936

State of Kansas

**KANSAS WATER AUTHORITY**

**NOTICE OF MEETING**

The Kansas Water Authority will be meeting November 19 at the Fort Hays Experiment Station auditorium in Hays.

Persons not on the Kansas Water Authority's mailing list may obtain a copy of the meeting agenda by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612-1215, (913) 296-3185.

**JOHN L. BALDWIN**  
Chairman

Doc. No. 005937

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Topeka, KS 66612-1594



Phone: (913) 296-3489

## State of Kansas

**KANSAS STATE UNIVERSITY****NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

**TUESDAY, NOVEMBER 17, 1987**

#80014

MiniGamma, gamma counter

WILLIAM H. SESLER  
Director of Purchasing

Doc. No. 005929

## State of Kansas

**KANSAS STATE UNIVERSITY****NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

**TUESDAY, NOVEMBER 17, 1987**

#80013

Titanium spiral inclined field EN tandem accelerator tubes.

WILLIAM H. SESLER  
Director of Purchasing

Doc. No. 005915

## State of Kansas

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

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

**MONDAY, NOVEMBER 16, 1987**

#27435

University of Kansas, Kansas State University and Department of Health and Environment—ETHYL ALCOHOL, 200 PROOF AND 190 PROOF

#71555

Department of Revenue—PORTABLE WHEEL LOAD SCALES

#71561

Fort Hays State University—SOFTWARE—IBM 4381 COMPATIBLE

#71627

Department of Administration (Central Motor Pool), Emporia State University, Department of Wildlife and Parks in Pratt, and University of Kansas—NEW VEHICLES

**TUESDAY, NOVEMBER 17, 1987**

#A-5779

Youth Center at Topeka—ROOF REPLACEMENT, superintendent's and Youth Services director's residences

#71571

Kansas State University—HPLC

#71588

Kansas State University—GRAIN

**WEDNESDAY, NOVEMBER 18, 1987**

#A-5741

Winfield State Hospital and Training Center—REPAIR FIRE DAMAGE TO LAUNDRY BUILDING

#A-5881

University of Kansas Medical Center—ROOFING SYSTEM REPLACEMENT AND PARAPET REPAIR, E Building

#27595

Winfield State Hospital and Training Center—JANITORIAL SUPPLIES

#71196-A

Department of Wildlife and Parks—FLOTATION DEVICES, various locations

#71592

Kansas Highway Patrol—AIRCRAFT ENGINE—6 CYLINDER

#71593

Department of Transportation—MODULAR "TOTAL STATION" SYSTEM—SURVEYING

**THURSDAY, NOVEMBER 19, 1987**

#71606

University of Kansas Medical Center—X-RAY ENVELOPES

#71607

University of Kansas Medical Center—OXYGEN DEMAND EQUIPMENT, Kansas City, Missouri

**TUESDAY, NOVEMBER 24, 1987**

#26306

Statewide—LAB SUPPLIES/CHEMICALS/DIAGNOSTICS

**THURSDAY, DECEMBER 3, 1987**

#26307

Kansas State Historical Society—COLLECTION PROPERTY INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 005932

## State of Kansas

**KANSAS WATER OFFICE****NOTICE OF MEETING**

Robert L. Meinen, Secretary of the Kansas Department of Wildlife and Parks, and Joseph F. Harkins, Director of the Kansas Water Office, will be holding a public meeting to review the final draft, "Memorandum of Understanding," on reformulation and operation of the Cedar Bluff Reservoir, at 7 p.m. Thursday, November 19, at the Derrick Inn, east Highway 96, Ness City.

The memorandum of understanding is the result of several months of negotiations between the U.S. Department of the Interior, Bureau of Reclamation, the Fish and Wildlife Service, the state of Kansas, and the Cedar Bluff Irrigation District No. 6.

Secretary Meinen also plans to announce at the meeting that an operating strategy will be developed by the Kansas Department of Wildlife and Parks, based on public input, on how to operate Cedar Bluff Lake if the water level should rise above elevation 2109.

**JOSEPH F. HARKINS**  
Director

Doc. No. 005938

## State of Kansas

**DEPARTMENT OF CORRECTIONS****NOTICE OF HEARING  
ON PROPOSED****ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 10-11 a.m. Tuesday, November 24, in the conference room of the Kansas Department of Corrections, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Department of Corrections.

All interested parties may submit written comments prior to the hearing to the Secretary of Corrections, attention Charles E. Simmons, Chief Legal Counsel, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to orally present their views 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 request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Secretary of Corrections as the basis for making changes to these proposed regulations.

The proposed permanent regulations of the Kansas Department of Corrections have no fiscal impact on the general public, private businesses, or other state agencies.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Department of Corrections.

The following is a brief summary of the proposed permanent regulations:

**44-5-103.** This amendment clarifies the procedure concerning inmate money to provide that an inmate may receive money from those on his visiting list or those approved by the principal administrator.

**44-6-136.** This amendment provides that delinquent time lost on parole for an individual arrested in a state other than on a Kansas parole warrant continues until the inmate is available to return to Kansas.

**44-6-138.** This amendment provides rules regarding the establishment of a sentence begins date for an inmate sentenced to consecutive terms.

**44-6-141.** This amendment provides a rule regarding the computation of a maximum sentence for an inmate sentenced to consecutive terms.

**44-7-104.** This amendment clarifies the visitation privileges for an individual under age 18. The amendment also provides for a suspension of visitation privileges upon violation of a rule or regulation.

**44-12-205.** This amendment expands the rule on unauthorized dealing and trading to also include a prohibition on giving an item to another inmate.

**44-12-207.** This amendment expands the rule on gambling and bookmaking to include a prohibition to receive, possess, distribute, sell, or transfer lottery tickets.

**44-12-327.** This is a new regulation which prohibits an inmate from interfering or assisting another in interfering with restraints.

**44-12-401.** This amendment clarifies the offense of being tardy for work and defines work as including work and program assignments.

**44-12-601.** This amendment authorizes the institution to stamp outgoing inmate mail as being inmate mail from a correctional institution.

**44-13-402.** This amendment clarifies the rule regarding continuances of disciplinary hearings by providing that a continuance must be requested at least 24 hours before the hearing.

**44-13-704.** This amendment expands the role of the principal administrator in reviewing disciplinary cases by giving the authority to provide for the disposition of personal property which has been the subject of an offense.

**44-15-101b.** This amendment clarifies the inmate grievance procedure by providing that the inmate can go to the next level if a response is not received within designated time periods.

**44-15-102.** This amendment provides that the unit team shall assist those who are unable to complete a grievance. The amendment also abolishes the external review procedure.

**RICHARD A. MILLS**  
Secretary of Corrections

Doc. No. 005916

## 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 10 a.m. Monday, November 23, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed temporary and permanent Kansas Department of Health and Environment rules and regulations.

K.A.R. 28-39-77 pertains to licensing procedure for all adult care homes. This regulation is amended to clarify procedural requirements for facility licensure and to incorporate new construction requirements for intermediate personal care homes. The proposed amendments are both temporary and permanent regulations.

K.A.R. 28-39-83 pertains to administration and management. This regulation is amended to permit admission of a person with a disease or infection in a communicable stage if the facility provides isolation in accordance with CDC guidelines. The proposed amendments are for both temporary and permanent regulations.

K.A.R. 28-39-87 is amended to modify requirements for licensed nursing staff and restraint orders. The proposed amendment is permanent only.

K.A.R. 28-39-114 through 28-39-129, 28-39-130, and 28-39-131 are being revoked—both temporary and permanent regulations.

K.A.R. 28-39-139 through 28-39-143 are being revoked—both temporary and permanent regulations.

K.A.R. 28-39-300 through 28-39-312 are proposed new regulations—both temporary and permanent—to govern the construction and operation of intermediate personal care homes.

K.A.R. 28-39-400 through 28-39-411 are proposed new regulations—both temporary and permanent—to govern the construction and operation of boarding care homes.

The temporary and permanent regulations do not impose any additional fiscal impact.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Joe Kroll, Department of Health and Environment, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66620-0001, (913) 296-1240.

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.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary prior to adoption.

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

Doc. No. 005914

## State of Kansas

**EMERGENCY MEDICAL  
SERVICES COUNCIL****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 1 p.m. Tuesday, November 24, in the meeting room of Lindsborg City Hall, 103 S. Main, Lindsborg, to consider the adoption of a proposed permanent rule and regulation of the Emergency Medical Services Council.

All interested parties may submit written comments prior to the hearing to the chairman of the Emergency Medical Services Council, 111 W. 6th, Topeka 66603. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the proposed regulation. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Emergency Medical Services Council as the basis for making changes to the proposed regulation.

A summary of K.A.R. 109-2-6 follows. Copies of the regulation and the fiscal impact statement may be obtained by writing the Bureau of Emergency Medical Services at the address above.

K.A.R. 109-2-6 is amended to create a new class of ambulance service, Type II-D, which will permit defibrillation of pulseless, non-breathing patients by Emergency Medical Technicians-Defibrillator. Two present classes of ambulance service, Type III and IV, are being deleted from the regulation. Type III services provide prearranged, non-medical transportation to and from places where medical treatment is provided. Type IV services provide prearranged, medical transportation to and from places where medical treatment is provided. Neither type of service may respond to emergencies.

JAY EMLER  
Chairman

Doc. No. 005939

## 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 10 a.m. Tuesday, November 24, in Conference Room A, Forbes Field, Building 740, Topeka, to consider the adoption of new temporary and permanent Kansas Department of Health and Environment rules and regulations, K.A.R. 28-65-1, 28-65-2 and 28-65-3, pertaining to emergency planning and right-to-know program.

The regulations are printed in their entirety, as follows:

Article 65.—EMERGENCY PLANNING  
AND RIGHT-TO-KNOW

## A. General Regulations

**28-65-1. General Provisions.** (a) Any reference of these rules and regulations to standards, procedures or requirements of 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, and 40 CFR Part 370 as in effect on October 15, 1987, shall constitute a full adoption by reference of the part, subpart and paragraph so referenced, including any notes and appendices associated therewith, unless otherwise specifically stated in these rules and regulations. When the same word is defined both in the Kansas statutes and in any federal regulation adopted by reference in the rules and regulations and the definitions are not identical, the definition prescribed in the Kansas statutes shall control.

(b) When used in any provisions adopted from 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, and 40 CFR Part 370 as in effect on October 15, 1987, references to "the United States" shall be replaced with the state of Kansas, "environmental protection agency" shall be replaced with the Kansas department of health and environment, "administrator" or "regional administrator" shall be replaced with the secretary of the department of health and environment and "federal register" shall be replaced with the Kansas register. (Authorized by and implementing L. 1987, Ch. 231, Sec. 4; effective, T-\_\_\_\_, \_\_\_\_\_; effective May 1, 1988.)

**28-65-2. Definitions.** (a) "Commission" means the Kansas state emergency response commission established under the state act.

(b) "Material safety data sheets (MSDS)" means reporting sheets required under the occupational health and safety act at 15 USC 651 et seq., hazard communication program, 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928 as in effect on July 1, 1987, 52 Fed. Reg. 31852 (1987).

(c) "Federal act" means Title III of the superfund amendments and reauthorization act of 1986, P.L. 99-499, and the emergency planning and community right-to-know act of 1986. (Authorized by and imple-

menting L. 1987, Ch. 231, Sec. \_\_\_\_; effective, T-\_\_\_\_, \_\_\_\_\_; effective May 1, 1988.)

**28-65-3. Registration Fees.** (a) Notifications, reports, lists of chemicals, the MSDS, and annual reports required under these regulations, pursuant to Sections 302, 311, 312 and 313 of the federal act shall be submitted to the right-to-know program, bureau of air quality and radiation control, Kansas department of health and environment. Emergency release notifications, pursuant to Section 304 of the federal act, shall be submitted to the division of emergency preparedness, department of the adjutant general.

(b) An annual general service fee of \$2.00 shall be paid by all facilities required to comply with any of the state or federal submitting or reporting requirements. The fee shall be payable prior to March 1 of each year.

(c) Annual registration fee. An annual fee shall be charged to all facilities complying or filing pursuant to Sections 302, 311, 312 and 313 of the federal act. The annual fee shall consist of the sum of the appropriate individual fees as required by this regulation.

(d) Each notifying facility under Section 302 of the federal act shall pay an annual fee of \$4.00. This fee shall be paid prior to March 1 of each year. This fee shall be due for each year in which the facility has present at any time a substance designated as extremely hazardous in an amount exceeding the threshold planning quantity as defined in 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, amended 52 Fed. Reg. 13395 (1987).

(e) Each facility required to submit a list of hazardous chemicals or discretionary material safety data sheets, or both, pursuant to Section 311 of the federal act shall pay an annual filing fee of \$40.00. In addition, a fee of \$10.00 shall be included for each MSDS submitted. This fee shall be paid prior to March 1 of each year.

(f) Facilities required to submit a Tier I and Tier II.

(1) Facilities submitting a hazardous substances inventory report pursuant to Section 312 of the federal act shall pay an annual fee of \$10.00 for each Tier I filing. An additional fee of \$15.00 shall be charged for each Tier II report filed. Each page of the Tier II inventory report form shall be considered a separate report for purposes of this paragraph.

(2) A request for Tier II information shall be made by the state when necessary to make this information available to comply with Section 312(e).

(3) The Tier I fee shall be paid at the time of submission and prior to March 1 of each year thereafter. The Tier II fee shall be paid upon any submission of the Tier II information to the state.

(g) Facilities required to submit toxic waste emissions inventories pursuant to Section 313 of the act shall pay an annual fee of \$325.00. This fee shall be paid at the time of submission of the inventory and prior to March 1 for each year thereafter.

(h) Registration fees and other payments shall be paid by check, draft or money order to the department of health and environment.

These regulations shall apply to all notifications, submissions, registrations, reports, or amendments thereto filed with the department subsequent to May

14, 1987, the effective date of the state act. (Authorized by and implementing L. 1987, Ch. 231, Sec. 4; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective May 1, 1988.)

The Kansas Emergency Planning and Community Right-to-Know Act (Chapter 231, 1987 Session Laws) authorizes certain state agencies to implement various duties under the authorities of the Federal Emergency Planning and Community Right-to-Know Act of 1986 (PL 99-499). Specifically, Section 4 of the state statute authorizes the Kansas Department of Health and Environment to establish a fee system to recover all or part of the cost of the program. These proposed fee regulations have addressed the establishment of this program within KDHE over a period of time, and also reflect the phased implementation of the reporting requirements under the federal statute. The fiscal impact statement only reflects the additional costs to government, business and the general public of implementing this program beyond that which is already required under federal requirements. The state of Kansas is only authorized to implement the existing federal program with two exceptions: developing a state fee system and enforcement under state authority. Therefore, this statement addresses the additional costs to the reporting community of submitting fees in compliance with the state fee system. All following section citations refer to the federal Act.

Section 302 submissions require a fee of \$4 to be submitted annually for all facilities regulated under the federal statute. In addition, the state of Kansas proposes that this fee submission will be required to be renewed annually in order to allow the agency to service facilities that are notifying for the prior year in which they had present in excess of the threshold planning quantity of any designated extremely hazardous chemical. The cost to each individual reporting facility will reflect the actual fee and additional minor internal cost to draft a check to cover this fee for inclusion with the required annual submission. A general service fee of \$2 per facility will also be collected at the same time. This submission imposes no additional duty upon the facility that is not already required under the federal legislation, other than the annual notice renewal and fee.

Submission of Section 311 and 312, Material Safety Data Sheets (MSDS), Lists of Hazardous Chemicals, and Annual Inventories (Tier I and Tier II) are currently required under the federal act. The state program would also impose a fee sufficient to cover the cost of administration of its efforts to process these required federal submissions. The proposed fee for Section 311, Hazardous Materials Lists is \$40, for MSDS's a charge of \$10 per Material Safety Data Sheet to cover costs to the state for preparation of a list from the MSDS's is proposed. Section 312 of the federal law requires submission of either Tier I or Tier II inventories. The proposal establishes a charge of \$10 for each Tier I inventory submitted and \$15 for each Tier II inventory per page.

A fee of \$325 is proposed for submissions of annual Toxic Emissions Inventories under Section 313 of the federal Act.

These fees for Section 311, 312, and 313 will not

have a major effect on small businesses since, under the federal regulations, small businesses are either directly exempted (such as in Section 313 which exempts businesses with less than 10 employees) or indirectly exempted through the designation of threshold reporting quantities or through other exemptions, such as exemptions for chemicals used in agriculture or held for consumer use, found in Sections 311 and 312.

The general service fee of \$2 per facility is included to defer the costs of administering the fee collection and processing activities.

These fees are based upon a fiscal analysis that is available from KDHE which presents the projections made by the agency. These costs reflect KDHE's internal costs for implementing the program and include direct costs for processing submissions, data processing costs, outreach program (public education and information), and indirects to KDHE including costs for staffing and administration of the State Emergency Response Commission.

The fiscal impact upon government of these regulations will primarily be felt by KDHE. KDHE is mandated under state statute to implement these duties under the federal law. The additional responsibility for administering the fee collection program as part of these other duties is de minimis in comparison and will not result in a large cost to government in and of itself. On the other hand, however, failure to implement a fee program would necessitate either use of some other revenue source through legislative action or reduction of program activities. Most program activities are currently mandated under federal statute and failure to implement them could subject the State Emergency Response Commission and the state implementing agencies to citizen suit or other mandamus actions.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Karl Birns, Department of Health and Environment, Forbes Field, Building 728, Topeka 66620-0001, (913) 296-1690.

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. 005931

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 87-154

**Public Health—Secretary of Health and Environment, Activities; Water Supply and Sewage—Implementation of Clean Water Act; N.P.D.E.S. Program.** L. Patricia Casey, Senior Counsel, Department of Health and Environment, Topeka, October 26, 1987.

The partial transfer of authority from the Kansas Department of Health and Environment to the Kansas Corporation Commission does not allow a discharge of pollution in violation of the federal National Pollution Discharge Elimination System (N.P.D.E.S.) permit requirements.

State law defines pollution as broadly as it is defined by federal law.

With the exception of some privately-owned farm ponds and reservoirs, regulation of discharges into waters of the state include discharges into bodies of water defined by federal law.

State enforcement provisions include civil penalties which appear to be as stringent as required by federal law. However, the criminal penalties provided by state law are less stringent. Variances granted under state law are limited to those allowable under federal law.

Legislative amendments appear necessary to conclude that the state program meets all the requirements of the federal act. Cited herein: K.S.A. 60-224; 65-101; 65-102a; 65-161; 65-162a; K.S.A. 1986 Supp. 65-163; 65-163a; 65-164; K.S.A. 65-165; 65-166; 65-167; 65-169; 65-170b; 65-170c; 65-170g; K.S.A. 1984 Supp. 65-171d; K.S.A. 1986 Supp. 65-171d; K.S.A. 65-171m through 65-171t; L. 1986, ch. 201, § 22; K.A.R. 28-16-28b(35); 28-16-57; 28-16-58; 28-16-62; 82-3-400; 82-3-401; 33 U.S.C.A. §§ 1318, 1362(6), 1362(7); 40 C.F.R. §§ 122.2, 123.27 (1986). MWS

## Opinion No. 87-155

**Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road—Vehicles Required to Stop at Railroad Crossings; Carriers of Hazardous Materials.** Representative Marvin E. Smith, 50th District, Topeka, and Representative Don Sallee, 49th District, Troy, October 26, 1987.

K.S.A. 8-1553 requires certain vehicles to stop at all railroad grade crossings, except as provided for in K.S.A. 8-1553(b). K.S.A. 8-1553 delegates to the secretary of transportation the authority to describe the vehicles which must comply with the stopping requirement. Accordingly, K.A.R. 1986 Supp. 82-4-3 incorporates by reference 49 C.F.R. § 392.10 and § 397.2, both of which require that every cargo tank motor vehicle, whether loaded or empty, which is used for the transportation of hazardous materials, along with all other motor vehicles as specified by 49 C.F.R. § 392.10, shall stop at all railroad grade crossings. Cited herein: K.S.A. 8-1553, K.A.R. 1986 Supp. 82-4-3, K.A.R. 1987 Supp. 82-4-20, 49 C.F.R. §§ 392.10, 397.2, and 177.804 (1986). MWS

## Opinion No. 87-156

**Schools—Special Education; Exceptional Children—Gifted Education.** Representative Duane A. Goossen, 70th District, Goessel, October 26, 1987.

Special education services for gifted students must be provided at public expense. "Services" include transportation to and from educational classes and activities. Therefore, the parents or guardians of a gifted student cannot be required to pay any of the costs incurred in providing the special education program specified in the gifted student's individualized education program (IEP). Cited herein: K.S.A. 72-962; 72-966; 72-967; K.S.A. 72-968, as amended by L. 1987, ch. 269, § 1; K.A.R. 1986 Supp. 91-12-22; K.A.R. 91-12-23; 91-12-41; K.A.R. 91-12-50; 20 U.S.C. § 1401; § 1412. RLN

## Opinion No. 87-157

**Banks and Banking—Banking Code; Deposit of Public Moneys—Bodies Subject Thereto; Rural Water District.** Stuart S. Lowry, Legal Counsel for the Rural Water District No. 1, Jefferson County, Valley Falls, October 26, 1987.

Rural water districts organized pursuant to K.S.A. 82a-612 *et seq.* are quasi-municipal corporations created by statute and are subdivisions of the state. Moneys held by rural water districts are public in nature. Therefore, pursuant to K.S.A. 1986 Supp. 9-1401 and 12-1675, rural water districts are required to deposit their funds in depositories which are located within their districts. Cited herein: K.S.A. 1986 Supp. 9-701; 9-1401; 12-1675; K.S.A. 82a-616. JLM

## Opinion No. 87-158

**Taxation—Aggregate Tax Levy Limitations—Mandatory Tax Lid.** Representative Clyde D. Graeber, 41st District, Leavenworth; Representative Martha Jenkins, 42nd District, Leavenworth; and Senator Edward F. Reilly, 3rd District, Leavenworth, October 27, 1987.

Although the intent of 1985 Senate Bill No. 164 is to prevent increases in 1989 property taxes as a result of using higher reappraised values, the bill does not prevent political subdivisions from padding their budgets in anticipation of the impending tax lid. Cited herein: K.S.A. 79-1945 *et seq.*; 79-2925 *et seq.*; 79-5001 *et seq.*; K.S.A. 1986 Supp. 79-5021; 79-5022; 79-5028; 79-5029; 79-5030; 79-5033; 79-5036; 1985 Senate Bill No. 164. JLM

ROBERT T. STEPHAN  
Attorney General

Doc. No. 005933



## State of Kansas

**BOARD OF PHARMACY****NOTICE OF HEARING  
ON PROPOSED****ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Saturday, November 21, in Room 108, Landon State Office Building, 900 Jackson, Topeka, to consider the adoption of proposed permanent rules and regulations of the State Board of Pharmacy.

All interested parties may submit written comments prior to the hearing to the executive secretary of the Kansas State Board of Pharmacy, Landon State Office Building, 900 Jackson, Room 513, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, with regard to the adoption of the proposed permanent regulations. In order for all parties to be given the opportunity to present their views, it may be necessary to request that each participant limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the board as a basis for making changes to these proposed regulations.

The summaries of the regulations and fiscal impact of the regulations follow. Copies of the complete regulations and fiscal impact statement may be obtained by writing the executive secretary of the Kansas State Board of Pharmacy at the address above.

The following is a brief summary of permanent regulations proposed to become effective May 1, 1988:

K.A.R. 68-2-5, regarding joint registrants, proposes clarification of joint registrants and requires pharmacists in charge to submit the pharmacy registration to the executive secretary within five days of severing the pharmacist in charge relationship.

K.A.R. 68-2-20, regarding the pharmacist's function in filling a prescription, proposes clarification of judgmental functions and allows supportive personnel to count and measure ingredients in a prescription if verified by the pharmacist.

K.A.R. 68-5-1, regarding definitions, proposes to delete the definition of preceptor, set forth currently in K.S.A. 65-1626.

K.A.R. 68-7-11, regarding medical care facility pharmacies, proposes to delete the requirement of a medical care facility to be responsible for employment of qualified pharmacists and supportive personnel. Further, the requirement of a one-to-one ratio of supportive personnel is being proposed for deletion as it is currently set forth in K.S.A. 65-1642.

K.A.R. 68-7-13, regarding pharmacists in charge of more than one location. The changes proposed in this regulation are to clarify when a pharmacist may be in charge of more than one location.

K.A.R. 68-7-14, regarding prescription labels. The changes in this regulation allow for a machine printed label and require the prescription label to contain an identifying mark of the pharmacist dispensing the prescription.

K.A.R. 68-8-1, regarding advertising. The changes in this regulation will delete wording which is stated in K.S.A. 65-1650. The changes will no longer require advertisers to possess data which substantiate any claims regarding nonprescription convenience services and no longer require a control drug status to be included in an advertisement.

K.A.R. 68-11-1, regarding fees for examination and licensure as a pharmacist. The changes in this regulation are an increase in the examination fee from \$175 to \$250 and the pharmacist renewal fee from \$50 to \$55. The fiscal impact for the examination fee will be an approximate total increase of \$6,000. The fiscal impact for the pharmacist renewal fee will be an approximate total increase of \$13,500.

K.A.R. 68-11-2, regarding fees for premises registrations and permits. The changes in this regulation are an increase in the pharmacy renewal fee from \$100 to \$105, manufacturer renewal fee from \$200 to \$250, and distributor renewal fee from \$200 to \$250. This regulation further proposes to delete certain fees which are set by statute. The fiscal impact for the pharmacy renewal fee will be an approximate total increase of \$4,000. The fiscal impact for the manufacturer renewal fee will be an approximate total increase of \$500. The fiscal impact for the distributor renewal fee will be an approximate total increase of \$7,500.

K.A.R. 68-12-2, regarding the resale of dispensed prescription medication. This proposed new regulation will prohibit, in certain circumstances, dispensed medication to be resold, redispensed, or distributed.

K.A.R. 68-13-1, regarding preparation, compounding and dispensing of parenteral products. This proposed new regulation will set certain conditions in which parenteral products may be dispensed. The fiscal impact due to implementation of this regulation is unknown. The regulation will require certain pharmacies to obtain certain equipment and supplies. It is not known how many pharmacies presently possess these materials.

K.A.R. 68-20-11, regarding applications for registration. The proposed changes in this regulation will delete wording which is self-directing.

K.A.R. 68-20-15a, regarding security requirements. The proposed changes in this regulation will delete wording which restrict practitioner's hiring practices. Changes are also proposed to no longer require practitioners to notify the Board of Pharmacy of any theft or loss of controlled substances.

K.A.R. 68-20-18, regarding information concerning prescriptions. The proposed changes in this regulation are to delete unnecessary wording.

**TOM C. HITCHCOCK**  
Executive Secretary

Doc. No. 005940

State of Kansas  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT  
 OF NEGOTIATIONS  
 FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services to provide a comprehensive traffic and parking study for Kansas State University, Manhattan. The study is to review current and anticipated traffic and parking problems and recommend alternative solutions to these problems. A scope of work is available on request.

Interested firms should possess recent experience in similar traffic and parking studies, traffic engineering, parking systems analysis, parking structure design and parking systems management.

Any questions or expressions of interest should be directed to W. Lawrence Garvin, AIA, Director, Facilities Planning Office, Dykstra Hall, Kansas State University, Manhattan 66506, (913) 532-6377, prior to November 20.

ANN K. COLGAN  
 Acting Director, Division of  
 Architectural Services

Doc. No. 005920

State of Kansas  
**BOARD OF COSMETOLOGY**

**NOTICE OF HEARING  
 ON PROPOSED  
 ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 11 a.m. Thursday, November 19, at the board office, 717 S. Kansas Ave., Topeka, to consider the adoption of new regulations of the Kansas State Board of Cosmetology governing the profession of electrology.

The following is a brief summary of the new regulations:

69-3-23. Application for opening an electrology clinic. This section explains and lists all requirements.

69-3-24. Physical requirements for an electrology school. Building requirements, number of rooms, equipment.

69-3-25. School curriculum. Describes course of electrology training.

69-11-1. Fees. Fees charged.

Copies of the complete text of the regulations and a fiscal impact statement may be obtained at the address above.

HENRI FOURNIER  
 Executive Director

Doc. No. 005935

State of Kansas  
**DEPARTMENT OF REVENUE**

**NOTICE OF HEARING  
 ON PROPOSED  
 ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 1:30 p.m. Tuesday, November 24, in the office of the Kansas Department of Revenue, secretary's conference room, second floor, Docking State Office Building, Topeka, to consider the adoption of proposed temporary and permanent regulations of the Department of Revenue.

A copy of the full text of the proposed regulations and the fiscal impact statement may be obtained by contacting Melanie Caro, Legal Services Bureau, Kansas Department of Revenue, Robert B. Docking State Office Building, Topeka 66612-1588.

All interested parties may submit written comments prior to or at the hearing. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Ch. 92, Art. 1—Hearing—92-1-1 concerning hearings before the director of taxation is amended to delete the term "director of revenue" and insert the term "director of taxation." Amendment also updates the language.

92-1-2 concerning information, assistance and hearings before the director of taxation is amended to delete the term "director of revenue" and insert the term "director of taxation." Amendment also updates language.

92-1-3 concerning proceedings for administrative hearings before the director of taxation is amended to include a definition of "fully submitted" on all matters arising before the director of taxation. The regulation is amended to state that taxpayers are required to exhaust available administrative remedies prior to appealing a final order from the director of taxation. Amendment also updates language.

92-1-4 through 92-1-8 concerning procedures before the Board of Tax Appeals are revoked.

Ch. 92, Art. 12—Income Tax—92-12-106 concerning composite returns for nonresident partners and shareholders is a new regulation which allows a partnership or S corporation required to file a Kansas return to file a composite income tax return for all nonresident partners or shareholders which derive income from the partnership or S corporation.

Ch. 92, Art. 13—Interstate Motor Fuel Use Tax—92-13-10 concerning interstate motor fuel user bonds is amended to state that the director of taxation has discretion to require an interstate motor fuel users bond if a licensee has failed to timely file a report, remit the correct amount of tax with the report, or an audit indicates that a bond should be required to protect the state's interest, or the licensee is based in a state that is not a member of the International Fuel Tax Agreement.

Ch. 92, Art. 19—Kansas Retailers' Sales Tax—92-19-3 concerning credit and installment sales is amended to require that a qualifying retailer charge bad debts off of the retailer's books for federal income tax purposes in order to take a deduction from the retailer's gross receipts for sales tax purposes.

92-19-5 concerning extensions of time to file is amended to clarify that all taxes and accrued interest shall be paid by a taxpayer who has filed a return under an approved extension of time.

92-19-6 concerning persons discontinuing business is amended to delete the term "director of revenue" and to insert the term "director of taxation." Amendment also updates language.

92-19-8 concerning consignment and auction sales is amended to integrate language contained in K.A.R. 92-19-9. The regulation also contains a definition of "consignment sale" and outlines the tax results of these sales.

92-19-9 concerning community sales is revoked.

92-19-10 concerning repossessed property is amended to clarify that sales of repossessed property by certain specified thrift institutions may qualify as an isolated or occasional sale under the sales tax act.

92-19-12 concerning various publications and other printed matter is amended to codify that newspapers are considered a publication. The amendment also removes the requirement that publishers who print material to be distributed free of charge are required to impose a sales tax upon themselves based on a fair and reasonable price of the material as if it had been sold at retail. The regulation now requires a publisher to merely impose tax on the cost of the materials used to produce the printed material.

92-19-16 concerning gifts, premiums and coupons is amended to clarify that persons selling coupon books at retail who do not also sell tangible personal property or services for which those coupons are to be redeemed at a later date must charge and remit sales tax on the total gross receipts received therefrom.

92-19-18 concerning signs is amended to delete the phrase "whether illuminated or manufactured," thereby imposing sales tax on all sales or leases of signs. The regulation is further amended to impose sales tax on the service of repairing, servicing, altering or maintaining signs.

92-19-19 concerning general telephone services is amended to include flat rate charges or fees for telephone usage in the sales tax base. The regulation also clarifies the taxability of purchases and leases of telephones and telephone equipment as tangible personal property and not as a part of "telephone services."

92-19-23 concerning coin operated devices is amended to delete the term "director or revenue" and to insert the term "director of taxation." Amendment also updates language.

92-19-24 concerning sales by and purchases of hotels and motels is amended to clarify what are deemed to be taxable and nontaxable purchases of tangible personal property and services made by hotels and motels.

92-19-28 concerning motor carriers is amended to specifically state that labor services rendered to repair, maintain or service rolling stock owned or operated by interstate common carriers are taxable.

92-19-30 Concerning transfers of motor vehicles is amended to clarify the taxability of motor vehicles transferred from a corporation to an individual.

92-19-30a is a new regulation clarifying the taxability of attachments and fixtures installed or applied to motor vehicles and trailers.

92-19-31 concerning installation or application of tangible personal property is revoked.

92-19-32 concerning farm machinery and equipment is amended to clarify the terms "farm machinery and equipment" and "used farm machinery and equipment."

92-19-40 concerning noncommercial telephone services is amended to include flat rate charges for intrastate non-commercial telephone usage in the sales tax base. The sale and lease of telephones and telephone equipment are removed from "services" and treated as sales or leases of tangible personal property.

92-19-41 concerning sales to contractors, subcontractors or repairmen is revoked.

92-19-46 is a new regulation explaining the components of the phrase "total consideration given" as used in the term "selling price."

92-19-47 is a new regulation explaining the criteria for being considered a "retailer" under the act. The regulation also defines the phrase "regularly engaged in the business."

92-19-48 is a new regulation addressing transactions comprised of sales of both tangible personal property and services and the criteria to be used by the taxpayer to determine the taxability of these transactions.

92-19-49 is a new regulation outlining the proper form and procedure for obtaining a refund or credit for sales tax purposes.

92-19-50 is a new regulation addressing the taxability of "third party" lease transactions.

92-19-51 is a new regulation clarifying the taxability of mandatory gratuities, service charges and minimum charges.

92-19-52 is a new regulation addressing agency relationships and various exemptions from sales tax on purchases made by certain specified persons under the sales tax act. The regulation also defines the phrase "purchased directly by" as used in the sales tax act.

92-19-53 is a new regulation concerning "consumed in production." The regulation outlines the criteria for exemption from sales tax and defines the phrases "used in the actual process" and "immediately consumed or dissipated."

92-19-54 is a new regulation concerning "ingredient or component part." The regulation outlines the criteria for exemption from sales tax and defines the term "integral and material."

92-19-55 is a new regulation concerning leases and rentals of tangible personal property. The regulation addresses the types of transactions that fall within 1) a lease or rental; 2) repair, maintenance or service of leased property; 3) lease-option transactions; and 4) distinctions between services and leases.

92-19-56 is a new regulation clarifying the sales tax treatment on sales of precious metal coins, bullion, stamps, antiques, collectables, commemoratives and other similar items.

92-19-57 is a new regulation clarifying the taxability of various fuels which are not subject to Kansas fuel law.

92-19-58 is a new regulation defining revenue rulings. The regulation addresses the function and applicability of revenue rulings.

92-19-59 is a new regulation defining private letter rul-

(continued)

ings. The regulation addresses the function and applicability of private letter rulings.

92-19-60 is a new regulation clarifying the application of sales tax on sales of various household goods in connection with the sale of a mobile home.

92-19-61 is a new regulation codifying the general rule of law that retail sales of tangible personal property and specified services are presumed to be taxable.

92-19-62 is a new regulation concerning the taxability of various transactions under warranties, service and maintenance contracts.

92-19-63 is a new regulation clarifying the limitations of actions under the sales tax act.

92-19-64 is a new regulation concerning corporate officer liability and the criteria used to determine individual liability.

92-19-65 is a new regulation defining "medical equipment and supplies" as that term is used in the sales tax act.

92-19-66 is a new regulation concerning contractors, subcontractors and repairmen. The regulation includes elements from existing regulations and addresses the imposition of sales tax on materials purchased by contractors, subcontractors and repairmen.

92-19-66a is a new regulation concerning contractors, subcontractors and repairmen and their purchases of materials for use in projects qualifying for a project exemption. The regulation clarifies the exemption's applicability, and states the proper use of the exemption certificate.

92-19-66b is a new regulation concerning contractors, subcontractors and repairmen and their labor services. The regulation includes elements from existing regulations in addition to an expanded and clarified tax treatment of services.

92-19-66c is a new regulation concerning contractors, subcontractors and repairmen and their purchases, leases and rentals of tools and equipment.

92-19-66d is a new regulation concerning factory built and manufactured homes. The regulation addresses the issues of materials and services and their treatment under the sales tax act.

92-19-67 is a new regulation concerning sales of tangible personal property and taxable services made by corporations, businesses, associations and other similar organizations which are organized not for profit. The regulation defines the term "regularly engaged in the business."

92-19-68 is a new regulation concerning persons who provide employees to others to perform services taxable under the sales tax act.

92-19-69 is a new regulation concerning caterers and the taxability of their sales of food, meals, and drinks.

92-19-70 is a new regulation concerning computer software which states that all sales of computer software whether "canned," custom, operational, systems, application or otherwise, are taxable under the sales tax act.

92-19-71 is a new regulation concerning the taxability of providing mobile phone, cellular phone, beeper and other similar services. The regulation also addresses the taxability of sales and leases of related equipment.

92-19-72 is a new regulation concerning the taxability of sales of tangible personal property and taxable services between related entities.

92-19-73 is a new regulation clarifying the taxability of membership fees and dues. The terms "dues" and "recreation or entertainment" are defined.

92-19-74 is a new regulation which addresses the filing requirements of monthly taxpayers who file on a thirteen month accounting period.

92-19-75 is a new regulation defining "educational institution."

92-19-76 is a new regulation concerning sales of tangible personal property and services to a political subdivision of the state of Kansas. The regulation defines the term "purchased directly by," and addresses the taxability of purchases made by employees, agents, contractors and representatives of political subdivisions of the state of Kansas.

92-19-77 is a new regulation concerning sales of tangible personal property and services to the United States and its agencies. The regulation defines the term "purchased directly by," and addresses the taxability of purchases made by employees, agents, contractors and representatives of the United States and its agencies.

92-19-78 is a new regulation defining "notice from the director of taxation" for the purpose of imposing the 25 percent penalty on unpaid sales tax.

92-19-79 is a new regulation concerning oil and gas well production. The regulation addresses the issues of materials and services and their treatment under the sales tax act.

92-19-80 is a new regulation concerning advertising agencies and related businesses. The regulation addresses nontaxable and taxable services, various exemptions from sales tax available to the industry, the taxability of various sales of tangible personal property, the tax consequences of sales of tangible personal property comprised of various services in addition to the property sold, and media placement and production.

Ch. 92, Art 20—Compensating Tax—92-20-11 concerning registration of persons maintaining inventory in Kansas for use out-of-state or for an exempt purpose is amended to add that pay permits shall not be used to purchase exempt from sales tax any taxable services performed by others for the user or consumer who holds a direct pay permit. The amendment adds that if the holder of a direct pay permit purchases tangible personal property for the holder's use, the retailer must charge the user Kansas tax. Amendment also updates language.

92-20-13 concerning property formerly used in another state is amended to change director of revenue to director of taxation. Amendment also updates language.

Ch. 92, Art. 21—Local Retailers' Sales Tax—92-21-6 concerning local sales tax is amended to state that local sales tax applies to certain sales that are not subject to state sales tax, including sales of natural gas, electricity, heat and water delivered through mains, and lines or pipes to residential premises for noncommercial use. Amendments also updates language.

92-21-8 concerning local sales tax for delivery-only is amended to add that unless otherwise provided by law, retailers with a fixed business location in Kansas must collect local sales tax at their business location on retail sales or leases of tangible personal property, even though delivery of the property may be made in another local taxing jurisdiction.

92-21-10 concerning out-of-state retailers is amended to add that unless otherwise provided by law, if an out-of-state retailer does not maintain a place of business in Kansas, warehouse stock in Kansas, sell and deliver from a vehicle in Kansas, or have other fixed business locations in Kansas, then no local sales tax is due on the sale or rental of tangible personal property into Kansas.

92-21-14 concerning sales from vehicles is amended to add that this regulation does not apply to deliveries made from a vehicle by a retailer on a regularly maintained route or for previously accepted orders.

Ch. 92, Art. 24—Retail Liquor Excise Tax—92-24-9 concerning definitions is amended to delete the term "club" from the definition of a licensee. The definition of a licensee is also amended to include a holder of a class A or class B drinking establishment or caterer's license.

92-24-10 concerning sales tax registration certificates is amended to add that when a caterer applies for a registration certificate, the caterer shall use as an address the place where the caterer's principal place of business is located. Other amendments update the language.

92-24-11 concerning the application of sales tax is amended to delete the term "club" and replace it with the term "licensee." Other amendments update the language.

92-24-13 concerning the prohibition of a licensee assuming the tax is amended to delete the term "club" and update the language.

92-24-15 concerning record requirements is amended to delete the term "club." Amendments also delete the paragraph referring to complimentary drinks containing alcoholic liquor.

92-24-16 concerning the source of the licensee's records is amended to delete the term "club" and changes 3:00 a.m. to 2:00 a.m. Other amendments update the language.

92-24-17 concerning daily summaries is amended to delete the term "club." Amendments also delete the sentence concerning complimentary drinks containing alcoholic liquor.

92-24-18 concerning the licensee's inventory is amended to delete the term "club." Amendments also require that a licensee keep sales slips provided by a wholesaler. Other amendments update the language.

92-24-19 concerning price listing statements is amended to delete the term "club" and update the language.

92-24-20 concerning the taxing of complimentary drinks containing alcoholic liquor is revoked.

92-24-21 through 92-24-24 are amended to delete the term "club" and update the language.

Ch. 92, Art. 26—Agricultural Ethyl Alcohol Producer Incentive Fund—92-26-1 is a new regulation which defines terms used in order to implement the agricultural ethyl alcohol producer incentive fund.

92-26-2 is a new regulation which requires producers to file an application with the Department of Revenue in order to be eligible for production incentive funds. The regulation also sets out the information required on the application.

92-26-3 is a new regulation which requires that each person purchasing agricultural ethyl alcohol from a qualified agricultural ethyl alcohol producer for the purpose

of blending alcohol in this state have a valid manufacturer's license.

92-26-4 is a new regulation which requires ethyl alcohol producers to file a report with the director of taxation within 30 days from the last day of each quarter. The regulation also sets out the information each producer is required to report.

92-26-5 is a new regulation which requires each producer to maintain certain records at the plant where production occurs for a minimum period of three years. The regulation also sets out the information required to be maintained by the producer.

92-26-6 is a new regulation which requires that before spirits are withdrawn from an alcohol fuel plant, the producer must render them unfit for beverage use as required by federal law. The regulation also requires records be prepared and maintained by the consignor when shipping fuel alcohol from the plant premises.

92-26-7 is a new regulation which states that if the director of taxation determines from available reports and records that a producer has erroneously received moneys from the agricultural ethyl alcohol producer incentive fund, the recipient shall refund to the director the amounts erroneously paid.

Ch. 92, Art. 51—Titles and Registration—92-51-40 is a new temporary and permanent regulation which sets a \$7 fee for the permanent registration of motor vehicles owned by a city or county or agency or instrumentality of a city or county and used exclusively for governmental purposes. The regulation also requires these motor vehicles to be registered by February 1, 1988. The cost to the city and county for registering these vehicles would be approximately \$231,525.

Ch. 92, Art. 52—Motor Vehicle Drivers' Licenses—92-52-1 is amended to state that each applicant testing 20/40 or better in at least one eye with or without corrective lens at the examination station shall meet the vision requirements. The amendment also changes the language in subsection (c) to state that the driver's license examiner shall require each individual with a reading of 20/60 in at least one eye with or without corrective lens to submit to a driver's test for the proper restriction.

There is no fiscal impact associated with the implementation of these regulations with the exception of 92-51-40, which is summarized above.

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 005934

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

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

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

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

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

Applications set for November 17, 1987

Application for Extension of Certificate of Convenience and Necessity:

Ronald Stockard and ) Docket No. 155,899 M
Melvin Stockard, dba )
New Life Trucking )
Route 1 )
Princeton, KS 66078 ) MC ID No. 127385

Applicant's Attorney: None

Hay, grain, seed, dry feed and dry feed ingredients, dry fertilizer, building materials and agricultural implements and parts,

Between all points and places in Franklin, Anderson, Miami, Douglas, Osage, Johnson, Shawnee, Coffey, Lyon and Wyandotte counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

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Application for Extension of Certificate of Convenience and Necessity:

Mercedes Trucking, Inc. ) Docket No. 154,484 M
608 W. 8th, Box 837 )
Winfield, KS 67156 ) MC ID No. 127347

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

Building and construction materials,

Between points in Kansas on and east of K-99 on the one hand, and on the other, all points and places in Kansas.

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Application for Certificate of Convenience and Necessity:

Kansas City Parcel, Inc. ) Docket No. 157,503 M
9746 N. Seymour )
Kansas City, MO 64153 )

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

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

Between points in Wyandotte, Johnson, Leavenworth, Atchison, Jefferson, Douglas, Shawnee, Franklin and Miami counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

John A. Hibbert, dba ) Docket No. 157,502 M
Hibbert Mobile Home )
Transport )
1405 N. Carlton )
Liberal, KS 67901 )

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

House trailers, mobile homes, buildings in sections on their own removable undercarriages, prefabricated buildings in sections, boats and house boats and recreational vehicles,

Between points and places on and west of K-77. Also,

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

\*\*\*\*\*

Application for Transfer of Certificate of Convenience and Necessity:

Paul M. Flowers, dba ) Docket No. 148,074 M
Flowers Trucking )
107 N. Central )
Coldwater, KS 67029 ) MC ID No. 123356

TO:

Richard L. Bursch, dba
Bursch Trucking
Route 1, Box 57
Bird City, KS 67731

Applicant's Attorney: None

Feed, feed ingredients, salt, fertilizer, fertilizer ingredients and grain,

Between all points and places in the state of Kansas.

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Application for Certificate of Convenience and Necessity:

Chateau Acres Mobile ) Docket No. 157,504 M
Home Park, Inc., dba )
EGV Shuttle Bus )
4101 E. Hwy. 50 )
Garden City, KS 67846 )

Applicant's Attorney: None

Persons,

Between all points and places in Finney County, Kansas.

Applications set for November 19, 1987

**Application for Certificate of Convenience and Necessity:**

Brad Muir, dba ) Docket No. 157,505 M  
 M & M Trucking )  
 Route 1 )  
 Stockton, KS 67669 )

Applicant's Attorney: None

*Grain and seeds,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity:**

Herman Brothers, Inc. ) Docket No. 90,083 M  
 2565 St. Marys Ave. )  
 Omaha, NE 68101 ) MC ID No. 100457

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

*Commodities in bulk (except classes A and B explosives),*

Between points and places in the state of Kansas.

\*\*\*\*\*

**Application for Transfer of Certificate of Convenience and Necessity:**

D-J Oil Co., Inc. ) Docket No. 106,966 M  
 603 E. 14th, Box 90 )  
 Chanute, KS 66720 ) MC ID No. 101678

TO:

Miura Enterprises, Inc.  
 600 W. Cherry St.  
 Chanute, KS 66720

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

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

Between all points in Neosho, Wilson, Montgomery, Labette, Allen, Woodson, Coffey, Anderson, Linn, Franklin and Miami counties, Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Gerald W. Statler, dba ) Docket No. 157,506 M  
 Statler Auto Service )  
 945 Central )  
 Horton, KS 66439 )

Applicant's Attorney: None

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

Between all points and places in Brown, Atchison, Doniphan, Jackson and Nemaha counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

**Application for Certificate of Convenience and Necessity:**

Susie J. Larson, dba ) Docket No. 157,507 M  
 E. L. Trucking )  
 Route 1, Box 98 )  
 Little River, KS 67457 )

Applicant's Attorney: None

*General commodities (except classes A and B explosives, household goods, commodities in bulk, commodities requiring refrigeration and hazardous materials as defined in 49 C.F.R. § 172.101),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Transfer of Certificate of Convenience and Necessity:**

Yellow Cab Company, ) Docket No. 130,842 M  
 a Division of )  
 Johnson Enterprises )  
 200 S.E. 21st )  
 Topeka, KS 66603 ) MC ID No. 104422

TO:

Yellow Cab Co.,  
 a Division of Crescent  
 Transportation Company, Inc.  
 200 S.E. 21st  
 Topeka, KS 66603

Applicant's Attorney: Robert Storey, 5863 S.W. 29th, Shadow Wood Office Park, Topeka, KS 66614

*Passengers and baggage,*

Between all points and places within the state of Kansas.

\*\*\*\*\*

**Application for Transfer of Certificate of Convenience and Necessity:**

Yellow Cab Company, ) Docket No. 147,074 M  
 a Division of )  
 Johnson Enterprises, dba )  
 Crescent Bus Service )  
 200 S.E. 21st )  
 Topeka, KS 66603 ) MC ID No. 122271

TO:

Crescent Tour and Charter,  
 a Division of Crescent  
 Transportation Company, Inc.  
 200 S.E. 21st  
 Topeka, KS 66603

Applicant's Attorney: Robert Storey, 5863 S.W. 29th, Shadow Wood Office Park, Topeka, KS 66614

*Passengers and their baggage in charter bus service only,*

Between points and places in the state of Kansas.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 005928

## 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

A-1 Buildings, Inc., Wellington, KS.  
 AA Bonding, Inc., Strong City, KS.  
 AAA Store, Inc., Wichita, KS.  
 Agape Rhema Ministries, Inc., Topeka, KS.  
 Air-O-Matics, Inc., Osawatomie, KS.  
 Alspaw's Fine Jewelry, Inc., Emporia, KS.  
 American Association of Zoo Keepers, Topeka, KS.  
 American Farm Supply, Inc., McPherson, KS.  
 Anita Frey Real Estate, Inc., Wichita, KS.  
 Anray, Inc., Wichita, KS.  
 Armstrong Enterprises, Inc., Ulysses, KS.  
 Ascough, Bausch, Eschmann, P.A., Topeka, KS.  
 Associated Design and Air Systems, Inc.,  
 Bonner Springs, KS.  
 B.C. Communities, Inc., Wichita, KS.  
 Belco of Pittsburg, Inc., Mulberry, KS.  
 Bender Auto & Truck Sales, Inc., Tribune, KS.  
 Benton Construction, Incorporated, Meriden, KS.  
 Betts Pest Control, Inc., Wichita, KS.  
 Bidley's Inc., WaKeeney, KS.  
 Big Horn Trucking, Inc., Wichita, KS.  
 Bob Krumsick, Inc., Frontenac, KS.  
 Boss, Inc., Wichita, KS.  
 Bratcher Construction Company, Inc., Wichita, KS.  
 Brides' World, Inc., Wichita, KS.  
 The Bryan Corporation, Overland Park, KS.  
 Builders Specialties, Inc., Overland Park, KS.  
 C. A. P. Enterprises, Inc., Hutchinson, KS.  
 Campbell-Derks Realtors, Inc., Overland Park, KS.  
 Carter Land & Cattle, Inc., Chanute, KS.  
 Case Oil & Gas, Inc., Pratt, KS.  
 Cecon Construction Services, Inc., Olathe, KS.  
 Central Kansas Court Appointed Special Advocate,  
 Inc., Great Bend, KS.  
 CFT Imports, Inc., Overland Park, KS.  
 Cherub Industries, Inc., Herington, KS.  
 Cimarron Hills Investors Corporation,  
 Lawrence, KS.  
 Citadel Realty, Inc., Overland Park, KS.  
 Clapp Land Company, Wichita, KS.  
 Clark County Land & Cattle Company,  
 Minneola, KS.  
 Clasen Basements, Inc., Maize, KS.  
 Coffee Connection, Inc., Leawood, KS.  
 Colby Truck & Tractor, Inc., Colby, KS.  
 Communications Protection Group of North  
 America, Overland Park, KS.  
 Comotara Swim & Tennis Club, Inc., Wichita, KS.  
 Consignment Consultants, Inc., Wichita, KS.

Consolidated Construction & Equipment Co., Inc.,  
 Hugoton, KS.  
 Consulting Services, Inc., Wichita, KS.  
 Cook Enterprises, Inc., Newton, KS.  
 Corbin Lumber, Inc., Corbin, KS.  
 Cozumel Connection, U.S.A., Inc.,  
 Overland Park, KS.  
 Crane & Company, Inc., Topeka, KS.  
 Cranford Living—Learning Centers, Inc.,  
 Wichita, KS.  
 Credit Bureau of Hays, Inc., Hays, KS.  
 Cunningham Construction, Inc., Olathe, KS.  
 Custom Sign & Graphics, Inc., Leawood, KS.  
 Dairy Queen #2 Luna's, Inc., Topeka, KS.  
 David Hardy Evangelistic Association,  
 Lincolnton, NC.  
 Davis & Son Exterminators, Inc., Emporia, KS.  
 Don Bet Enterprises, Inc., Colby, KS.  
 Dunhill of Topeka, Inc., Topeka, KS.  
 Durox Equipment Company Kansas, Inc.,  
 Strongsville, OH.  
 Dymon International, Inc., Kansas City, KS.  
 E-Kan, Inc., Topeka, KS.  
 Ebnek, Inc., Wichita, KS.  
 Edwards Vending Service Co., Inc.,  
 Kansas City, KS.  
 Electrical Contractors of Olathe, Inc., Olathe, KS.  
 The Elegant Interior, Inc., Leawood, KS.  
 Emancipation Day Committee, Inc.,  
 Hutchinson, KS.  
 Executive Resources, Inc., Tulsa, OK.  
 F P & H Aircraft, Inc., Benton, KS.  
 First Kansas Holding Company, Inc., Beloit, KS.  
 Flavors, Inc., Wichita, KS.  
 Ford Bros. Foundation, Inc., Wichita, KS.  
 Foreign Car Salvage, Inc., Wichita, KS.  
 Freewheeling Enterprises, Inc., Olathe, KS.  
 Frontier Contractors, Inc., Bucyrus, KS.  
 Frontier Motel, Inc., Oberlin, KS.  
 G. R. Garwood, D.O., P.A., Overland Park, KS.  
 G. W. Consultants, Inc., Emporia, KS.  
 Gardner Plumbing, Inc., Augusta, KS.  
 Gene Taylor and Associates, Inc., Shawnee, KS.  
 Ging Investment Co., Inc., Hutchinson, KS.  
 Glenna Hodges Cosmetics, Inc., Wichita, KS.  
 Graham-Dorian Software Systems, Inc., Wichita, KS.  
 Guaranty Fuels, Inc., Independence, KS.  
 Gurney Wholesale, Inc., San Bruno, CA.  
 H & G Associates, Inc., Shawnee, KS.  
 H J D Cattle Co., Inc., Garden City, KS.  
 Hanson Development Corporation, Derby, KS.  
 Hanson Sales, Inc., Jamestown, KS.  
 Hays Greenhouse, Inc., Hays, KS.  
 Hearts for Life, Inc., Olathe, KS.  
 Hett's Implement, Inc., Marion, KS.  
 Holographics, Inc., Pittsburg, KS.  
 Home Owner Member Exchange, Inc., Wichita, KS.  
 Hoxie Automotive, Inc., Hoxie, KS.  
 Ihari School for Special Education, Inc.,  
 Wichita, KS.  
 Investment General Inc., Topeka, KS.  
 Jayhawk Mobile Homes, Ulysses, Inc., Wichita, KS.  
 Jayhawk Realty Co., Inc., Hutchinson, KS.



- JCB Enterprises, Inc., Overland Park, KS.  
 Joel Pickering Real Estate, Inc., Olathe, KS.  
 Johnson Air-Ag, Inc., Lawrence, KS.  
 June Homes, Inc., Haysville, KS.  
 K. C. Farms, Co., Seward, KS.  
 K. C. Tennis Court Builders, Inc., Shawnee, KS.  
 K. C. TV Mart Inc., Kansas City, KS.  
 Kansas City Structural Steel Company,  
 Shawnee, KS.  
 Kansas Developers Incorporated, Fredonia, KS.  
 Kansas Textile Maintenance Association,  
 Wichita, KS.  
 Kansas World of Real Estate, Inc.,  
 Prairie Village, KS.  
 KCSS, Inc., Shawnee, KS.  
 Kingsbury Petroleum Corp., Wichita, KS.  
 KNS Construction, Inc., Topeka, KS.  
 Koplín International, Inc., Topeka, KS.  
 L. J. Moore Enterprises, Inc., Wichita, KS.  
 Lackey Tank Service, Inc., Sterling, KS.  
 Lakewood Country Club Services, Inc.,  
 Wichita, KS.  
 Langston & Associates, Inc., Wichita, KS.  
 Larry's Standard Service, Inc., Kansas City, KS.  
 Lawrence Steak #365, Inc., Overland Park, KS.  
 League of Women Voters of Great Bend, Kansas,  
 Inc., Great Bend, KS.  
 Leavenworth Lions Club, Inc., Leavenworth, KS.  
 Leonor C. Carrasco, M.D., Chartered, Shawnee, KS.  
 The Liberal Memorial Library Foundation, Inc.,  
 Liberal, KS.  
 Lodging Supply, Inc., Wichita, KS.  
 Louisburg Golden Age Housing Corporation,  
 Louisburg, KS.  
 L S Land and Cattle, Inc., Ulysses, KS.  
 Ma Belle's Caps & Jackets, Inc., Kansas City, KS.  
 The Marksman, Inc., Mulvane, KS.  
 Mather Flare Rental Inc., Topeka, KS.  
 McCormick Roofing, Inc., Shawnee Mission, KS.  
 Medicine Lodge Development Co., Inc.,  
 Medicine Lodge, KS.  
 Membrane and Sealant Systems Construction, Inc.,  
 Wichita, KS.  
 Mid America Microwave Enterprises, Inc.,  
 Wichita, KS.  
 Mid-America Redi-Mix, Inc., Hutchinson, KS.  
 Midwest Fire Sprinkler, Inc., Kansas City, KS.  
 Mike Neighbors Construction Inc.,  
 Shawnee Mission, KS.  
 Moore Flavors, Inc., Wichita, KS.  
 Moto-Burger, Inc., Wichita, KS.  
 N-Chem, Inc., Great Bend, KS.  
 Nickelson Tool & Die Co., Inc., Wichita, KS.  
 Nugen and Sons Construction, Inc.,  
 Belle Plaine, KS.  
 Olathe Health Foundation, Olathe, KS.  
 Onyx Distribution, Inc., Wichita, KS.  
 The Outpost, Inc., Virginia, NE.  
 P. J. F. Enterprises Corp., Kansas City, KS.  
 Paterson Computer Service, Inc., Shawnee, KS.  
 Pan American Golf Association of Wichita,  
 Wichita, KS.  
 Pawnee Production Service, Inc., Ness City, KS.  
 Pioneer Construction Consultants, Inc., Wichita, KS.  
 Pioneer Drywall Inc., Hutchinson, KS.  
 Planned Professional Services, Inc., Wichita, KS.  
 Polkinghorn Molasses, Inc., Dodge City, KS.  
 Powell Amusement, Inc., Hutchinson, KS.  
 Professional Printing Co., Wichita, KS.  
 Professional Therapy of Kansas, Inc.,  
 E. Birmingham, MI.  
 Purkey Construction Co., Inc., Topeka, KS.  
 R & R Exploration, Inc., Hays, KS.  
 Ralph M. Tuttle & Son, Inc., Quinter, KS.  
 Roberts Welding, Inc., Ashland, KS.  
 Robson and Associates Interior Design Group,  
 Incorporated, Wichita, KS.  
 Rosodo Supply, Inc., Great Bend, KS.  
 Ryan Airline Services Corporation, Wichita, KS.  
 Ryan Aviation Aircraft Sales Incorporated,  
 Wichita, KS.  
 S & S Body Shop, Inc., Oakley, KS.  
 S & W, Inc., Topeka, KS.  
 Saint Matthew Christian Methodist Episcopal  
 Church, Wichita, KS.  
 The Sale Barn, Inc., Salina, KS.  
 Samowa, Inc., Wichita, KS.  
 Schreiner's Grain Co., Hays, KS.  
 Seemco, Inc., Olathe, KS.  
 Sharp Construction Company, Inc., Norton, KS.  
 Shirt Shacks Unlimited, Inc., Wichita, KS.  
 Shoe Corner, Inc., Overland Park, KS.  
 Singnoi Soder Stinson Import Export, Inc.,  
 Pittsburg, KS.  
 Southeast Kansas Housing for the Handicapped,  
 Inc., Columbus, KS.  
 Southwest Feed Yard, Inc., Ulysses, KS.  
 Speaker Road Properties, Inc., Chanute, KS.  
 Spectrum Laboratory and Sales, Incorporated,  
 Sommerville, NJ.  
 Stanco, Inc., Wichita, KS.  
 The Standard-Hart Printing Company, Inc.,  
 Topeka, KS.  
 Stanley L. Y. Chow, M.D., P.A., Fort Scott, KS.  
 Starr Enterprises, Inc., Wichita, KS.  
 Steak Pit, Inc., Garden City, KS.  
 Stephens Brothers Decorating, Inc., Wichita, KS.  
 Tanglewood, Inc., Wichita, KS.  
 Terrace Townhouse Owners Association,  
 Independence, KS.  
 Top Development, Inc., Topeka, KS.  
 Topeka Cemetery Association, Topeka, KS.  
 Tractor 8391, Inc., Fort Scott, KS.  
 Tractor 8614, Inc., Fort Scott, KS.  
 Tri-Sentry Chemical Corporation, Lenexa, KS.  
 Trio Machine Inc., Wichita, KS.  
 Triple H, Inc., Ottawa, KS.  
 Twin Lakes Cleaners, Inc., Wichita, KS.  
 Universal Management Corporation, Shawnee, KS.  
 Wakarusa Estates Investment Associates, L.P.,  
 Lawrence, KS.  
 Wayne Service Co., Inc., Kansas City, KS.  
 Weathercraft Company of Topeka, Topeka, KS.  
 Wells Printing & Stationery, Inc., Kansas City, KS.  
 The Western University Holding Corporation,  
 Kansas City, KS.

(continued)

Wheels-N-Water, Inc., Wichita, KS.  
 Won, Inc., Overland Park, KS.  
 Wood Construction Company, Inc., Wichita, KS.  
 WoodsHills Ltd., Ottawa, KS.  
 3725 Broadway, Inc., Shawnee Mission, KS.

#### Foreign Corporations

A. J. Spanjers Company, Inc., Minneapolis, MN.  
 A. Oetzel Construction, Inc., Davenport, IA.  
 ACS Leasing Company, Houston, TX.  
 Aldebaran Drilling Co., Wichita, KS.  
 American Stair Corporation Inc., Willow Spring, IL.  
 Automated Controls, Inc., Denver, CO.  
 B.H.N. Corporation, Memphis, TN.  
 Benchmark Properties, Ltd., Kansas City, MO.  
 Bi-State Oil, Inc., Houston, TX.  
 Bizjet International Sales and Support, Inc.,  
 Tulsa, OK.  
 Brazos Petroleum Company, Midland, TX.  
 Brokers Investment Corp., Wichita, KS.  
 C & S Investors, Inc., Kansas City, MO.  
 C. Roger Thompson Masonry, Inc., Raytown, MO.  
 C/E Equipment Company, Lincoln, NE.  
 Carpentry Unlimited, Inc., Kansas City, MO.  
 Catalin , Inc., Stratford, TX.  
 Centralized Trades Inc., St. Joseph, MO.  
 Class One Waterproofing, Inc., Blue Springs, MO.  
 Commonwealth Electric Company, Lincoln, NE.  
 Computer Election Systems, Inc., Berkeley, CA.  
 Continental Power Services Company, Lincoln, NE.  
 D & H Tire Services, Inc. of CA.,  
 Newport Beach, CA.  
 Diamond Building Materials, Inc.,  
 Kansas City, MO.  
 Double K, Inc., Kansas City, MO.  
 Edward J. Massey & Associates, Inc., Dallas, TX.  
 Emergency Service Company of Kansas, Inc.,  
 St. Louis, MO.  
 Enertec Geophysical Services, Inc., Denver, CO.  
 Entertainment Publications, Inc., Birmingham, MI.  
 Evergreen Lawn Care Service, Chemicals, and  
 Rentals, Superior, NE.  
 Foam Concepts, Inc., Watertown, SD.  
 Foremost Dairies, Inc., San Francisco, CA.  
 Four Seasons Sprinkler, Inc., Parkville, MO.  
 Francisco A. Reyes, Jr., M.D., F.A.C.S., P.C.,  
 Lee's Summit, MO.  
 Freedlander, Inc. The Mortgage People,  
 Richmond, VA.  
 Gemini Corporation, Oberlin, KS.  
 Gremor Industries, Inc., Topeka, KS.  
 Gremor Motor Inns, Inc., Topeka, KS.  
 Griffco Distributing Company, Inc.,  
 Overland Park, KS.  
 Halo Energy Corporation, Arlington, TX.  
 Harrison International Corporation, Lincoln, NE.  
 Healthcor—Kansas, Inc., Dallas, TX.  
 Herbert & Boghosian, Inc., Simsbury, CT.  
 Inland Construction Company, St. Joseph, MO.  
 Ivory & Sime (Oil & Gas) Inc., Jackson, MS.  
 Jack Godfrey & Sons, Inc., Arlington, TX.  
 Japex (U.S.) Corp., Wilmington, DE.  
 JCO Products Marketing, Inc., Houston, TX.

Kajan Oil & Gas, Inc., Pampa, TX.  
 Kansas CCIM Chapter of the Realtors National  
 Marke, Wichita, KS.  
 Kansas Contract Sweepers, Inc., Omaha, NE.  
 Ken's Pizza Management, Inc., Springfield, MO.  
 Kirbe Management Corp., Tucson, AZ.  
 Kwik-Kopy Corporation, Cypress, TX.  
 Lifecare Services, Inc., Boulder, CO.  
 McCue Mortgage Company, Kansas City, MO.  
 McKesson Medical Supply, Inc., San Francisco, CA.  
 Mercury Cementing, Inc., Fort Morgan, CO.  
 Mid-States Equipment, Inc., Belleville, IL.  
 Milchem Incorporated, Houston, TX.  
 Missouri World of Real Estate Inc., Oakbrook, IL.  
 ODC Communications Corporation, Bethesda, MD.  
 Opal Care Centers, Inc., Marion, IN.  
 Opubco Resources, Inc., Wilmington, DE.  
 Perceptronics, Inc., Woodland Hills, CA.  
 Petroleum Special, Inc. of Iowa, Des Moines, IA.  
 Phone-Master Corporation, Walnut Creek, CA.  
 Pure Energy Production Company, Houston, TX.  
 Quist Construction Company, Prairie Village, KS.  
 Reed Tool Company, Houston, TX.  
 Resource Publishers, Inc., Lenexa, KS.  
 Robertson-Williams Transport, Inc.,  
 Kansas City, MO.  
 Rooney, Pace Inc., New York, NY.  
 S. & A. Realty Co., Clayton, MO.  
 Schreiber Corporation, Detroit, MI.  
 Selective Marketing Company, Kansas City, MO.  
 Senninger Irrigation, Inc., Orlando, FL.  
 Sing-A-Gram, Inc., Tulsa, OK.  
 Southern Concrete Services, Inc.,  
 Berrien Springs, MI.  
 Sperry Corporation, New York, NY.  
 Standard Glass and Mirror, Inc., Des Moines, IA.  
 Stein Mart, Inc., Jacksonville, FL.  
 Steep Hill Enterprises, Inc., Midwest City, OK.  
 Summit Associates, Inc., Lee's Summit, MO.  
 Sunbelt Oil Investments, Inc., Oklahoma City, OK.  
 Taconic Petroleum Corporation, New York, NY.  
 Tel-Ad Advisors, Inc., Portland, OR.  
 Terra Construction, Ltd., Davenport, IA.  
 Terracon Consultants EC, Inc., Cedar Rapids, IA.  
 Terracon Consultants SC, Inc., Cedar Rapids, IA.  
 Terracon Consultants SE, Inc., Cedar Rapids, IA.  
 Terracon Consultants, Inc., Cedar Rapids, IA.  
 Tip-Top Plumbing & Heating Co.,  
 Kansas City, MO.  
 Tolley International Corporation, Indianapolis, IN.  
 Transpower Constructors Incorporated, Denver, CO.  
 United Merchandising Corp., Kansas City, MO.  
 UPC, Inc., Raytown, MO.  
 Valassis Color Graphics, Inc., Livonia, MI.  
 Video U.S.A., Inc., Bountiful, UT.  
 Wetterau Holdings II, Inc., Hazelwood, MO.

BILL GRAVES  
 Secretary of State

Doc. No. 005911

## State of Kansas

## SECRETARY OF STATE

## NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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 November 1, 1987 through November 30, 1987 shall be 12.29 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 October, A.D. 1987.

BILL GRAVES  
Secretary of State

Doc. No. 005941

## State of Kansas

## DEPARTMENT OF EDUCATION

TEMPORARY ADMINISTRATIVE  
REGULATIONSArticle 25.—COMMUNITY COLLEGE  
REGULATIONS

**91-25-1a. Residence determination; out-district students; out-of-state and foreign students.** (a) Definitions.

(1) "Out-district student" means a student who is a resident of Kansas but who resides outside of a community college district, except as otherwise provided in K.S.A. 71-305 and 71-401. For the municipal university, "out-district student" means a student who is a resident of Kansas but who resides outside of the municipal university's taxing district.

(2) "Out-of-state or foreign student" means a student who is not a resident of the state of Kansas.

(3) "Students who are in any armed service of the United States" means servicemen and servicewomen stationed in the state of Kansas, on active duty. Any person incarcerated in any military disciplinary barracks shall not be deemed to be in the armed services of the United States.

(4) "Employees of community colleges" means employees, classified and unclassified, on regular payroll appointments for at least 40% of a full-time appointment. This definition shall not apply to seasonal, temporary, or hourly appointments.

(5) "Persons having special domestic relation circumstances" means students living with a "person acting as parent" of the student, as defined in K.S.A. 72-1046, or students who live in a community college district as a result of placement in the district by a district court or by the secretary of social and rehabilitation services.

(6) "Persons who have lost their resident status" means students who were residents of the state of

Kansas, but whose residence changed, within six months prior to their most current enrollment at a community college, to a location outside the state of Kansas.

(7) "Release of out-district funds form" means a particular form prescribed by and available from the state department of education which relates to the payment of out-district tuition.

(8) "Course of study or program" means an instructional sequence or classes, or both, the completion of which qualifies a student to receive a degree or certificate, or to engage in a particular field of employment.

(b) The determination of residency for out-district tuition and student tuition purposes shall be made according to K.S.A. 71-402 and 71-406, and any amendments to these statutes. Significant factors which may be considered in determining intent to become a resident are payment of property taxes, purchase of license tags, location of employment, voting registration, and any other established ties with the community college district, the municipal university district, or a location in Kansas.

(c) Out-of-state and foreign students of any community college shall be charged not less than the tuition charged out-of-state and foreign students at Pittsburg state university. However, the following out-of-state or foreign students, and their spouses and dependents, may be admitted at the same rate of tuition as in-state students:

(1) Students who are in any armed service of the United States;

(2) employees of a community college;

(3) persons having special domestic relation circumstances; and

(4) persons who have lost their resident status;

(5) persons who have graduated from a high school accredited by the state board of education within 12 months of enrollment at a community college and who are entitled to admission at a state university pursuant to K.S.A. 72-116 and amendments thereto; and

(6) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas but the domiciliary residence of whom was not timely enough established to meet the residence duration requirements of K.S.A. 71-406, and amendments thereto, and who are not otherwise eligible for admission at in-state student tuition rates. (Authorized by K.S.A. 13-13a27, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 13-13a26, 13-13a27, 71-403, 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended May 1, 1984; amended, T-88-33, Sept. 17, 1987.)

**91-25-1c. Determination of student tuition.** (a) The board of trustees of each community college shall designate a person to determine whether the amount

(continued)

of student tuition paid by each student enrolled in the community college was the proper amount.

(b)(1) The enrollment documents of each community college shall include inquiries which enable the person designated by the board of trustees to identify those out-of-state and foreign students who may have been eligible to pay the same rate of tuition as in-state students, and those students who paid in-state tuition who should have paid out-of-state tuition.

(2) If an out-of-state or foreign student, or his or her spouse or dependent, claims to be eligible to pay the same rate of tuition as in-state students, the student shall provide evidence to substantiate the claim. Such evidence may include proper military identification, an order of a court or a directive from the secretary of social and rehabilitation services, an affidavit of a person acting as parent of the student, or a copy of a transcript from a Kansas accredited high school, signed by the chief administrative officer of the school. In addition, when a claim is made under the provisions of subsection (b)(6) of K.S.A. 71-302, and any amendments to that statute, the student shall submit certification from an employer that the person meets the specifications stated in that subsection of law.

(c) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid out-of-state tuition but was charged and paid in-state tuition, the person shall give written notice to the student indicating:

(1) the amount of student tuition paid and the amount that should have been paid;

(2) the reason or reasons that compel the adjustment in student tuition; and

(3) that the additional tuition is due, and shall be paid within 10 days of the date of the notice, unless the student, within this 10-day period, requests an appeal in accordance with K.A.R. 91-25-2.

(d) The notice provided for in subsection (c) shall be accompanied by a copy of K.A.R. 91-25-2, 91-25-3a and 91-25-4a.

(e) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid in-state tuition but was charged and paid out-of-state tuition, the person shall give notice to the student indicating:

(1) the amount of student tuition paid and the amount that should have been paid; and

(2) the reason or reasons that compel the adjustment in student tuition.

(f) The notice provided for in subsection (e) shall be accompanied by the refund due the student. (Authorized by K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; implementing K.S.A. 71-406, K.S.A. 71-302, as amended by L. 1987, ch. 264, sec. 3; effective May 1, 1983; amended, T-88-33, Sept. 17, 1987.)

DR. LEE DROEGEMUELLER  
Commissioner of Education

Doc. No. 005923

## State of Kansas

# SOCIAL AND REHABILITATION SERVICES

## TEMPORARY ADMINISTRATIVE REGULATIONS

### Article 31.—ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM

**30-31-3. License requirements.** No persons shall establish, conduct, or maintain an alcohol or drug abuse treatment program without first having obtained a license from the secretary of social and rehabilitation services. (a) Types of licenses. Two types of licenses may be issued:

(1) A standard renewable license may be issued for one, two or three years, or a portion thereof, and shall fall due for renewal on either January 1, April 1, July 1, or October 1, after a determination has been made by the alcohol and drug abuse section of the department of social and rehabilitation services that the applicant is in compliance with these rules, regulations and standards. The specific date of license renewal for a program shall be determined by the secretary of social and rehabilitation services or the secretary's designee.

(2) Provisional licenses may be issued for a period of six months, or any portion thereof, when:

(A) Any applicant who is temporarily unable to comply with these rules, regulations and standards needs additional time to correct such conditions; or

(B) the department of social and rehabilitation services determines that additional time is needed to make a proper determination of compliance with these rules, regulations and standards.

A program shall not be provisionally licensed for a period exceeding 12 consecutive months.

(b) Separate license. Separate licenses are required for programs maintained on separate premises even though they are operated under the same management. Separate licenses are not required for separate buildings on the same grounds when operated by the same management.

(c) Multiple components of service. A treatment program may provide more than one component of service provided the following requirements are met:

(1) The owner shall request the department to license the treatment program as one offering several components of service.

(2) Prior to the initiation of an additional service component of treatment service which is not shown on the treatment program's license, the licensee shall obtain the department's approval of such program for the particular component of treatment service.

(3) If the quality and operation of a particular component of service is not in compliance with applicable laws, regulations and standards, the department may deny, suspend, or revoke authorization to provide the particular category of treatment service without denying, suspending, or revoking the treatment program's license for other components of service, provided that the maintenance and operations of the program are otherwise in essential compliance with applicable laws, regulations and standards.

(d) Number of residents. No program shall admit more residents than the number of beds for which it is

licensed. (Authorized by K.S.A. 39-708c, 65-4016, 65-4607; implementing K.S.A. 65-4011, 65-4012, 65-4013, as amended by L. 1987, Ch. 243, Sec. 1, 65-4014, as amended by L. 1987, Ch. 243, Sec. 2, 65-4601, 65-4603, as amended by L. 1987, Ch. 251, Sec. 3, 65-4605, as amended by L. 1987, Ch. 251, Sec. 3; effective May 1, 1976; amended May 1, 1978; amended, T-88-37, Sept. 17, 1987.)

**30-31-4. Application procedures.** (a) Any applicant for licensure shall submit at least the following information on forms provided by the department:

- (1) The name and address of the applicant;
- (2) the name and address of the administrator of the treatment program;
- (3) an outline of staff organization chart, positions, names, and qualifications;
- (4) the names and addresses of the board of directors, sponsors, or advisory board of the treatment program and existing articles of incorporation and by-laws;
- (5) the names and addresses of all physicians, other professionally trained personnel, medical facilities, and other individuals or organizations with whom the treatment program has a direct referral agreement or is otherwise affiliated;
- (6) a description of the nature of the treatment services provided by the treatment program, setting forth program goals and objectives and a description of the treatment modality;
- (7) material substantiating compliance with all related federal, state and local acts, ordinances, rules and amendments thereto, including state fire marshal's rules, department of health and environment requirements and licensing, building code compliance, local zoning regulations compliance, and notarized application certification signed by the program administrator and president or chairperson of the governing board;
- (8) the source of funds used to finance such program, and the annual budget of the organization; and
- (9) execution of permission agreement for members of the department of social and rehabilitation services to conduct reasonable inspections of the premises and records during the pendency of the application as well as during the term of the license.

(b) Any application for licensing shall be made on forms provided by the department at least 90 calendar days before expiration of the current license.

(c) A check in the amount of \$25.00 per treatment component, not to exceed \$100.00, shall be made payable to the department of social and rehabilitation services shall accompany an application for license. (Authorized by K.S.A. 39-708c, 65-4016, 65-4607; implementing K.S.A. 65-4013, as amended by L. 1987, Ch. 243, Sec. 1, 65-4014, as amended by L. 1987, Ch. 243, Sec. 2, 65-4603, as amended by L. 1987, Ch. 251, Sec. 1, 65-4605, as amended by L. 1987, Ch. 251, Sec. 3; effective May 1, 1976; amended May 1, 1978; amended, T-88-37, Sept. 17, 1987.)

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

Doc. No. 005921

## State of Kansas

### DEPARTMENT OF REVENUE

#### TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article 26.—ETHYL ALCOHOL PRODUCER INCENTIVE FUND

**92-26-1. Definitions.** As used in this article these terms shall have the following meanings: (a) "Agricultural commodities" shall mean all materials used in the production of agricultural ethyl alcohol including grains and other starch products, sugar based crops, fruits or fruit products, forage crops and crop residue.

(b) "Wine gallon" means 231 cubic inches measured at 60 degrees.

(c) "Quarter or quarterly" means a period of time consistent with the calendar periods of Jan. 1-March 31, April 1-June 30, July 1-Sept. 30, and Oct. 1-Dec. 31.

(d) "Director" shall mean the director of taxation of the department of revenue.

(e) "Principal place of business and facility" means a plant or still located in the state of Kansas which produces or has the capacity to produce ethyl alcohol.

(f) "Produce or produced" means the process of manufacturing agricultural ethyl alcohol.

(g) "Spirits" mean an inflammable liquid produced by distillation. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

**92-26-2. Applications; contents.** (a) Each person eligible to receive funds from the Kansas qualified agricultural ethyl alcohol producer incentive fund shall file an application with the director of taxation on forms furnished by the director which shall contain the following information:

(1) The name of the person, firm or corporation applying for the incentive;

(2) if the applicant is a corporation, the name and address of each officer;

(3) if the applicant is a partnership, the name and address of each partner;

(4) if the applicant is an individual owner, the name of the owner;

(5) the location and address of each plant producing ethyl alcohol;

(6) the principal mailing address of the applicant;

(7) the size of the plant and whether the plant is leased or owned by the applicant;

(8) the applicant's alcohol, tobacco and firearms permit number;

(9) the agricultural commodities to be used in the production of agricultural ethyl alcohol; and

(10) such other information as the director shall require.

(b) Each application shall be completed and mailed to the director of taxation. The applicant shall receive a formal letter of acceptance when the application is approved. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 17, 1987.)

(continued)

**92-26-3. Alcohol blender requirements; licenses.**

(a) Each person purchasing agricultural ethyl alcohol from a qualified agricultural ethyl alcohol producer for the purpose of blending alcohol in the state of Kansas shall have a valid manufacturer's license issued by the Kansas department of revenue.

(b) In order to qualify for the Kansas qualified agricultural ethyl alcohol incentive, each Kansas qualified agricultural ethyl alcohol producer exporting ethyl alcohol out-of-state shall sell agricultural ethyl alcohol only to persons authorized to blend alcohol in the state, province or country where the blender is located. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

**92-26-4. Filing of quarterly reports, deadline.**

(a) Each ethyl alcohol producer eligible to receive incentive funds shall file a Kansas qualified agricultural ethyl alcohol producer's report with the director of taxation within 30 days from the last day of each quarter. Any producer not filing a report within 30 days from the last day of the quarter shall be barred from seeking payment from the agricultural ethyl alcohol producer's fund for that quarter.

(b) The report shall be on forms furnished by the director and shall contain the following information:

- (1) The beginning inventory of denatured alcohol;
- (2) the amount of alcohol produced and denaturant added;
- (3) the amount of agricultural ethyl alcohol sold to qualified blenders;
- (4) the amount of denatured alcohol sold to other than qualified blenders;
- (5) the amount of denatured alcohol sold or used for miscellaneous purposes, including denatured alcohol which has been lost, destroyed or stolen; and
- (6) such other information as the director shall require.

Each ethyl alcohol producer filing a quarterly report shall furnish all information required by the director before receiving the funds. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

**92-26-5. Record requirements, maintenance and retention.** (a) Each producer shall maintain records with respect to:

- (1) The quantity of spirits produced;
- (2) the quantity of spirits on-hand and received;
- (3) the quantities and types of materials added to render the spirits unfit for beverage use;
- (4) the quantity of fuel alcohol manufactured;
- (5) records of materials used to produce ethyl alcohol;
- (6) all dispositions of spirits, including fuel alcohol.

(b) The records shall contain sufficient information to allow the director to determine the quantities of spirits produced, received, stored, or processed and to verify that all spirits have been lawfully disposed of or used. The producer may use records prepared for other commercial purposes if the records reflect the information required by paragraph (a) of this rule and regulation.

(c) Each producer shall retain the required records

for a period of not less than three years. The records shall be maintained at the plant where production occurs and shall be available at all times during business hours of the day and be available for and subject to examination by the director or the director's duly authorized agent or employee. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

**92-26-6. Withdrawal of spirits and fuel alcohol; records required.** (a) Before spirits may be withdrawn from the premises of an alcohol fuel plant, the producer shall render the spirits unfit for beverage use as required by federal law.

(b) For each shipment or other removal of fuel alcohol from the plant premises, the consignor shall prepare a commercial invoice, sales slip, or similar document. The consignor shall include in the document the date, the quantity of fuel alcohol removed, a description of the shipment, and the name and address of the consignee. The consignor shall retain a copy of the document as a record and shall also provide the consignee and the liquid fuel carrier a copy of the record. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

**92-26-7. Funds erroneously paid.** If the director of taxation determines from available reports and records that a producer has erroneously received moneys from the Kansas qualified agricultural ethyl alcohol producer incentive fund, the recipient, after receiving notification by the director, shall immediately refund to the director the amount erroneously paid. (Authorized by and implementing L. 1987, Ch. 388, Sec. 4; effective, T-88-34, Sept. 18, 1987.)

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 005922

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

**NOTICE OF BOND SALE**  
**\$420,000**

**General Obligation Bonds**  
**Series A, 1987**  
**of the**

**City of Liberal, Kansas**  
**(general obligation bonds payable**  
**from unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, city clerk of the city of Liberal, Kansas, on behalf of the governing body at the City Hall, 325 N. Washington, P.O. Box 830, Liberal, until 6 p.m. local time on Monday, November 16, 1987, for the purchase of \$420,000 principal amount of general obligation bonds, Series A, 1987, of the city 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 December 1, 1987, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1988	\$40,000
1989	40,000
1990	40,000
1991	40,000
1992	40,000
1993	40,000
1994	45,000
1995	45,000
1996	45,000
1997	45,000

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 April 1 and October 1 in each year, beginning on April 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 city and the Kansas Attorney General.

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 bondowners.

The number, 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 at least two weeks prior to the closing date. In the absence of such information, the city 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 city 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 city by the original purchaser at closing.

#### Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1993, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1994 and thereafter may be called for redemption and payment prior to maturity in whole or in part (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on October 1, 1993, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

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

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

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-618 and 12-619; 12-685 *et seq.*; and 13-1024a, as amended by Charter Ordinance No. 8 of the city, for the purpose of paying the cost of certain internal improvements. The bonds and the interest thereon will constitute general obligations of the city, payable 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 city.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 6 p.m. local time on November 16, 1987.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk or the financial adviser. 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 and all bids.

#### 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 shall exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the

(continued)

date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city 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 city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city 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 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 governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 6 p.m. local time on the day the bids are due will be returned to the bidder unopened.

#### 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 to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. 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 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 city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

#### Official Statement

The city has prepared an official statement dated December 30, 1987, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before December 31, 1987 at such bank or trust company in the state of Kansas or Kansas City, Missouri, as

may be specified by the successful bidder. 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 city.

#### CUSIP Numbers

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

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1987, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$47,085,047
Tangible valuation of motor vehicles .....	\$12,478,174
Equalized assessed tangible valuation for computation of bonded debt limitations .....	\$59,563,221

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,885,000.

#### Legal Opinion and Tax Exemption

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, 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 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includable in gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduc-



tion for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) 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; (iii) 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; (iv) 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; (v) 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 (vi) 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.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

A form of bond counsel's opinion, which will be printed on the bonds and paid for by the city, is contained in the official statement of the city with respect to the bonds.

#### Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from the financial adviser, First Securities Company of Kansas, Inc., Suite 200, One Main Place, Wichita, KS 67202, Attention: Kerry J. Clark, (316) 262-4411.

Dated November 2, 1987.

CITY OF LIBERAL, KANSAS

By Craig Simons

Finance Director/City Clerk

City Hall

325 N. Washington

P.O. Box 830

Liberal, KS 67901

(316) 626-0101

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

## NOTICE OF BOND SALE

(One Issue)

\$5,000,000 General Obligation

Internal Improvement Bonds

Series P-233

of the

City of Salina, Kansas

(general obligations, payable from

unlimited ad valorem taxes)

Sealed, written bids will be received by the governing body of the city of Salina, Kansas, at the office of the City Clerk, Suite 206, City-County Building, 300 W. Ash, P.O. Box 736, Salina, KS 67402-0736, on Monday, November 9, 1987, at or before 2 p.m. C.S.T. for the sale of \$5,000,000 internal improvement bonds, Series P-233, for cash, at not less than par and accrued interest, at which time the bids will be publicly opened in Room 200 and read aloud. The contract for the sale of the bonds will be awarded by the Board of Commissioners at 4 p.m. on said day at the regular meeting of the board of commissioners.

#### Security of Bonds

All bonds will constitute general obligations of the city of Salina, Kansas. The principal and interest on the bonds will be payable in part from special assessments on property benefited, but any specially assessed part not so paid and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable tangible property within the territorial limits of the city. The bonds will not be subject to redemption prior to their maturity and will be known as Series P-233.

#### Details of Bonds

Said series will consist of fully registered bonds, certificated or uncertificated, in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Said series will be dated December 1, 1987 and will mature serially as follows:

December 1, 1988	\$500,000
December 1, 1989	500,000
December 1, 1990	500,000
December 1, 1991	500,000
December 1, 1992	500,000
December 1, 1993	500,000
December 1, 1994	500,000
December 1, 1995	500,000
December 1, 1996	500,000
December 1, 1997	500,000

Interest on the bonds will be payable June 1, 1988 and thereafter semiannually on June 1 and December 1 in each year.

#### Place of Payment

The principal of the bonds shall be payable in lawful money of the United States of America at the principal office of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof upon presentation of cer-

(continued)

tificated bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the preceding May 15 or November 15 (the record date). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

#### Conditions of Bids

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax-exempt municipal bonds published in the November 2, 1987 issue of Credit Markets, plus 2 percent, and the difference between the highest and lowest interest rate specified in any bid shall not exceed 2 percent. No bid of less than par and accrued interest will be considered. Purchasers shall submit their bids in writing, sealed, and marked "Bond Bid."

#### Basis of Award

All bids must state the average annual interest rate, the total interest cost, the premium, if any, and the net interest cost, all certified by the bidder to be correct, and the city will be entitled to rely on such representations. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city.

#### Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$100,000, made payable to the order of the treasurer of the city of Salina, Kansas. Such check or the proceeds thereof will be held by the treasurer pending payment for and delivery of the bonds to the successful bidder. In the event the successful bidder shall fail to carry out his contract of purchase, the amount of said deposit shall be retained by the city as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

#### Delivery of and Payment of the Bonds

The city will pay for printing and registering the bonds, expenses of legal service rendered to the city in connection with the issuance of the bonds, and will deliver the bonds properly executed and registered to the successful bidder on or before December 17, 1987 at such bank or trust company as may be specified by the successful bidder, without cost to the successful bidder. Payment for the bonds shall be made in federal funds or other funds which shall be available to the city on the same day the bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript 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 the delivery of the bonds affecting their validity. The number, denomination of bonds, and names of the registered owners to be initially shown on the

bonds shall be submitted in writing by the successful bidder to the bond registrar not later than December 7, 1987.

#### Legal Opinion and Transcript

The sale and issuance of the bonds will be subject to the legal opinion of Stinson, Mag and Fizzell, Kansas City, Missouri, as bond counsel, whose final approving opinion will be furnished and paid for by the city and will be printed on the bonds. The successful bidder will be furnished a certified transcript of proceedings evidencing the authorization and issuance of the bonds, which will include a certificate that no litigation is pending or threatened at the time of delivery of the bonds affecting the validity or security of the bonds.

#### Tax Exemption

In the opinion of bond counsel, under existing statutes, regulations, rulings and court decisions, including the Internal Revenue Code of 1986, interest on the bonds is not includable in gross income for purposes of federal income taxation. In rendering its opinion, bond counsel will state that it has assumed the city's present and continuing compliance with covenants in the proceedings of the city authorizing the issuance of the bonds and other documents. Interest on the bonds is not an item of tax preference for purposes of the individual or corporate alternative minimum tax, except that interest on the bonds may be subject indirectly to a corporate alternative minimum tax as pre-tax book income in taxable years beginning after December 31, 1986. Interest on the bonds also may be subject to a tax based on the modified alternative minimum taxable income of a corporation under the Superfund Amendments and Reauthorization Act of 1986 in taxable years beginning after December 31, 1986. In addition, interest on the bonds held by certain foreign corporations may be subject to the branch profits tax under the code in taxable years beginning after December 31, 1986. The city will designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code relating to interest deductions for banks and thrift institutions. Reference is made to the preliminary official statement for further discussion of the Tax Reform Act of 1986 and the Superfund Amendments and Reauthorization Act of 1986.

#### CUSIP Number

CUSIP identification numbers will be printed on said bonds. All expenses in relation to the printing of CUSIP numbers on said bonds and the CUSIP Service Bureau's charge for the assignment of said numbers will be the responsibility of and shall be paid for by the city.

#### Purpose

Series P-233 is being issued for the purpose of paying the cost of downtown redevelopment improvements including acquisition and improvement of property for 290 off-street parking spaces; acquisition of property and construction of arcades and cross walks; improvement of shelters; and relocation and burial of utilities.

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

**Bid Form**

All bids shall be subject to the terms and conditions contained in this notice of bond sale and must be made on the forms which may be obtained from the city clerk. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The right is reserved to waive irregularities and reject any and all bids.

**Assessed Valuation and Outstanding Bonded Debt**

The assessed valuation of all taxable tangible property within the city of Salina, Kansas, as certified by the Saline County Clerk on August 25, 1987, is as follows:

Equalized assessed valuation of tangible property .....	\$114,502,579
Tangible valuation of motor vehicles .....	<u>27,447,177</u>
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$141,949,756

The outstanding bonded indebtedness of the city of Salina, Kansas, as of December 1, 1987, including this issue of bonds in the amount of \$5,000,000, will be \$12,350,000. The city also has temporary improvement notes outstanding in the principal amount of \$4,800,000, of which \$4,500,000 will be paid with a portion of the proceeds of this issue.

**Bond Ratings**

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

Done by order of the board of commissioners of the city of Salina, Kansas, this 19th day of October, 1987.

Robert K. Biles  
City Clerk  
City-County Building, Suite 206  
300 W. Ash  
P.O. Box 736  
Salina, KS 67402-0736  
(913) 827-9653

Doc. No. 005913

**NOTICE OF REDEMPTION**

to the holders of

**Seward County, Kansas and City of Salina  
Single Family Mortgage Revenue Bonds  
1981 Series A due December 1, 2013  
CUSIP 818418AC9**

Notice is hereby given that pursuant to the provisions of Section 3.01 of the Trust Indenture dated October 1, 1981, for the above bond issue, the Letter of Credit Bank for the above bond issue has directed the trustee to sell the mortgage portfolio for the above bond issue. Under the provisions of that same Section 3.01 of the indenture, such a sale of the mortgage portfolio causes a redemption of all the bonds issued under the indenture. Therefore, all outstanding bonds maturing December 1, 2013 have been called for redemption at par on December 1, 1987, plus accrued interest to December 1, 1987.

Coupon bonds with the June 1, 1988 and all subsequent coupons attached should be presented to the office of the paying agents:

Continental Illinois National Bank  
and Trust Company of Chicago  
Attn: Corporate Trust Operations  
30 N. LaSalle St.  
Chicago, IL 60697

or  
The Southwest National Bank of Wichita  
Douglas and Topeka  
Wichita, KS 67201

Registered bonds should be presented to the paying agent, Continental Illinois National Bank and Trust Company of Chicago, Attn: Corporate Trust Operations, 30 N. LaSalle St., Chicago, IL 60697.

Interest on the bonds called for redemption will cease to accrue on December 1, 1987. Coupons for December 1, 1987 should be detached and presented in the usual fashion.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above-described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated October 30, 1987.

**SEWARD COUNTY, KANSAS AND  
CITY OF SALINA**

By Continental Illinois National Bank  
and Trust Company of Chicago, Trustee

Doc. No. 005925

## State of Kansas

## LEGISLATURE

## INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of November 9 through November 22:

Date	Room	Time	Committee	Agenda
Nov. 9 Nov. 10	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of regulations filed by Real Estate Commission; Department of Revenue; Department of Health and Environment; Department of Human Resources; Board of Mortuary Arts; Commissioner of Insurance; Department of Education; Board of Indigents' Defense Services; Secretary of State; and Board of Examiners in Optometry.
Nov. 9 Nov. 10	531-N 531-N	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	Staff reports and committee discussion of final reports on Proposals No. 19 and 20.
Nov. 12	423-S	8:00 a.m.	Special Committee on Ways and Means—SRS	Committee discussion and directives to staff for draft reports.
Nov. 12 Nov. 13	529-S 529-S	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
Nov. 12 Nov. 13	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	Committee review of committee reports and consideration of recommendations previously made. Discussion on Proposal No. 15— Administrative Procedure Act.
Nov. 13	531-N	9:00 a.m.	Special Committee on Local Government	13th: Review of committee report on Proposal No. 25—General Obligation Bonds; review of bill draft and committee report on Proposal No. 26— Emergency Medical Services.
Committee will not meet on Nov. 12				
Nov. 13	527-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
Nov. 16 Nov. 17	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Assessment and Taxation	Agenda unavailable.

Nov. 16	123-S	10:00 a.m.	Special Committee on Ways	16th: Review committee
Nov. 17	123-S	9:00 a.m.	and Means	report drafts.
				17th: Presentation by
				consultant on Proposal No.
				36—Retirants Health Care
				Benefits.
Nov. 17	527-S	10:00 a.m.	Legislative Educational	Agenda unavailable.
Nov. 18	527-S	9:00 a.m.	Planning Committee	
Nov. 18	519-S	10:00 a.m.	Special Committee on	Approval of committee
			Transportation	report on Proposals No. 31,
Committee will not meet on Nov. 17				32 and 41.
Nov. 19	519-S	10:00 a.m.	Special Committee on	Approval of committee
			Agriculture and Livestock	reports on Proposals No. 1,
Committee will not meet on Nov. 20				2, 3, 4 and 43.

WILLIAM R. BACHMAN  
 Director of Legislative  
 Administrative Services

Doc. No. 005927

**KANSAS REGISTER**  
**Secretary of State**  
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