

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 1, No. 6

February 11, 1982

Pages 111-130

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State of Kansas

ATTORNEY GENERAL**OPINION NO. 82-18**

Cities, Third Class—Election, Appointment and Removal of Officers—Qualifications of Officers. Alice K. Sander, Victoria City Clerk, Victoria, February 1, 1982.

If a councilman of a city of the third class removes his residence from the territorial limits of the city, he is no longer a "qualified elector" of the city, and a vacancy in the office occurs automatically. Cited herein: K.S.A. 15-209, 77-201; Kan. Const., Art. 5, § 1. TRH.

OPINION NO. 82-19

Intoxicating Liquors and Beverages—Misdemeanors and Nuisances—City Ordinances Prohibiting Transportation of Open Containers of Alcoholic Liquor. Richard C. Dearth, City Attorney, Parsons, February 1, 1982.

Pursuant to the provisions of K.S.A. 41-208, the legislature has the exclusive power to regulate the transportation of alcoholic liquor, and cities are preempted from legislating in this area, except to the extent authorized by the legislature. However, K.S.A. 41-208 permits the adoption of city ordinances which declare as unlawful or prohibited any act which is unlawful or prohibited under the Kansas Liquor Control Act, and such ordinances may prescribe penalties for violations consistent with the penalties prescribed under the Liquor Control Act. Accordingly, a city may adopt an "open container" ordinance prohibiting those acts proscribed by K.S.A. 41-804 and prescribing penalties for violations thereof, including authorization for the municipal court to suspend or restrict the driver's license or operating privileges of a person convicted under such ordinance, to the extent provided in K.S.A. 41-804. Cited herein: K.S.A. 1980 Supp. 8-1567, K.S.A. 41-101, 41-208, 41-804, Kan. Const., Art. 12, § 5. WRA.

OPINION NO. 82-20

State Departments; Public Officers, Employees—Department of Administration—Inclusion of State Agencies' Budget Requests in Governor's Budget Report. Representative David G. Miller, Forty-Third District, Eudora, February 3, 1982.

While the governor has the power to make recommendations regarding budget requests of state agencies, and the director of the budget has the authority to prescribe the format of such requests, neither has the power to predetermine and circumscribe the amount which may be requested. However, the governor may require executive department agencies to submit to him expenditure estimates within specified allocations of expected revenues, as long as these agencies are not limited by such allocations in making their requests for appropriations.

It is contrary to the requirements of law to omit from the governor's budget report the itemized budget request submitted by any state agency. Where an agency has submitted an itemized budget estimate which has been omitted from the budget report, or where the budget request included in the budget report for any state agency does not represent that agency's actual budget estimate, the governor should amend the budget report so as to include these agencies' actual, itemized requests for appropriations. Cited herein: K.S.A. 75-3714a (as amended by L. 1981, ch. 341, § 1), 75-3715, 75-3716, K.S.A. 1980 Supp 75-3717, 75-3718, 75-3721, Kan. Const., Art. 1, §§ 3,4. WRA.

ROBERT T. STEPHAN
Attorney General

Doc. No. 000054

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



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

**DEPARTMENT OF HEALTH
& ENVIRONMENT****PUBLIC NOTICE**

The following Certificate of Need Application has been filed by the Kansas Department of Health and Environment for initiation of the formal ninety (90) day review cycle. The application will be available for public examination at the Health Systems Agency of Northeast Kansas, 1301 Topeka Boulevard, Suite #4, Topeka, Kansas, and the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas.

DATE FILED: January 25, 1982
 NAME OF: Horton Health
 APPLICANT: Foundation
 TYPE OF PROJECT: Physicians' Office
 Building
 LOCATION: Horton, Kansas

JOSEPH F. HARKINS
 Secretary

Doc. No. 000052

State of Kansas

MUNICIPAL ACCOUNTING BOARD**PUBLIC NOTICE**

On January 6, 1982 after a public hearing, the Municipal Accounting Board adopted the following rule and regulation, as required by K.S.A. 1981 Supp. 75-1120a, concerning generally accepted accounting principles:

Accounting standards. Accounting principles and fiscal procedures utilized in the preparation of financial statements and financial reports by municipalities for any purpose, shall conform to generally accepted accounting principles as promulgated by the National Council on Governmental Accounting and published as *Statement I, Governmental Accounting and Financial Reporting Principles*, 1979 edition, and by the American Institute of Certified Public Accountants and published as *Audits of State and Local Governmental Units*, 1978 edition, as amended through June 30, 1980.

The purpose for the public hearing and Board adoption was to comply with a technical requirement of K.S.A. 1981 Supp. 75-1120a. This adoption does not affect the right of Kansas municipalities to waive generally accepted accounting principles.

BERNICE CRUMMETT, Chairman
 Municipal Accounting Board

Doc. No. 000056

State of Kansas

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

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., on the date indicated and then will be publicly opened.

MONDAY, FEBRUARY 22, 1982

#25031

University of Kansas Medical Center, Kansas City—
 SEROLOGICAL SCREENING TESTS

#49082

Department of Administration, Topeka—SEDANS,
 for Central Motor Pool

#49083

Department of Social and Rehabilitation Services,
 Topeka—HEAT BARRIER MATERIAL, for Kansas
 Industries for The Blind, Kansas City, Kansas

#49084

Department of Social and Rehabilitation Services,
 Topeka—POLYETHYLENE FOAM BORDER WAD-
 ING, for Kansas Industries for The Blind, Kansas City,
 Kansas

#49085

Department of Transportation, Topeka—LUBRI-
 CATING OIL

#49097

Department of Social and Rehabilitation Services,
 Topeka—CONTINUOUS MAILERS

#49100

University of Kansas Medical Center, Kansas City—
 WORD PROCESSING SYSTEM

#49117

Department of Administration, Topeka—LEASE
 OF MODEMS AND ALLIED EQUIPMENT, for the
 Division of Information Systems and Computing

#49118

Kansas State University, Manhattan—SOFTWARE

#49121

Department of Transportation, Chanute—
 CRAWLER TRACTOR

TUESDAY, FEBRUARY 23, 1982

#48832

Kansas State Penitentiary, Lansing—SHIELDED
 CABLE

#49088

Department of Transportation, Topeka—AB SPE-
 CIAL AGGREGATE, for Holton, Kansas, (Jackson
 County)

#49089

Department of Transportation, Salina—READY
 MIX CONCRETE TYPE I AND TYPE II, for various
 locations on I-135, Saline County

#49092

University of Kansas; Lawrence—LOUNGE FUR-
 NITURE

#49093

Kansas State University, Manhattan—CENTRI-
 FUGE ROTOR

(continued)

#49103

Youth Center at Topeka, Topeka—LEASE OF FARMLAND

#49103

University of Kansas Medical Center, Kansas City—WORD PROCESSING SYSTEM

#49119

Department of Administration, Topeka—SOFTWARE, for the Division of Information Systems and Computing

WEDNESDAY, FEBRUARY 24, 1982

#25030

University of Kansas Medical Center, Kansas City—FROZEN JUICES

#25037

Kansas State Fair and Kansas Law Enforcement Training Center, Hutchinson—PLUMBING MAINTENANCE SERVICE

#48648

University of Kansas Medical Center, Kansas City—PLATE MAKER

#49099

Kansas State University, Manhattan—GAMMA COUNTING SYSTEM

#49133

Pittsburg State University, Pittsburg—MEMORY

THURSDAY, FEBRUARY 25, 1982

#49107

Kansas Correctional Industries, Lansing—STEEL SHEETS

#49115

Department of Administration, Topeka—GASOLINE, for Central Motor Pool

#49122

Kansas State University, Manhattan—OSCILLOSCOPE

#49123

University of Kansas, Lawrence—FLUORESCENT LIGHT FIXTURES

#49125

Kansas Technical Institute, Salina—RADIO FREQUENCY SPECTRUM ANALYZER

#49127

Kansas State University, Manhattan—BICYCLE RACKS

#49130

Department of Administration, Topeka—SEDANS, for Central Motor Pool

#49131

Kansas Correctional Industries, Lansing—AIR COMPRESSOR

#49132

University of Kansas Medical Center, Kansas City—VEHICLES

#49134

Kansas State University, Manhattan—IONIZED CALCIUM ANALYZER

FRIDAY, FEBRUARY 26, 1982

#49124

Kansas State University, Manhattan—POROMETER

#49135

Kansas State University, Manhattan—CHLORIDE/TOTAL CARBON DIOXIDE ANALYZER

MONDAY, MARCH 1, 1982

#25032

Youth Center at Topeka, Topeka—REFUSE CONTAINER AND PICKUP SERVICE

THURSDAY, MARCH 4, 1982

#25035

University of Kansas Medical Center, Kansas City—ELECTRICAL SUPPLIES

#A-4356

Kansas School For The Deaf, Olathe—PAINTING OF ADMINISTRATION BUILDING (Stanley Roth Hall)

FRIDAY, MARCH 5, 1982

#A-4290(a)

Emporia State University, Emporia—GYMNASIUM FLOORING REPLACEMENT FOR PHYSICAL EDUCATION FACILITY

WEDNESDAY, MARCH 10, 1982

#24988

Statewide—ACETYLENE, OXYGEN AND LIQUID NITROGEN

TUESDAY, MARCH 16, 1982

#25019

Kansas State Penitentiary, Lansing—BURIAL SERVICES

THURSDAY, APRIL 8, 1982

#49109

Department of Social and Rehabilitation Services, Topeka—OIL AND GAS LEASE, at Winfield State Hospital and Training Center, Winfield, Cowley County, Kansas

JAMES I. TOLBERT
Director of Purchases

Doc. No. 000055

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION
SUPREME COURT DOCKETNOTE: Dates and times of arguments are subject to change.
Monday, February 22, 1982

Case Caption	Attorneys	Originating County
	9:30 a.m.	
53,295 State of Kansas, Appellee, v. David E. Jacobs, Appellant.	Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,331 State of Kansas, Appellee, v. Penolia Garlington, Appellant.	Jack Focht. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,327 Sylvester Gaulden, Appellee, v. Burlington Northern, Inc., Successor to St. Louis- San Francisco Railway Company and Jack A. James, Appellants.	Richard L. Hilton. Roger M. Theis; Albert L. Kamas.	Sedgwick
53,782 State of Kansas, Appellee, v. Clyde Thomas, Appellant.	Glenn D. Young, Jr.; Kenneth H. Hiebsch; Connie J. Nordboe. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
	1:30 p.m.	
53,521 State of Kansas, Appellee, v. James A. Bagby, Appellant.	Terry L. Pullman. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,364 State of Kansas, Appellee, v. Anthony L. Cheers, Appellant.	Charles A. O'Hara. Robert T. Stephan, Atty. Gen.; Jack Peggs, Asst. Dist. Atty.	Sedgwick
53,186 Henrietta Hendrix, et al., Appellants, v. City of Topeka, Kansas, et al., Appellees.	Ernest H. Moulos. John R. Martin.	Shawnee
53,610 Ashok K. Gumbhir, Appellant, v. Kansas State Board of Pharmacy, Appellee.	Hal E. DesJardins; Reid Stacy, Asst. Atty. Gen.; Leonard Robinson; Donald Frigon. J. Nick Badgerow. Robert E. Davis.	Johnson
Tuesday, February 23, 1982		
	9:30 a.m.	
53,334 State of Kansas, Appellee, v. Abraham Mitchell, Appellant.	Robert T. Stephan, Atty. Gen.; J. Richard Lake, Co. Atty. Kevin E. J. Regan.	Jackson
52,312 Charles M. Roberts and Texie P. Roberts, Appellees, v. Clarence L. Rhodes and Evelyn K. Rhodes, Appellants.	William E. Enright. Monte K. Heasty; Paul Lamb. Ronald P. Wood.	Montgomery

ON PETITION FOR REVIEW

(continued)

Case Caption	Attorneys	Originating County
53,807 State of Kansas, Appellant, v. Edward Ellison, Appellee.	Robert T. Stephan, Atty. Gen.; Jeffrey A. Chubb, Co. Atty.	Montgomery
53,242 Terry J. Dorman, Appellant, v. Kansas City Terminal Railway Company, Appellee.	Tom Crossan. William L. Roberts; Cliff W. Ratner. Robert A. DeCoursey; Thomas S. Stewart.	Wyandotte
1:30 p.m.		
51,733 Augusta Bank & Trust, A Kansas Banking Corporation, et al., Appellees, v. Don Broomfield, Jr., Appellant.	Philip Hamm; R. A. Munroe; Cecil Merkel. Calvin McMillan.	Butler
53,128 State of Kansas, Appellee, v. Robert Lee Carty, Appellant.	Robert T. Stephan, Atty. Gen.; Jeffrey A. Chubb, Co. Atty.	Montgomery
53,420 David Baker, by and through his conservator, Ira Dennis Hawver, Appellees, v. City of Topeka, Kansas, et al., Appellants.	David L. Thompson. Donald L. Deam; John A. Bausch; Wilburn Dillon, Jr.; George Farrell, Jr.; Ronald D. Heck; Gene E. Schroer; Thomas E. Wright.	Shawnee
53,180 State of Kansas, Appellant, v. George L. Busse, Jr., Appellee.	Dan E. Turner. Robert T. Stephan, Atty. Gen.; Jeffrey A. Chubb, Co. Atty. Stanley Basler.	Montgomery
<i>Wednesday, February 24, 1982</i>		
9:30 a.m.		
53,439 State of Kansas, Appellee, v. Rene Rocha, Osvaldo Rocha, Appellants.	Robert T. Stephan, Atty. Gen.; Wayne Lampson, Asst. Dist. Atty. Carl E. Cornwell.	Wyandotte
50,786 Harold A. Moore, and E. Louise Moore, d/b/a Davenport Appliances, Appellees, v. Philomena B. Muntzel, Appellant.	John J. Alder; Thomas Francis Sullivan; Donald Jarrett; Douglas C. McKenna.	Johnson
53,591 State of Kansas, Appellee, v. William B. Soverns, Appellant.	Paul Hasty, Jr. Robert T. Stephan, Atty. Gen.; Scott K. Logan, Asst. Dist. Atty.	Wyandotte
53,566 Rose Construction Company, Inc., Appellant, v. Sam Gravatt and Farmers Insurance Company, Inc., Appellees.	J. R. Russell. Paul Hasty, Jr. Michael G. Norris.	Johnson

(continued)

	Case Caption	Attorneys	Originating County
		1:30 p.m.	
53,347	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Douglas Baker; Frederick R. Smith.	Crawford
	v.		
	Mark Watson, Appellant.	Jeffrey F. Spears.	
52,160	Bonnie S. Cansler, Appellee,	Charles D. Kugler.	Johnson
	v.		
	Allen D. Harrington, and Dennis W. Bartkoski, Appellants.	Barry W. McCormick.	
53,310	Board of County Commissioners of Johnson County, Kansas, Appellees,	James Bouska; John Anderson, Jr.	Johnson
	v.		
	Elizabeth I. Roberts, et al., (Monty Campbell), Appellants.	Fred Paoli, Jr.; George J. Schlagel.	
Thursday, February 25, 1982			
		9:30 a.m.	
53,231	Kevin Wilds, Appellee,	Donald W. Vasos.	Wyandotte
	v.		
	Mid-Century Insurance Company, Appellant.	Terry Fitzgerald.	
53,344	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Gene M. Olander, Dist. Atty.	Shawnee
	v.		
	Stanley Johnson, Jr., Appellant.	Ronald E. Wurtz.	
53,089	Virginia C. Chapman, formerly Virginia C. Armacost, Appellant.	Lawrence E. Sheppard.	Johnson
	v.		
	State Farm Mutual Automobile Insurance Company, Appellee.	William P. Coates, Jr.	
53,344	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Chris Meek, Deputy Atty. Gen.; Philip D. Lunt, Co. Atty.	Pratt
	v.		
	Randolph Topham, Appellant.	Alan C. Goering.	
		1:30 p.m.	
53,616	Missouri Pacific Railroad, Appellee,	Phillip R. Fields.	Greeley
	v.		
	Board of County Commissioners of the County of Greeley, Kansas, Appellant.	K. Mike Kimball.	
52,937	Westgate State Bank, Appellant,	James F. McMahon.	Johnson
	v.		
	Charles K. Clark, Jr., and Barry B. Clark, Appellees.	Jerry Hess.	
53,005	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Joan M. Hamilton, Asst. Dist. Atty.	Shawnee
	v.		
	Terry Lee Burr, Appellant.	Michael R. McIntosh.	
Friday, February 26, 1982			
		9:30 a.m.	
53,689	State of Kansas, Appellant,	Robert T. Stephan, Atty. Gen.; Gene M. Olander, Dist. Atty.	Shawnee
	v.		
	Eugene P. Carpenter, Appellee.	William Rork.	
53,465	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Frank Yeoman, Jr., Asst. Dist. Atty.	Shawnee
	v.		
	Harry L. Taylor, Appellant.	Joseph D. Johnson.	

(continued)

Case No.	Case Caption	Attorneys	Originating County
53,019	Woodrow W. Anderson, et al., Appellants, v. Overland Park Credit Union, Appellee.	L. Franklin Taylor.	Johnson
53,967	State of Kansas, Petitioner, v. Earl C. Moses, Jr., Respondent.	James T. Wigglesworth. Arno Windscheffel. Arthur E. Palmer; Earl C. Moses, Jr.	Original

COURT OF APPEALS DOCKET

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

KANSAS COURT OF APPEALS

COURT OF APPEALS COURTROOM, 3rd FLOOR, OLD SEDGWICK COUNTY COURTHOUSE

541 NORTH MAIN, WICHITA, KANSAS

Before FOTH, C.J., REES and PARKS, JJ.

Monday, March 1, 1982

Case No.	Case Name	Attorneys	County
			9:00 a.m.
53,361	State of Kansas, Appellee, v. Stevie L. Grant, Appellant.	Beverly Dempsey, Asst. D.A.; Sedgwick Clark V. Owens, D.A.; Atty. Gen. Gail A. Jensen. Thomas J. Weilert.	
53,589	Carroll James Miller, Appellant, v. State of Kansas, Appellee.	Robert L. Mitchell.	Sedgwick
53,053	State of Kansas, Appellee, v. Terry L. Dixon, Appellant.	Henry Blase, Asst. D.A.; Clark V. Owens, D.A.; Atty. Gen. Jack Peggs, Asst. D.A.; Clark V. Owens, D.A.; Atty. Gen.	Sedgwick
53,227	Sara Lee Fincham, Appellant, v. Robert Kent Fincham, Appellee.	James S. Phillips, Jr. Richard D. Ewy.	Sedgwick
52,960	Oursler Bros. Const. Co., Appellants, v. City of Atlanta, Ks., and Insurance Company of North America, Appellees.	Hal L. Lockett. William G. Haynes.	Cowley
			1:00 p.m.
53,188	In the Matter of the Guardianship and Conservatorship of KANDY L. SMITH, a minor child.	Norman G. Manley. John Terry Moore. Morgan Metcalf.	Butler (SUMMARY CALENDAR)
53,041	In the Matter of the Estate of ARRON E. GREENLEAF, Deceased.	Myron L. Bell. Edward G. Young, Sr. George A. Allen. Dr. W. G. Young, Jr. Abigail L. Danner. Mary Milner Schaffner. Alma Jean Cowan. William Edwin Livingston. Lester Mitchell. Theodore Geisert, et al.	Kingman

(continued)

Case No.	Case Caption	Attorneys	County
53,161	State of Kansas, Appellee, v. Brett Cody, Appellant.	Jim Pringle, Co. Att.; Atty. Gen.	Sumner
52,939	In the Matter of the Estate of EDWARD W. EBERHART, Deceased.	Stephen E. Robison. Robert L. Taylor. Richard Friedman. Max T. Eberhart. Art Hodgson.	Barton
Tuesday, March 2, 1982			
9:00 a.m.			
53,633	Richard Lee Sparks, Appellant, v. Wichita White Truck Trailer Cen. Inc., and Great American Ins. Co., Appellee.	Marvin R. Appling.	Sedgwick (SUMMARY CALENDAR)
53,221	James A. Phelps, Asso., Appellant, v. Simco, Inc., Appellee.	Kurt A. Harper. Bryce Moore, Director. David L. Dahl.	Sedgwick (SUMMARY CALENDAR)
53,033	Robert Zehring, Appellant, v. Gary Wickham and Ron Wickham Glass Co., Appellee.	Roger L. Falk. Edward J. Hund.	Sedgwick
53,093	Ralph Schultz, as Natural Father and Next of Kin of Erich Schultz, a minor, Appellee, v. Kansas Gas & Elec. Co., Appellant.	Daniel J. Severt. Roger M. Theis	Sedgwick
53,199	Robert J. Ratley, Appellee, v. Sheriff's Civil Serv. Bd. of Sedgwick County, Appellant.	Robert A. Vohs. Ted L. Peters. Richard A. Euson.	Sedgwick
1:00 p.m.			
53,286	State of Kansas, Appellee, v. Marvin Lee Andrews, Appellant.	Mickey W. Mosier, Asst. Co. Atty.; William R. Lorson, Co. Atty.; Atty. Gen.	Saline
53,084	In the Matter of the Appl. of LOUIS O'RIORDAN, for Writ of Habeas Corpus.	William D. Mize. Robert L. Taylor Joseph McCarville, Co. Atty.; Atty. Gen.	Reno (SUMMARY CALENDAR)
53,027	Bd. of County Comm. of Reno County, Appellant, v. Boswell, Inc., Appellee.	Joseph McCarville, Co. Atty.	Reno
53,148	M & B Inv. Inc., Appellees, v. Oxbow Investments, Inc., Appellant, v. Howard T. Murray, <i>et al.</i>	Robert L. Taylor. Emily E. Cameron. Grey Dresie. William L. Fry,	Sedgwick

Wednesday, March 3, 1982

9:00 a.m.

52,720	Dana E. Fisher, Appellee, v. Gail M. Fisher, Appellant.	Charles F. Harris. Donald E. Lambdin.	Sedgwick (SUMMARY CALENDAR)
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(continued)

Case No.	Case Caption	Attorneys	County
53,051	Jim Kristek, Appellee, v. James A. Catron, Jr., Appellant.	Marjorie Haines.	Sedgwick
52,907	Willie Cotton and Janice Cotton, Appellees, v. Sheldon Kamen, Appellant.	Charles F. Harris. Calvin McMillan.	Sedgwick
52,828	Frank Henkel, Appellee, v. John W. Jordan and Delores M. Jordan, Appellants.	Gary M. Austerman. Jack Turner. T. Randall Wright. Phillip L. Bowman. Christopher Randall.	Sedgwick
KANSAS COURT OF APPEALS ELLIS DISTRICT COURTROOM, 3rd FLOOR, HAYS, KANSAS Before ABBOTT, P.J., SWINEHART and MEYER, JJ. Tuesday, March 2, 1982 9:00 a.m.			
52,513	Joe Hunter, <i>et al.</i> , Appellants, v. Bd. of Education of USD #444, Rice County, Kansas, <i>et al.</i> , Appellees.	John T. Bird. Granville Bush.	Rice (SUMMARY CALENDAR)
53,222	Richard M. Driscoll, Appellee, v. Frances Bieker Goetz McCoy, <i>et al.</i> , Appellants.	Jerry E. Driscoll. Robert L. Earnest. John Berglund. Marvin Thompson. Robert F. Glassman.	Russell
52,877	Phillip W. Stanfield, Appellee, v. Osborne Industries, Inc., Appellant.	Don W. Noah. Richard Dietz. Gerry G. Elliott; James D. Oliver.	Osborne
53,067	Neva E. Marshall, aka Neva Marshall, Appellant, v. Ferrell Marshall, aka Ferrell Marshall (Mary A. Marshall, substituted party), Appellee.	Robert F. Glassman. E. Charles Hageman. Jerry M. Smetana.	Rooks
52,779	Agra Grain, Appellant, v. McCormick Grain-The Heiman Co., Inc., Appellee.	William H. Stowell. Lowell F. Hahn.	Phillips
1:00 p.m.			
53,123	Gary Cooper, Rex Cranston, Kenneth L. Frahm and Leslie J. Keller, Appellants, v. Thomas County Bancshares, Inc., Donald L. Buster, Appellees.	Christopher Randall. Steven C. Day. Whalen & Fairbanks. Tom E. Kelley. Perry W. Hooks, Jr.	Thomas (SUMMARY CALENDAR)
52,811	Henry D. Jackson, <i>et al.</i> , Appellee, v. Security National Insurance Co., American Family Mutual Ins. Co., and Steven W. Werth, Appellant.	Thomas L. Toepfer; Don C. Staab. Hal Meltzer; Christopher Randall.	Ellis

(continued)

Case No.	Case Caption	Attorneys	County
52,965	Vernon Pizel, <i>et al.</i> , Appellee, v. Allen D. Pizel, <i>et al.</i> , Appellant.	Randall W. Weller.	Sherman
53,109	James Maddy & David Maddy, Appellees, v. Vigortone Products Co., Appellant.	Jerry D. Fairbanks. Randall W. Weller.	Graham
53,298	Ross Crane, Appellant, v. Mitchell County USD #273, Appellee.	Allen Shelton. Richard E. Dietz. Harry W. Gantenbein. Fred W. Rausch, Jr.	Mitchell

KANSAS COURT OF APPEALS
COURTROOM, FINNEY COUNTY LAW ENFORCEMENT CENTER
GARDEN CITY, KANSAS

Before ABBOTT, P.J., SWINEHART and MEYER, JJ.

Wednesday, March 3, 1982

9:00 a.m.

53,151	Leroy D. Steadman, Claimant, v. Eden Van Lines, Inc., Respondent, and Aetna Casualty & Surety Co. and Truck Insurance Exchange, Insurance carriers, Appellants, and Kansas Workers Compensation Fund.	Harold K. Greenleaf, Jr. Christopher Randall. Kerry McQueen. James H. Morain.	Seward (SUMMARY CALENDAR)
53,031	Donald Henning, Appellee, v. Bill Hatcher, Appellant.	Theodore C. Geisert.	Seward
53,541	Daniels Trucking Inc., Appellant, v. Jimmy Rogers, Harold Daniels and Roger Noble, Appellees.	Richard R. Yoxall. Stanley E. Antrim.	Seward
52,766	Trina L. Larrabee, Appellee, v. Joe Larrabee, Appellant.	Gene H. Sharp.	Seward
53,105	In the Matter of the Estate of BELLE OWEN, Deceased.	Tom Smith.	Lane
52,781	Frank O. Frey and Charlene D. Frey, Appellants, v. Martha M. Dreger and Donald Kells, Appellees.	Kerry McQueen. Ivan D. Krug. Keen K. Brantley. Van Smith.	Haskell
1:00 p.m.			
53,575	State of Kansas, Appellee, v. James L. Carrithers, Appellant.	Arthur B. McKinley.	
53,156	In the Matter of the Estate of SOPHIE B. GASKILL, Deceased.	Gary R. Hathaway, Co. Atty.; Grant Atty. Gen. Pro se.	Stevens
52,989	In the Matter of the Application of CHARLES MATHEW RINKER for Writ of Habeas Corpus.	Don O. Concannon. Jack Dalton.	Pawnee
52,471	In the Matter of the Estate of WILBUR ROY HOUSTON, Deceased.	Terry R. Fuller. William C. Rein. Christopher Randall; Steven Day. J. Taylor Neuschwander. Ted R. Morgan. James W. Wallace.	Greeley

(continued)

KANSAS COURT OF APPEALS
COURT OF APPEALS COURTROOM, 2nd FLOOR, KANSAS JUDICIAL CENTER
301 WEST TENTH STREET, TOPEKA, KANSAS
Before SPENCER, P.J., REES and MEYER, JJ.
Thursday, March 4, 1982

9:00 a.m.

- | | | | |
|-----------|---|--|-----------|
| 53,409 | State of Kansas, Appellee,
v.

Danny L. Blevins, Appellant. | Randy Hendershot,
Asst. D.A.;
Gene Olander, D.A.;
Atty. Gen.
Max Rowinsky. | Shawnee |
| 53,365 | State of Kansas, Appellee,
v.

Jesse Anguiano, Appellant. | Joan Hamilton, Asst. D.A.;
Gene Olander, D.A.;
Atty. Gen.
Ronald E. Wurtz. | Shawnee |
| 52,986 | In the Matter of the Appeal of
DEVON KNOLL. | Paul D. Post.
Robert E. Keeshan. | Shawnee |
| 52,953 | National Education Asso.—Topeka, Appellee,
v.
USD #501, Shawnee County, Appellant. | Wesley A. Weathers. | Shawnee |
| 52,954 | Robert Baker and Roger DeHart, Appellants,
v.
R. D. Anderson Const. Co., Inc.,
Appellees. | William G. Haynes.
Thomas H. Marshall.

Stewart L. Entz. | Shawnee |
| 1:00 p.m. | | | |
| 52,912 | Lawrence R. Fenske and Mary E. Fenske,
his wife, <i>et al.</i> , Appellants,
v.
Hydrocarbon Transportation, Inc., Appellee. | William R. Stewart. | Jackson |
| 52,988 | Phillips Petroleum Co., Appellant,
v.

Employment Sec. Bd. of Review of State
of Kansas and Lester A. Anderson, Jr.,
<i>et al.</i> , Appellee. | Ed Bailey.
William O. Isenhour.
Steven H. Holland.
James H. Ottman.
Richard B. Thompson.
Marlin White. | Shawnee |
| 53,024 | Mr. and Mrs. Carl W. Amerine, Mr. and Mrs.
Steve Shoemaker, Mr. and Mrs. Allan Easum,
Mr. and Mrs. Jack Oglesby, Mr. and Mrs.
Leroy Crumet, Mr. and Mrs. Steve Stewart,
Mr. and Mrs. Merrill Johnson, Mr. and Mrs.
Lorin Snow, Mr. and Mrs. George Gantz,
Appellants,
v.
Board of County Commissioners of Jefferson
County & N. R. Hamm Quarry, Inc., Appellees. | Jerry L. Harper. | Jefferson |
| 52,870 | Peoples Nat. Gas Div. of Northern Nat.
Gas Co., Appellees,
v.
State Corporation Commission, Kansas
Power & Light and MBPXL Corp., Appellants. | Margaret A. Gatewood
John K. Bork.
Thomas N. Wright;
Merlin Remminga.
Robert Hall.
Elizabeth R. Herbert.
John Rosenberg.
Charles J. Woodin. | Ford |

LEWIS C. CARTER
Clerk of the Appellate Court

State of Kansas

LEGISLATURE

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

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

Bills Introduced January 28-February 3:

SB 611, by Senator Chaney: An act concerning the issuance of revenue bonds; amending K.S.A. 1981 Supp. 12-1740 and repealing the existing section.

SB 612, by Senators Daniels and Feleciano: An act relating to crimes; defining crime of unlawful dog fighting.

SB 613, by Senators Daniels and Meyers: An act concerning the members of the governing body of certain cities; amending K.S.A. 13-304, 14-201, 14-204 and 15-201 and repealing the existing sections.

SB 614, by Committee on Commercial and Financial Institutions: An act amending the uniform commercial code; concerning filings for agricultural products; providing for telephone requests; amending K.S.A. 1981 Supp. 84-9-401 and 84-9-407 and repealing the existing sections.

SB 615, by Committee on Commercial and Financial Institutions: An act amending the uniform commercial code; relating to farm products; amending K.S.A. 84-9-109 and repealing the existing section.

SB 616, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; concerning exempt sales; amending K.S.A. 1981 Supp. 79-3606 and repealing the existing section.

SB 617, by Committee on Judiciary: An act concerning criminal procedure; relating to availability of presentence reports to counsel; amending K.S.A. 21-4605 and repealing the existing section.

SB 618, by Committee on Commercial and Financial Institutions: An act relating to insurance; concerning certain investments by insurance companies; amending K.S.A. 40-2a09 and repealing the existing section.

SB 619, by Committee on Energy and Natural Resources: An act relating to groundwater management districts; concerning certain meetings thereof; amending K.S.A. 1981 Supp. 82a-1026 and repealing the existing section.

SB 620, by Committee on Labor, Industry and Tourism: An act amending the employment security law; defining part-time employment; amending K.S.A. 44-703 and repealing the existing section.

SB 621, by Committee on Assessment and Taxation: An act concerning cities and counties; relating to the imposition of taxes and other exactions; amending K.S.A. 19-117 and K.S.A. 1981 Supp. 12-137 and repealing the existing sections.

SB 622, by Senator Talkington: An act amending the state water plan storage act; concerning contracts for withdrawal and use; amending K.S.A. 82a-1307 and repealing the existing section.

SB 623, by Senator Chaney: An act relating to the healing arts; concerning naturopathic practitioners; amending K.S.A. 65-2872 and repealing the existing section.

SB 624, by Senator Francisco: An act relating to crimes and punishments; concerning consecutive sentencing; amending K.S.A. 21-4608 and repealing the existing section.

SB 625, by Senators Norvell and Rehorn: An act amending the job expansion and investment credit act of 1976; increasing the income tax credit allowed thereunder; amending K.S.A. 1981 Supp. 79-32,153 and 79-32,154 and repealing the existing sections.

SB 626, by Committee on Ways and Means: An act concerning state educational institutions under the control and supervision of the state board of regents; affecting student residency requirements; amending K.S.A. 76-729 and repealing the existing section.

SB 627, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for the commission on civil rights, attorney general, attorney general — Kansas bureau of investigation, capitol area plaza authority, Kansas public disclosure commission, governor's department, department of human resources, department of economic development, insurance department, Kansas arts commission, lieutenant governor, state board of tax appeals, secretary of state, Kansas soldiers' home, state treasurer, and veterans' grants; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 628, by Senator Eldredge: An act concerning motor vehicles; removing the definition, regulation and registration of motorized bicycles; amending K.S.A. 40-3103 and K.S.A. 1981 Supp. 8-126, 8-127, 8-134a, 8-143, 8-235, 8-1437, 8-1439, 8-2401, 79-1017 and 79-1019, and repealing the existing sections; also repealing K.S.A. 1981 Supp. 8-1439a and 8-1592a.

SB 629, by Committee on Labor, Industry and Tourism: An act amending the workmen's compensation act; relating to handicapped employees; defining older employees; amending K.S.A. 44-566, 44-566a, 44-567 and 44-569 and repealing the existing sections.

SB 630, by Senator Morris: An act concerning fishing; authorizing the

issuance of lifetime fishing licenses; providing for disposition of moneys received from the sale of such licenses.

SB 631, by Senator Arasmith: An act relating to aggregate tax levy limitations of cities and counties; defining base year; amending K.S.A. 79-5002 and repealing the existing section.

SB 632, by Senator Doyen: An act concerning small claims procedure; relating to jurisdiction and disposition of docket fees; amending K.S.A. 20-362 and 61-2704 and K.S.A. 1981 Supp. 61-2703, 61-2706 and 61-2713 and repealing the existing sections.

SB 633, by Senator Allen: An act concerning equipment for riders of motorized bicycles; amending K.S.A. 1981 Supp. 8-1598 and repealing the existing section.

SB 634, by Committee on Agriculture and Small Business: An act concerning the state board of agriculture; relating to delegates to the annual meeting of the state board of agriculture; readjusting agricultural districts; amending K.S.A. 74-502 and 74-503 and repealing the existing sections.

SB 635, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for state board of agriculture, Kansas animal health department, Kansas state grain inspection department, board of state fair managers, Kansas wheat commission, state conservation commission, and Kansas water office; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 636, by Committee on Local Government: An act concerning fire departments in certain counties; amending K.S.A. 80-1919 and repealing the existing section.

SB 637, by Senators Gaar and Mulich: An act concerning retailers of motor vehicle fuels; relating to security deposits required to be paid by the retailer.

SB 638, by Committee on Local Government: An act concerning notice of the sale of municipal bonds; amending K.S.A. 1981 Supp. 10-106 and repealing the existing section.

SB 639, by Senator Chaney: An act concerning the Kansas public employees retirement system; relating to the normal and early retirement dates of members in school employment; amending K.S.A. 74-4940 and K.S.A. 1981 Supp. 74-4937 and repealing the existing sections.

SB 640, by Senator Chaney: An act relating to fire districts; concerning mill levies for Reno county.

SB 641, by Committee on Federal and State Affairs: An act concerning certain publications required by law; relating to fees and type size; amending K.S.A. 28-137 and repealing the existing section.

HB 2776, by Representatives Patrick, Burgess, Arbutnot, Beezley, Aylward, Campbell, Crumbaker, Duncan, Elliott, Farrar, Fox, R. Frey, B. Fuller, W. Fuller, Gordon, Griffiths, Guldner, Harper, Hassler, Holt, Hoy, Johnson, King, Knopp, Louis, Lowther, D. Miller, R. D. Miller, Moore, Belva Ott, K. Ott, Polson, Roe, Sand, Smith, Spaniol, Vancrum, David Webb, Yost and Rolfs: An act concerning the Kansas public employees retirement system; relating to investment of moneys in the fund; providing for certain transfers from the state general fund; amending K.S.A. 74-4921 and repealing the existing section.

HB 2777, by Representative D. Heinemann: An act concerning state parks; relating to motor vehicle permits; amending K.S.A. 1981 Supp. 74-4509b and repealing the existing section; also repealing K.S.A. 1981 Supp. 74-4509a.

HB 2778, by Representative R. Frey: An act designating highway U.S. 54 as the Yellow Brick Road.

HB 2779, by Representative R. Frey: An act concerning the crime of rape; relating to the definition of such crime; amending K.S.A. 21-3502 and repealing the existing section.

HB 2780, by Representative R. Frey: An act concerning civil procedure; relating to certain hearsay evidence; amending K.S.A. 60-460 and repealing the existing section.

HB 2781, by Representative Spaniol: An act concerning crimes and punishments and procedures relating thereto; defining and classifying certain crimes; providing for a sentence of death for those crimes under certain circumstances; relating to counsel for persons charged with or convicted of those crimes; concerning the procedure for carrying out a sentence of death; amending K.S.A. 21-4501, 21-4603, 21-4604, 22-4002, 22-4003, 22-4004, 22-4005, 22-4009, 22-4011, 22-4012, 22-4013, 22-4014, 22-4503, 22-4505, 22-4507, 22-4510 and 22-4511 and repealing the existing sections; also repealing K.S.A. 22-4001 and 22-4010.

HB 2782, by Committee on Judiciary: An act relating to civil procedure; concerning rules of civil procedure; interrogatories to parties; amending K.S.A. 60-233 and repealing the existing section.

HB 2783, by Committee on Judiciary: An act relating to criminal procedure; providing for discovery depositions in criminal cases.

HB 2784, by Committee on Judiciary: An act relating to civil procedure; concerning service of summons; amending K.S.A. 60-303 and 61-1804 and K.S.A. 1981 Supp. 60-1803 and repealing the existing sections.

HB 2785, by Committee on Judiciary: An act relating to civil procedure; concerning rules of civil procedure; depositions on oral examination; amending K.S.A. 60-230 and repealing the existing section.

HB 2786, by Representative Goering: An act concerning taxation of motor vehicles owned by political or taxing subdivisions of the state; amending K.S.A. 1981 Supp. 79-5101 and repealing the existing section.

HB 2787, by Representative Cribbs: An act relating to insurance; concerning accident and sickness insurance.

(continued)

HB 2788, by Committee on Insurance: An act relating to insurance; concerning revocation or suspension of broker's or agent's license; amending K.S.A. 40-242 and repealing the existing section.

HB 2789, by Committee on Insurance: An act relating to insurance; concerning excess coverage licenses; amending K.S.A. 40-246b and 40-246c and repealing the existing sections.

HB 2790, by Representatives Patrick, Hassler, Knopp and Vancrum: An act relating to taxation; levying a tax upon the privilege of severing oil or gas from the earth or water of the state and the processing of natural gas and feed stock; providing for the levy and collection of such taxes and the administration and enforcement of the provisions of the act; prescribing penalties for violations thereof and providing for the use and disposition of revenues derived therefrom; exempting oil and gas property from ad valorem property taxes; and repealing K.S.A. 79-329, 79-330, 79-333 and 79-334 and K.S.A. 1981 Supp. 79-331 and 79-332.

HB 2791, by Representative Fox: An act concerning motorized bicycles and operators thereof; amending K.S.A. 8-1587 and K.S.A. 1981 Supp. 8-235 and repealing the existing sections.

HB 2792, by Representative M. Littlejohn, (by request): An act creating the commission of medical examiners; providing for powers and duties; amending K.S.A. 19-813, 19-1004, 19-1005, 19-1007, 19-1008, 19-1010, 19-1011, 19-1012, 19-1013, 19-1014, 19-1015, 19-1026, 19-1027, 19-1028, 19-1029, 19-1030, 19-1031, 19-1032, 19-1033, 19-1034, 19-1035, 20-162, 21-2502, 22-3410, 28-111, 37-106, 38-721b, 59-2936, 65-902a, 65-1707, 65-2412, 65-2414, 65-2426, 65-2426a, 65-2893 and 65-4054 and repealing the existing sections.

HB 2793, by Committee on Judiciary: An act concerning procedure for municipal courts; relating to certain uniform complaints and notices to appear; amending K.S.A. 12-4205 and repealing the existing section.

HB 2794, by Committee on Labor and Industry: An act amending the workmen's compensation act; providing for self-insurance association by two or more employers; amending K.S.A. 44-532 and 44-573 and repealing the existing sections.

HB 2795, by Representative R. Frey: An act concerning intimidation of witnesses and victims of crimes; defining and classifying certain crimes; providing procedures to prevent intimidation; amending K.S.A. 21-3301 and repealing the existing section; also repealing K.S.A. 21-3806.

HB 2796, by Representative Braden: An act relating to cemetery districts; amending K.S.A. 17-1330 and repealing the existing section.

HB 2797, by Representative Rolfs: An act amending the employment security law; relating to benefits; amending K.S.A. 44-706 and repealing the existing section.

HB 2798, by Representative Braden: An act amending the Kansas inheritance tax act; concerning property held in joint tenancy or tenancy by entirety; amending K.S.A. 1981 Supp. 79-1554 and repealing the existing section.

HB 2799, by Representative Braden: An act amending the Kansas inheritance tax act; amending K.S.A. 1981 Supp. 79-1539 and 79-1540 and repealing the existing sections.

HB 2800, by Representatives Spaniol, Foster, K. Ott and Yost: An act relating to annexation by cities; requiring $\frac{2}{3}$ vote of the affected electors; exceptions; amending K.S.A. 1981 Supp. 12-520 and repealing the existing section.

HB 2801, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for the department of transportation and Kansas highway patrol; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2802, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for the Youth Center at Topeka, Youth Center at Beloit, Youth Center at Atchison, Kansas Neurological Institute, Larned State Hospital, Osawatomie State Hospital, Rainbow Mental Health Facility, Parsons State Hospital and Training Center, Norton State Hospital, Mental Health and Retardation Services, Topeka State Hospital and Winfield State Hospital and Training Center; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2803, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for the adjutant general, state fire marshal, Kansas adult authority, department of corrections, state correctional-vocational training center, correctional institution for women, state industrial reformatory, Kansas state penitentiary, state reception and diagnostic center and corrections ombudsman board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2804, by Representatives W. Fuller, Dean, Duncan, Foster, Francisco, Meacham, Belva Ott, K. Ott and Spaniol: An act authorizing an increase in occupation tax imposed against retail liquor dealers; amending K.S.A. 41-310 and repealing the existing section.

HB 2805, by Representative Chronister: An act enacting the Kansas public health resources act; providing for expenditures from the Kansas public health resources fund for financial assistance to local health departments and grants for research in the bio-medical sciences; establishing the advisory committee on bio-medical science grants.

HB 2806, by Representative Chronister: An act relating to taxation of cigarettes; increasing the rate imposed thereon; establishing the public health

resources fund; amending K.S.A. 79-3310, 79-3311 and 79-3312 and repealing the existing sections.

HB 2807, by Representative Vancrum: An act concerning storm drainage districts located within a city and the issuance of general obligation bonds or assessments to pay the cost thereof; amending K.S.A. 13-10,129 and K.S.A. 1981 Supp. 13-10,133 and repealing the existing sections.

HB 2808, by Representative Hinshaw: An act relating to adult care homes; defining certain homes for licensing purposes; amending K.S.A. 39-923 and repealing the existing section.

HB 2809, by Committee on Energy and Natural Resources: An act entering into the central interstate low-level radioactive waste compact.

HB 2810, by Committee on Energy and Natural Resources: An act relating to low-level radioactive waste; concerning the central interstate low-level radioactive waste compact; amending K.S.A. 1981 Supp. 65-3435, and repealing the existing section.

HB 2811, by Representatives Cloud, Hohman, Rolfs, Solbach and Weaver: An act concerning the valuation of certain property by the state corporation commission for rate making purposes; amending K.S.A. 66-128 and repealing the existing section.

HB 2812, by Representative Cloud: An act concerning criminal procedure; relating to taking of fingerprints of and information on certain persons; amending K.S.A. 21-2501 and repealing the existing section.

HB 2813, by Representative Hensley: An act amending the employment security law; providing for a surcharge on negative accounts; amending K.S.A. 44-710a and repealing the existing section.

HB 2814, by Representatives Hinshaw and Crow: An act concerning the corrections ombudsman board and the ombudsman of corrections; relating to access to correctional institutions and confidentiality of information.

HB 2815, by Representative Lowther: An act concerning the operation and conduct of bingo games; prescribing certain requirements for licenses; increasing the rate of tax imposed thereon; amending K.S.A. 79-4703 and 79-4704 and repealing the existing sections.

HB 2816, by Committee on Energy and Natural Resources: An act concerning certain public utilities; concerning the rate structure for certain classes of customers of electric and gas utilities.

HB 2817, by Committee on Local Government: An act authorizing interlocal contracts between public agencies for the delivery of governmental services; requiring the county sheriff's approval of certain law enforcement contracts.

HB 2818, by Committee on Local Government: An act relating to cemetery corporations; concerning prepaid cemetery merchandise contracts; requiring the establishment of cemetery merchandise trust funds, auditing of those funds and provisions related to the delivery of such merchandise.

HB 2819, by Representative Wilkin: An act concerning the reporting of child abuse.

HB 2820, by Representatives V. Miller, Acheson, Bunten, Hensley, Hohman, Laird, Mainey, Smith, Waggner and Wilkin: An act concerning Washburn university; relating to its instruction program; amending K.S.A. 72-6508 and repealing the existing section.

HB 2821, by Representatives Mainey, Hensley, Hohman, Laird and V. Miller: An act relating to a public airport authority in certain cities and counties; concerning the board of directors of such authority; amending K.S.A. 27-330 and 27-334 and repealing the existing sections.

HB 2822, by Representatives Aylward and Bob Ott: An act increasing the tax levy limitation for community mental health centers and community facilities for the mentally retarded and the services provided thereat; amending K.S.A. 1981 Supp. 79-1947 and repealing the existing section.

HB 2823, by Representative Peterson: An act concerning attorneys' fees; relating to their allowance in certain cases; amending K.S.A. 1981 Supp. 60-2006 and repealing the existing section.

HB 2824, by Representative Peterson: An act concerning the code of civil procedure for limited actions; relating to application of the code; amending K.S.A. 1981 Supp. 61-1603 and repealing the existing section.

HB 2825, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1982, for the department of administration, state corporation commission, state finance council, adjutant general, state correctional-vocational training center, department of corrections, state fire marshal, Kansas state penitentiary, youth center at Atchison, department of health and environment, Norton state hospital, Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Topeka state hospital, state park and resources authority, state historical society and Kansas highway patrol; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2826, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for the abstracters' board of examiners, board of accountancy, state bank commissioner, board of barber examiners, state board of healing arts, Kansas state board of cosmetology, state department of credit unions, Kansas dental board, state board of embalming, Kansas board of examiners in fitting and dispensing of hearing aids, consumer credit commissioner, board of nursing, board of examiners in optometry, state board of pharmacy, Kansas real estate commission, savings and loan department, state board of technical professions, state board of veterinary examiners and behavioral sciences regulatory board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or

(continued)

authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2827, by Committee on Governmental Organization: An act concerning state agencies as defined in K.S.A. 75-3044; requiring the secretary of state to make a quadrennial report thereon; amending K.S.A. 75-3045, 75-3046 and 75-3048 and repealing the existing sections.

HB 2828, by Committee on Governmental Organization: An act relating to the department of economic development; concerning meetings of the advisory commission thereto; amending K.S.A. 74-5019 and repealing the existing section.

SCR 1650, by Senators Steineger and Norvell; Chaney, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Johnston, Karr, McCray, Mulich, Parrish, Rehorn and Warren: A concurrent resolution honoring the 100th anniversary of the birth of Franklin Delano Roosevelt.

SCR 1651, by Senator Montgomery: A concurrent resolution memorializing the Trustee in Bankruptcy of the Chicago, Rock Island and Pacific Railroad to resume negotiations and commence the operation of the 887-mile vital Rock Island Railroad link between Kansas and Texas.

HCR 5047, by Representative Lady: A concurrent resolution commending Elon Torrence of the Associated Press for his 35 years of coverage of the Kansas Legislature and honoring his retirement.

HCR 5048, by Representatives Aylward, Apt, Arbuthnot, Beezley, Braden, Burgess, Cameron, Campbell, Cloud, Cooper, Crumbaker, Dean, Dempsey, Duncan, Dyck, Fox, Francisco, Friedeman, B. Fuller, W. Fuller, Garrett, Goering, Gordon, Griffiths, Hagerman, Harper, Hassler, Hayden, Heinemann, Hinshaw, Holt, Hoy, King, Lady, Leach, M. Littlejohn, Maloney, R.D. Miller, R.H. Miller, Moomaw, Moore, Myers, Novak, Bob Ott, K. Ott, Polson, Roe, Rolfs, Schmidt, Shriver, Sifers, Smith, Spaniol, Strahm, Teagarden, Turnquist, Darrel Webb, Wisdom and Yost: A concurrent resolution memorializing the Trustee in Bankruptcy of the Chicago, Rock Island and Pacific Railroad to resume negotiations and commence the operation of the 887-mile vital Rock Island Railroad link between Kansas and Texas.

HCR 5049, by Committee on Federal and State Affairs: A concurrent resolution commending the Vietnam-era veterans and proclaiming Vietnam Veteran Recognition Days in Kansas.

HCR 5050, by Committee on Education: A concurrent resolution encouraging boards of education of school districts to establish inservice training programs or academic requirements for administrators so as to insure that administrators have adequate background and training in the area of special education for exceptional children.

(Published in the KANSAS REGISTER, February 11, 1982.)

**NOTICE OF BOND SALE
\$2,300,000.00
KEARNY COUNTY, KANSAS
GENERAL OBLIGATION HOME FOR THE
AGED BONDS
SERIES A, 1982**

Pursuant to K.S.A. 10-106 as amended, written **SEALED BIDS** will be received by the Board of County Commissioners of Kearny County, Kansas, at the office of the County Clerk, Kearny County Courthouse, Lakin, Kansas 67860, on:

MARCH 1, 1982

at 1:00 o'clock P.M., mountain standard time for the sale of 460 General Obligation County Home for the Aged Bonds, Series A, 1982, of said County in the aggregate amount of \$2,300,000.00, at which time said bids will be publicly opened. All of the said bonds will be negotiable coupon bonds; be in the denomination of \$5,000.00 each, be dated April 1, 1982, and mature serially as follows:

October 1, 1983	\$230,000.00
October 1, 1984	230,000.00
October 1, 1985	230,000.00
October 1, 1986	230,000.00
October 1, 1987	230,000.00
October 1, 1988	230,000.00
October 1, 1989	230,000.00
October 1, 1990	230,000.00
October 1, 1991	230,000.00
October 1, 1992	230,000.00

No bond shall be callable prior to its stated maturity.

This issue of \$2,300,000.00 Series A, 1982, Bonds is issued pursuant to the authority of K.S.A. 1981 Supp. 19-2106.

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders, provided, however, that not more than five different rates shall be specified in any bid and the same rate shall apply to all bonds of the same maturity. The repetition of a rate will not constitute one of said maximum number of rates. Each interest rate specified shall be a multiple of one-eighth or one-twentieth of one percent and no interest rate shall exceed the maximum permitted by law (12%). No bid of less than par and accrued interest will be considered. Any bid specifying the use of supplemental coupons or more than one interest rate within a single maturity will not be considered.

Each bid shall specify the total interest cost to the County during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the total net interest cost and the average annual net interest rate to the County on the basis of such bid. It shall be understood that the County may rely upon the representation as to the total net interest cost in awarding the said bonds to the bidder submitting the best bid.

Interest on said bonds will be payable on April 1, 1983, and thereafter semi-annually on October 1 and April 1 in each year. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

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

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

Said County has an assessed taxable, tangible valuation of \$150,982,842.00, including motor vehicle valuation of \$2,162,867.00, and a bonded indebtedness of \$3,300,000.00, including this issue of \$2,300,000.00. Said bonds are being issued for the purpose of paying costs of county home for the aged improvements in said County.

Said bonds will be delivered to the purchaser on or before April 20, 1982, at any bank in Wichita or Topeka, Kansas, or Kansas City, Missouri, at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

The successful bidder will be furnished, without cost, with the approving opinion of Fred W. Rausch, Jr., municipal bond counsel, Topeka, Kansas, to the

(continued)

effect that the bonds are valid and legally binding general obligations of said County, and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable, tangible property within the County without limitation as to rate or amount. The obligation hereunder to deliver or accept the bonds pursuant hereto shall be conditioned on the availability and delivery at the time of delivery of the bonds of the said approving opinion, and a certificate, in form and tenor, satisfactory to said bond counsel and dated as of the date of such delivery, to the effect that there is no litigation pending or (to the knowledge of the signor or signors thereof), threatened relating to the bonds.

At the request of the successful bidder, CUSIP identification numbers will be printed on said bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on said bonds will be paid for by the district. The CUSIP Service Bureau charge for the assignment of said numbers will be the responsibility of and must be paid for by the purchaser.

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

Bids will be submitted on official bid forms (or their equivalent) which may be obtained along with other information concerning this issue from Zahner and Company, 127 West 10th Street, Kansas City, Missouri 64105.

THE BOARD OF COUNTY COMMISSIONERS
KEARNY COUNTY, KANSAS

RONALD EDGINGTON
Chairman

Attest: LEONA RANDOLPH
County Clerk

(SEAL)
Doc. No. 000051

(Published in the KANSAS REGISTER, February 11, 1982.)

NOTICE OF BOND SALE
\$1,590,000
GENERAL OBLIGATION BONDS,
SERIES A-92
OF THE
CITY OF HUTCHINSON, KANSAS

Sealed bids will be received by the GOVERNING BODY of the CITY OF HUTCHINSON, KANSAS, until 10:00 A.M. TUESDAY, FEBRUARY 23, 1982, at the Office of the City Clerk in City Hall of said City, at which time said bids will be publicly opened and read, for the purchase of the above named bonds of the City of Hutchinson, Kansas.

All bonds will be negotiable coupon bonds, each in the denomination of \$5,000. Said bonds will be dated March 1, 1982, and will be issued in series maturing as follows:

\$75,000 due March 1 of 1983 and 1984; \$80,000 due March 1 of each year 1985-2002, inclusive.

Bids will be received on bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions:

Not more than five different rates shall be specified, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be in a multiple of .05% or 1/20%.

No bid of less than par and accrued interest will be considered.

Each bid shall state the total interest cost to the City, calculated to maturity at the rates specified, the premium, if any, and the average annual net interest rate to the City on the basis of such bid.

Interest on said bonds will be payable on March 1, 1983, and thereafter semiannually on September 1 and March 1 of each year until maturity. Both principal of and interest on said bonds will be paid in lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas.

The issue hereinbefore described has been duly authorized as provided by law for the general statutory purpose of providing money for sewer, street, drainage, dam, bridge and viaduct improvements and for water-main extensions in the City of Hutchinson, Kansas, and all of said bonds will constitute General Obligations of said City payable both as to principal and interest from ad valorem taxes, which may be levied without limitation as to rate or amount upon all taxable, tangible property within the territorial limits of said City.

Said bonds duly printed, executed and registered will be furnished and paid for by the City of Hutchinson, and said bonds will be sold subject to the legal opinion of GAAR & BELL of Kansas City, Missouri, and of Overland Park and Wichita, Kansas, whose unqualified approving opinion will be paid for by the City of Hutchinson, Kansas. All other legal services rendered by the City of Hutchinson in connection with the issuance of these bonds will be paid for by said City. The successful bidder will be furnished with said

(continued)

opinion, together with a certified transcript of proceedings, evidencing the authorization and issuance of said 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 issue affecting the validity of the bonds. Said bonds will be delivered to the purchaser on or before March 24, 1982, at such bank in the contiguous United States as the purchaser may specify.

Each bid must be accompanied by a cashier's or certified check or bank draft payable to the order of the City of Hutchinson, Kansas, for two percent of the par value of the bonds being sold. The City of Hutchinson reserves the right to reject any or all bids.

The total General Obligation Bonded Indebtedness of the City of Hutchinson on March 1, 1982 will be \$23,539,000 including this proposed issue.

The 1981 assessed valuation of the City of Hutchinson, Kansas, for the purpose of computing bonded indebtedness, is as follows:

Assessed Valuation of Taxable,	
Tangible Property	\$ 98,000,000
Tangible Valuation of Motor	
Vehicles	14,000,000
Total	\$112,000,000

All bids must be made on forms which may be procured from the undersigned, and no additions or alterations on said forms shall be made.* Bids should be addressed to the City Clerk of Hutchinson, Kansas, and marked "Bids for the Purchase of Bonds, Series A-92."

DATED January 26, 1982.

MILTON N. MARTIN CMC, City Clerk
P.O. Box 1567, Phone 316-663-6151
City of Hutchinson, Kansas 67501

* Photocopies or reproductions of the City-furnished forms may be used.
Doc. No. 000036

(Published in THE KANSAS REGISTER, February 11, 1982.)

NOTICE OF BOND SALE
\$242,000.00
CITY OF OBERLIN
DECATUR COUNTY, KANSAS
GENERAL OBLIGATION STREET
IMPROVEMENT BONDS
SERIES A, 1982

Pursuant to K.S.A. 10-106, as amended, written SEALED BIDS will be received by the Governing Body of the City of Oberlin, Decatur County, Kansas, at the office of the City Clerk, City Hall, 109 West Commercial, Oberlin, Kansas 67749 on

MARCH 3, 1982

at 7:30 o'clock p.m., local time, for the sale of 48 General Obligation Street Improvement Bonds, Series A, 1982, of said City in the aggregate amount of \$242,000.00, at which time said bids will be publicly opened. All of the said bonds will be negotiable coupon bonds; be in the denomination of \$5,000.00 each, except Bond No. 1 in the amount of \$7,000.00; be dated March 1, 1982, and mature serially as follows:

Maturity Date	Amount Maturing
October 1, 1983	\$17,000.00
October 1, 1984	25,000.00
October 1, 1985	25,000.00
October 1, 1986	25,000.00
October 1, 1987	25,000.00
October 1, 1988	25,000.00
October 1, 1989	25,000.00
October 1, 1990	25,000.00
October 1, 1991	25,000.00
October 1, 1992	25,000.00

No bond shall be callable prior to its stated maturity.

This issue of \$242,000.00, Series A, 1982, Bonds is issued pursuant to K.S.A. 12-601 *et seq.*, and 10-101 *et seq.*, to finance the costs of various street improvements in said City.

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders, provided, however, that not more than five different rates shall be specified in any bid and the same rate shall apply to all bonds of the same maturity. The repetition of a rate will not constitute one of said maximum number of rates. Each interest rate specified shall be a multiple of one-eighth or one-twentieth of one percent and no interest rate shall exceed the maximum permitted by law (12%). No bid of less than par and accrued interest will be considered. Any bid specifying the use of supplemental coupons or more than one interest rate within a single maturity will not be considered.

Each bid shall specify the total interest cost to the City during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the total net interest cost and the average annual net interest rate to the City on the basis of such bid. It shall be understood that the City may rely upon the representation as to the total net interest cost in awarding the said bonds to the bidder submitting the best bid.

Interest on said bonds will be payable on April 1, 1983, and thereafter semi-annually on October 1 and April 1 in each year. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

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

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

Said City has an assessed taxable, tangible valuation of \$6,110,772.00, including motor vehicle valuation of \$1,314,583.00, and a bonded indebtedness of \$972,000.00, including this issue of \$242,000.00. Said

(continued)

bonds are being issued for the purpose of paying costs of various street improvements in said City.

Said bonds will be delivered to the purchaser on or before April 30, 1982, at any bank in Wichita or Topeka, Kansas, or Kansas City, Missouri, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The successful bidder will be furnished, without cost, with the approving opinion of Fred W. Rausch, Jr., municipal bond counsel, Topeka, Kansas, to the effect that the bonds are valid and legally binding general obligations of said City and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable, tangible property within the City without limitation as to rate or amount. The obligation hereunder to deliver or accept the bonds pursuant hereto shall be conditioned on the availability and delivery at the time of delivery of the bonds of the said approving opinion, and a certificate, in form and tenor, satisfactory to said bond counsel and dated as of the date of such delivery, to the effect that there is no litigation pending or (to the knowledge of the signor or signors thereof), threatened relating to the bonds.

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

Bids will be submitted on official bid forms (or their equivalent) which may be obtained from the City Clerk, City Hall, 109 West Commercial, Oberlin, Kansas 67749.

**GOVERNING BODY OF THE CITY OF OBERLIN,
DECATUR COUNTY, KANSAS**

EDWARD T. STILLIONS
Mayor

(SEAL)

Attest: **FRED W. WALDO**
City Clerk

Doc. No. 000050

(Published in the KANSAS REGISTER, February 11, 1982.)

**NOTICE OF BOND SALE
\$200,000.00**

**GENERAL OBLIGATION SEWER SYSTEM
BONDS
OF THE
CITY OF BUHLER, KANSAS**

The CITY OF BUHLER, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, 221 NORTH MAIN, BUHLER, KANSAS, until 7:00 o'clock P.M., C.S.T., on

TUESDAY, FEBRUARY 23, 1982

for \$200,000.00 par value GENERAL OBLIGATION SEWER SYSTEM BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated MARCH 1, 1982. The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$10,000.00	October 1, 1983
15,000.00	October 1, 1984
15,000.00	October 1, 1985
15,000.00	October 1, 1986
20,000.00	October 1, 1987
20,000.00	October 1, 1988
25,000.00	October 1, 1989
25,000.00	October 1, 1990
25,000.00	October 1, 1991
30,000.00	October 1, 1992

Interest on the bonds will first be payable on APRIL 1, 1983, and thereafter semiannually on the first days of OCTOBER and APRIL in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding FOUR (4) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of One percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed Two and one-half percent (2½%). No interest rate shall exceed Twelve percent (12%), and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at 221 NORTH MAIN, BUHLER, KANSAS 67522, ATTENTION: MARILYN F. PRATHER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to Two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF BUHLER, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the

(continued)

City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before APRIL 7, 1982, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of paying the City's share of the costs of building a Sewage Disposal Plant with pump station, outfall sewer and other necessary appurtenances thereto, and acquiring a site therefor, including financing expenses, under authority of K.S.A. 12-631t. The City has previously issued \$186,000.00 of its Temporary Notes in connection with the project which will be fully retired from the proceeds of these Bonds. The remaining costs of the project are being paid from the proceeds of a Federal Grant.

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

Assessed valuation figures for the City of Buhler, Kansas, for the year 1981, are as follows:

Equalized Assessed Valuation of Taxable Tangible Prop- erty	\$2,361,003.00
Tangible Valuation of Motor Vehicles	\$ 565,683.00
Tangible Valuation of Motor Vehicle Dealers Inventory	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$2,926,686.00

The total bonded indebtedness of the City of Buhler, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$200,000.00, is in the amount of \$555,000.00. The City will retire \$186,000.00 of outstanding Temporary Notes from the proceeds of the Bonds.

DATED January 26, 1982.

MARILYN F. PRATHER, City Clerk
City of Buhler, Kansas

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

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