

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 1, No. 19

May 13, 1982

Pages 639-668

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**State of Kansas**  
**CORRECTIONS OMBUDSMAN BOARD**

**NOTICE OF BOARD MEETING**

The Corrections Ombudsman Board will meet May 18, 1982, 503 Kansas Avenue, Topeka, Room 537, from 9:00 a.m.-12:00 p.m.

PRESTON N. BARTON  
 Ombudsman

Doc. No. 000299

**State of Kansas**  
**ATTORNEY GENERAL**

**OPINION NO. 82-99**

State Boards, Commissions and Authorities—Public Employees' Retirement System—Board Members' Terms of Office. Marshall Crowther, Executive Secretary, Kansas Public Employees' Retirement System, Topeka, April 29, 1982.

When the terms of office of current members of the Board of Trustees of the Kansas Public Employees' Retirement System expire on May 1, 1982, vacancies will exist in these offices, but incumbents are entitled to hold over beyond that date as *de facto* officers until their successors are appointed and qualified. Any such successor appointed subsequent to May 1, 1982, shall be appointed to fill the remainder of the term of office expiring four years from May 1, 1982. Cited herein: K.S.A. 74-4905. WRA.

**OPINION NO. 82-100**

Counties and County Officers—Fees and Salaries—Advancement of Travel Expenses to Sheriff's Officers. William D. Rustin, Sedgwick County Counselor, Wichita, April 30, 1982.

Charter Resolutions Nos. 9 and 14 of Sedgwick County, providing for the advancement of travel expenses to county officers and employees, are valid exercises of county home rule power except where they conflict with uniformly applicable legislative enactments. K.S.A. 28-110 is uniformly applicable to all counties in providing for the reimbursement of travel expenses incurred by the sheriff and sheriff's officers in certain instances, thereby precluding the advancement of travel money in those instances. Cited herein: K.S.A. 10-801, 12-105a, 12-105b, 19-101a, 19-264, 28-110, 77-201. RVE.

**OPINION NO. 82-101**

Taxation—Kansas Retailers' Sales Tax—Constitutionality of Tax Imposed Upon Gross Receipts Received from the Sale of Newspapers. Representative David L. Webb, Twenty-Seventh District, Stilwell, Kansas, May 4, 1982.

The Kansas retailers' sales tax imposed upon the gross receipts received from the sale of newspapers at retail does not abridge the freedom of the press guaranteed by the First and Fourteenth Amendments to the Federal Constitution. Cited herein: U. S. Const., Amends. I and XIV, § 1. TRH.

ROBERT T. STEPHAN  
 Attorney General

Doc. No. 000314

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 Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell  
 Publications Director

## State of Kansas

**SECRETARY OF STATE****KANSAS PUBLIC  
DISCLOSURE COMMISSION****ADVISORY OPINION NO. 82-6**

Written April 21, 1982 to Larry E. Sanford, Staff Attorney, Hesston Corporation, Hesston, Kansas 67062.

This opinion is in response to your letter of March 8, 1982, in which you request an opinion from the Kansas Public Disclosure Commission concerning the reporting of lobbying expenditures under K.S.A. 46-269.

We understand you request this opinion in your capacity as a registered lobbyist for the Hesston Corporation. You advise us that a state representative is a former employee of the corporation and for some years has been a member of the corporation board of directors. He is compensated for these services and reimbursed his related expenses in the same manner as other outside directors of the corporation. You advise us that the payments and reimbursements relate solely to his services to the company and have no relationship to your lobbying activities.

In addition, the representative also receives certain insurance benefits as well as a by-weekly distribution from the corporation's retirement plan. You advise us that the representative's participation in these plans is on the same basis as other comparably situated former employees and has no relationship to any of your lobbying activities.

Based on this factual situation, you ask whether you are required to report on your lobbyist expenditure report the payments made by the corporation to the representative.

It is our opinion based on the specific factual situation provided us that the payments and reimbursements you have described need not be reported on your lobbyist expenditure report. Rather, under appropriate circumstances, the reporting of the relationship between the representative and the corporation would be made on the representative's substantial interest statement.

**ADVISORY OPINION NO. 82-7**

Written April 21, 1982 to Jerry W. Cole, CLY, Armfield-Cole Consultants, Inc., 1359 North Emporia, P.O. Box 3208, Wichita, Kansas 67201.

This opinion is in response to your letter of April 6, 1982, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited in this case to the applicability of K.S.A. 46-215 et seq. and K.S.A. 75-4301 et seq., the latter sections not here applying. Thus, whether some other common law, statutory system or rules and regulations relate to your question is not covered by this opinion.

We understand you to request this opinion in your capacity as the Chairman of the Behavioral Sciences Regulatory Board. You were appointed to this position by the Governor and serve a two-year term.

You also advise us that you are in an insurance

partnership which is in the business of third party claims administration. You indicate that the partnership intends to bid on the group health coverage on state employees and if the bid is successful, the firm would act as a third party claims payor for the State of Kansas.

Based on this factual situation, you ask whether it would be a conflict of interest for you to bid on the group health coverage plan for state employees during your tenure of service as Chairman of the Behavioral Sciences Regulatory Board.

As we understand the factual situation, the Behavioral Sciences Regulatory Board has no input whatever into the possible decisions to be made by the State of Kansas on the issue of letting the bid on the group health insurance coverage. Assuming then that your position as Chairman of the Board is your only position of state employment or state office, it is our opinion that K.S.A. 46-215 et seq. does not prohibit you in your private capacity in the insurance business from participating in the bidding situation you have described.

**ADVISORY OPINION NO. 82-8**

Written April 21, 1982 to Rudy E. Wrenick, Jr., Treasurer, VanSickle for Attorney General Committee, 2654 Ashworth Place, Topeka, Kansas 66614.

This opinion is in response to your letter of April 1, 1982, in which you request an opinion from the Kansas Public Disclosure Commission concerning the Campaign Finance Act. (K.S.A. 25-4142 et seq.)

We understand you request this opinion in your capacity as treasurer for the VanSickle for Attorney General Committee which was active in the 1974 election campaign. You advise us that the committee borrowed funds from several individuals during that campaign which loans have been duly reported.

You note that the law requires the treasurer to continue to report on the status of the loans until such time as they have been paid or discharged. You advise us, due to the passage of time, that the loans are no longer enforceable under applicable statute of limitations provisions.

Based on this factual situation, you ask whether the loans may be deemed discharged such that a final termination report may be filed.

We have reviewed K.S.A. 25-4155 which applies to your question and it is our opinion that the running of the statute of limitations for collection of the obligations constitutes a sufficient discharge under this section to allow for filing of a termination statement.

**RICHARD E. DIETZ, Chairman**  
By Direction of the Commission

Filed with the Secretary of State April 26, 1982.

**JACK H. BRIER**  
Secretary of State

Doc. No. 000313

## State of Kansas

**FISH AND GAME COMMISSION****NOTICE FOR ENGINEERING SERVICES**

In accordance with K.S.A. 75-5803, it is the policy of the Kansas Fish and Game Commission to publicly announce requirements for the provision of an engineering study, "The Final Engineering Phase for the Milford Fish Hatchery." The Commission will negotiate contracts for such services on the basis of demonstrated competence and qualifications for the type of professional services required at fair and reasonable fees.

The Commission encourages firms engaged in the lawful practice of providing engineering services to submit a statement of qualifications and experience, as related to the selection of criteria listed, to the Director of the Kansas Fish and Game Commission, Route 2, Box 54A, Pratt, Kansas 67124, no later than May 28, 1982.

Firms that have submitted such information during the past twelve months need only contact the Commission to reaffirm their interest in providing the services.

Selection criteria will consist of the following:

1. Size and professional qualifications of the firm.
2. Experience and expertise of the firm's staff as related to fish hatchery engineering and design.
3. The firm's performance record in the aquaculture engineering field.
4. The firm's ability to address the objectives of "The Final Engineering Phase" in the study as based upon the study completed in March of 1979, Engineering Study/Programming Phase of Design completed in December of 1979 and the Schematic Design Phase completed in January of 1981 and all associated modifications, which would be made available to qualified engineering firms being considered.
5. The firm's ability to supply all final engineering plans, construction specifications, construction documents and bid letting supervision.
6. Compliance with Kansas Statutes:
  - (a) All firms must comply with the requirement of the Professional Engineers License Act.
  - (b) All out-of-state firms must qualify to do business in Kansas by complying with K.S.A. 17-7301 or K.S.A. 60-306.

**BILL HANZLICK**  
Director

Doc. No. 000322

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****DOCKET OF  
ADMINISTRATIVE HEARINGS  
BEFORE THE  
KANSAS DEPARTMENT OF  
HEALTH AND ENVIRONMENT**

**MAY 13, 1982**—In the Matter of the Transfer of Certificate of Need #4-LV-011 For The Construction of a 100-Bed Skilled Nursing Home, from the Tonganoxie Development Company, Inc. to Mr. Wallace Lambie. Case No. 81-37. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

**MAY 19, 1982**—In the Matter of the Permit of Croy, Inc. d/b/a/ Croy Ambulance Service, 27 Maple, Cottonwood Falls, Kansas 66845. Before the Council of Emergency Medical Services. Case No. 82-H-43. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

**MAY 24-28, 1982**—In the Matter of Licensure of The Farm, Inc., a Residential Center for Children and Youth operated by Mr. and Mrs. Delbert Johnson, Box 90, Reading, Kansas 66868. Case No. 82-H-44. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 9:00 a.m.

**JUNE 1, 1982**—In the Matter of the Amendment of National Industrial Environmental Services, Inc.'s Permit No. 193 to Operate a Hazardous Waste Site. Case No. 82E-1. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

This docket is issued on May 1, 1982 and the administrative hearings are those scheduled as of this date. Other administrative hearings may be scheduled in this same time period and the above hearings may be rescheduled without further notification. Interested persons may call the Department at (913)862-9360, Ext. 585 to confirm the scheduling of a particular hearing.

**JOSEPH F. HARKINS**  
Secretary of Health and Environment

Doc. No. 000321

State of Kansas

**PARK AND RESOURCES AUTHORITY**

**NOTICE OF PUBLIC HEARING**

You are hereby notified that the Kansas Park and Resources Authority will hold a public hearing at 4:00 p.m. May 14, 1982, in the State Office Building Basement, Room 2, 900 Harrison, Topeka, Kansas on regulations proposed to be amended by the Authority. All interested parties may present oral or written comments at the hearing. Additional information on the public hearing or proposed regulations may be obtained by contacting the Park and Resources Authority office in Topeka.

The regulations to be amended are as follows:

1. Overnight camping—Proposed amendment will establish a \$2.00 per night per unit fee for camping units.
2. Overnight camping with utility charge for electricity (per night) \$2.00 increased to \$3.00.
3. Overnight camping with utility charge for electricity, water, and sewer hookup (per night) \$3.00 increased to \$5.00.

LYNN BURRIS, JR.  
Director

Doc. No. 000319

State of Kansas

**SECRETARY OF STATE**

**NOTICE**

The following bills have been signed into law by the Governor, as of May 10, and transmitted to this office:

*Senate Bills*

2	506	562	613	687	768	836
30	507	563	617	689	769	840
36	510	564	618	693	770	843
61	511	569	622	707	772	845
72	512	570	627	718	773	851
73	513	571	630	719	775	853
75	514	575	633	721	776	857
141	516	582	634	728	779	859
174	522	583	635	731	781	861
203	524	584	636	733	782	865
301	525	588	640	738	783	866
310	526	589	643	740	785	867
370	528	590	646	741	787	868
383	530	591	649	742	791	870
391	531	593	650	743	793	876
438	532	594	651	746	799	879
441	537	595	655	749	800	880
476	538	596	657	751	803	881
485	539	599	662	752	812	883
487	542	601	665	760	817	80
495	547	605	674	762	820	891
496	548	606	675	763	822	897
498	550	608	677	764	823	899
499	557	609	678	765	826	900
504	559	610	683	767	832	902
505	560					

*House Bills*

2139	2655	2731	2818	2941	3027	3106
2140	2656	2732	2820	2952	3028	3108
2253	2657	2735	2822	2955	3029	3110
2268	2658	2738	2823	2957	3030	3111
2273	2661	2739	2825*	2969	3031	3117
2286	2665	2740	2826	2971	3032	3118
2350	2668	2744	2827	2972	3034	3121
2374	2669	2746	2828	2974	3035	3124
2394	2670	2750	2829	2976	3037	3125
2463	2671	2751	2831	2985	3042	3127
2469	2672	2752	2833	2988	3045	3130
2472	2673	2753	2834	2994	3047	3131
2492	2674	2765	2837	2995	3049	3134
2519	2675	2766	2847	2996	3050	3136
2546	2677	2767	2850	2998	3051	3141
2595	2679	2768	2855	2999	3054	3142
2610	2682	2769	2856	3002	3063	3144
2612	2686	2770	2857	3003	3064	3145
2613	2694	2785	2859	3004	3065	3146
2615	2695	2786	2863	3008	3068	3147
2616	2697	2788	2866	3009	3069	3153
2617	2702	2789	2870	3010	3070	3156
2629	2703	2793	2877	3011	3072	3163
2630	2710	2798	2883	3013	3073	3165
2636	2712	2799	2888	3016	3075	3166
2637	2713	2801	2889	3017	3076	3168
2639	2714	2802	2903	3018	3077	3171
2640	2715	2803	2918	3019	3089*	3172
2646	2720	2809	2919	3020	3096	3173
2651	2723	2810	2923	3023	3097	3174
2653	2724	2815	2930	3025	3101	3175
2654	2728	2817	2937	3026	3104	3176

\* Signed with portions line-item vetoed.

The following bills have been *vetoed* by the Governor:

*Senate Bills:* 205, 535, 561, 615, 664, 797.

*House Bills:* 2500, 2632, 2634, 2814, 2887, 2906, 3094.

The following resolutions have been adopted by the Legislature and transmitted to this office:

*Senate Concurrent Resolutions:* 1633, 1644, 1647, 1649, 1650, 1651, 1657, 1659.

*House Concurrent Resolutions:* 5032, 5041, 5043, 5046, 5047, 5048, 5049, 5054, 5058, 5059, 5067.

*House Resolutions:* 6117, 6118, 6126, 6127, 6130, 6137, 6156, 6167.

Titles of the above bills and resolutions were listed in earlier editions of the *Kansas Register*, as they were introduced. Copies of enrolled (final) bills and resolutions are available from the Legislative Division of the Secretary of State's Office; State Capitol; Topeka 66612. Phone: 913/296-2236.

JACK H. BRIER  
Secretary of State

(Published in the KANSAS REGISTER, May 13, 1982.)

**NOTICE OF BOND SALE**  
**\$462,000.00**  
**CITY OF JOHNSON CITY**  
**STANTON 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 Johnson City, Stanton County, Kansas, at the office of the City Clerk, City Hall, P.O. Box 500, Johnson City, Kansas 67855 on:

**JUNE 7, 1982**

at 8:00 o'clock P.M., local time, for the sale of 92 General Obligation Street Improvement Bonds, Series A, 1982, of said City in the aggregate amount of \$462,000.00, 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 June 1, 1982, and mature serially as follows:

Maturity Date	Amount Maturing
October 1, 1983	\$32,000.00
October 1, 1984	45,000.00
October 1, 1985	45,000.00
October 1, 1986	45,000.00
October 1, 1987	45,000.00
October 1, 1988	50,000.00
October 1, 1989	50,000.00
October 1, 1990	50,000.00
October 1, 1991	50,000.00
October 1, 1992	50,000.00

No bond shall be callable prior to its stated maturity.

This issue of \$462,000.00, 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. 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 for 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 special assessments levied against property especially benefited by said street improvements and 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 \$3,787,031.00 including motor vehicle valuation of \$755,393.00, and a bonded indebtedness of \$787,000.00, including this issue of \$462,000.00. Said 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 August 6, 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, P.O. Box 500, Johnson City, Kansas 67855.

**GOVERNING BODY OF THE CITY OF JOHNSON CITY, STANTON COUNTY, KANSAS**

IVAN JOSSEERAND, Mayor

(Seal) Attest: MARGARET JOSSEERAND, City Clerk

Doc. No. 000312



(Published in the KANSAS REGISTER, May 13, 1982.)

**NOTICE OF BOND SALE****\$3,035,000****GENERAL OBLIGATION BONDS,  
(2 ISSUES)****CITY OF KANSAS CITY, KANSAS****(General Obligations, Payable from Unlimited Ad Valorem Taxes)**

Sealed bids will be received by the City Clerk of Kansas City, Kansas (the "City"), in the Office of the City Clerk in the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, until 10:00 o'clock A.M., C.D.T., on

**THURSDAY, MAY 27, 1982**

at which time said bids will be publicly opened and read for the purchase of \$3,035,000 principal amount of General Obligation Bonds (2 Issues) of the City (hereinafter referred to collectively as the "Bonds"). All bids received will be reported to the Board of Commissioners for determination of the best bid at a meeting of the Board to be held at said time, date and place.

**Details of the Bonds**

The Bonds will consist of 2 issues designated as \$2,950,000 General Obligation Bonds, Series "X", No. 39; and \$85,000 Special Improvement District Bonds, Series "Y", No. 39. The Bonds will be negotiable coupon bonds in the denomination of \$5,000 each. The Bonds will be dated May 1, 1982, and will mature serially on May 1 of each year in the principal amounts as follows:

YEAR	SERIES "X"		SERIES "Y"		TOTAL
	No. 39	AMOUNT	No. 39	AMOUNT	
1983	\$	200,000	\$	5,000	\$ 205,000
1984		300,000		5,000	305,000
1985		300,000		5,000	305,000
1986		300,000		5,000	305,000
1987		300,000		5,000	305,000
1988		300,000		10,000	310,000
1989		300,000		10,000	310,000
1990		300,000		5,000	305,000
1991		200,000		5,000	205,000
1992		100,000		5,000	105,000
1993		100,000		5,000	105,000
1994		100,000		5,000	105,000
1995		50,000		5,000	55,000
1996		50,000		5,000	55,000
1997		50,000		5,000	55,000
		<u>\$2,950,000</u>		<u>\$85,000</u>	<u>\$3,035,000</u>

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 of each year, beginning on November 1, 1982.

**Place of Payment**

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the State Treasurer in the City of Topeka, Kansas.

**Redemption of Bonds**

The Bonds maturing in the year 1993 and thereafter

may, at the option of the City, be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on May 1, 1992, or on any interest payment date thereafter at a redemption price equal to 100% of the principal amount of Bonds so called for redemption, together with accrued interest thereon to date of redemption. In the event of any such redemption, the City will give notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be given by publication in the official state newspaper of the State of Kansas at least 30 days prior to the date fixed for redemption, and by mailing said notice by United States registered mail addressed to the paying agent for the Bonds and to the original purchaser of the Bonds, at least 30 days prior to the date fixed for redemption.

**Security for the Bonds**

The General Obligation Bonds, Series "X", No. 39, 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 on all the taxable tangible property within the City.

The Special Improvement District Bonds, Series "Y", No. 39, shall be general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by such improvements and if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the City.

**Conditions of Bids**

Bids 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 Bonds will be sold in one block on an "all or none" basis. The same rate shall apply to all Bonds maturing in the same year. Not more than five different interest rates shall be specified, but a rate may be repeated. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1%. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by the weekly Bond Buyer, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered, and no bid providing for supplemental interest coupons will be considered.

**Basis of Award**

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, the net interest cost to the City on the basis of such bid, and the average annual net interest rate on the basis of such bid. The net interest cost to the City shall be determined by subtracting the amount of the premium, if any, from the total interest cost to the City and shall be stated as a dollar amount in the bid. The City shall be

*(continued)*

entitled to rely upon such dollar amount as stated in the bid as the basis for determining the lowest net interest cost bid. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the coupon rates specified in the bid shall be adjusted accordingly.

**Delivery of and Payment for the Bonds**

The City will pay for printing and registering the Bonds and will deliver the same properly executed and registered to the successful bidder within 45 days from the date of sale at such bank or trust company located in the United States of America, 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 as delivery of the Bonds. 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.

**Legal Opinion**

The Bonds will be sold subject to the legal opinion of Gaar & Bell, Overland Park, Kansas, Bond Counsel, whose unqualified approving opinion will be furnished and paid for by the City and will be printed on the Bonds.

**CUSIP Numbers**

At the request of the successful bidder, CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the printing of CUSIP numbers on the Bonds, including the CUSIP Service Bureau charge in the assignment of said numbers, will be paid for by 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 \$60,700, made payable to the order of the Treasurer of the City of Kansas City, 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 its 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.

**Bid Forms**

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 shall 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.

**Submission of Bids**

Mailed bids may be addressed to the undersigned,

City Clerk, Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, and marked "Bid for the Purchase of Bonds."

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the City for the year 1982 is \$395,913,108. The total general obligation bonded indebtedness of the City as of April 30, 1982, including the Bonds being sold, is \$30,480,000. In addition, the City has outstanding as of April 30, 1982, \$11,104,021 of temporary notes, of which \$3,278,438 will be retired out of the proceeds of the Bonds herein offered for sale.

**Bond Ratings**

The outstanding general obligation bonds of the City are rated "Aa" by Standard & Poor's and "A-1" by Moody's Investors Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

DATED this 11th day of May, 1982.

DAVID T. ISABELL  
City Clerk  
Municipal Office Building  
One Civic Center Plaza  
Kansas City, Kansas 66101  
(913-371-2000)

Doc. No. 000309

(Published in the KANSAS REGISTER, May 13, 1982.)

**NOTICE OF BOND SALE  
\$165,000.00  
GENERAL OBLIGATION SEWER  
IMPROVEMENT BONDS  
OF THE  
CITY OF FREDONIA, KANSAS**

The City of FREDONIA, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, 314 NORTH SEVENTH, FREDONIA, KANSAS, until 4:00 o'clock P.M., C.D.T., on

MONDAY, MAY 17, 1982

for \$165,000.00 par value GENERAL OBLIGATION SEWER IMPROVEMENT BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated JUNE 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
15,000.00	October 1, 1987
15,000.00	October 1, 1988
20,000.00	October 1, 1989
20,000.00	October 1, 1990
20,000.00	October 1, 1991
20,000.00	October 1, 1992

Interest on the Bonds will be first payable on APRIL 1, 1983, and thereafter semiannually on the first days of

(continued)



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 the 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 FIVE (5) 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 per cent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three per cent (3%). No interest rate shall exceed the maximum rate therefor as prescribed by the laws of the State of Kansas, 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 314 NORTH SEVENTH, FREDONIA, KANSAS 66736, ATTENTION: KAREN L. SHINN, 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 per cent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF FREDONIA, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before JUNE 15, 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 costs of constructing a main interceptor sewer in the City.

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

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

Equalized Assessed Valuation of Taxable Tangible	
Property .....	\$7,282,542.00
Tangible Valuation of Motor Vehicles .....	\$1,281,230.00
Tangible Valuation of Motor Vehicle Dealers	
Inventory .....	\$ 239,428.00
Equalized Assessed Tangible Valuation for Computa-	
tion of Bonded Debt Limitations .....	\$8,803,200.00

The total bonded indebtedness of the City of Fredonia, Kansas, at the date hereof, including this \$165,000.00 proposed issue of Bonds, is in the amount of \$853,000.00, which includes outstanding Temporary Notes in the amount of \$267,000.00. The City will retire \$177,000.00 of said outstanding Temporary Notes from the proceeds of the Bonds.

DATED May 3, 1982.

KAREN L. SHINN, City Clerk  
City of Fredonia, Kansas

Doc. No. 000310

**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., or D.S.T., whichever is in effect on the date indicated, and then will be publicly opened:

**MONDAY, MAY 24, 1982**

- #50087  
Kansas Technical Institute, Salina—OPTICAL SCALE
- #50089  
Emporia State University, Emporia—LUMINAIRES AND POLES
- #50091  
Department of Transportation, Norton—WOOD SIGN POSTS
- #50092  
Pittsburg State University, Pittsburg—HAND-LITHOGRAPHY PRESS
- #50093  
Wichita State University, Wichita—AUDIO EQUIPMENT
- #50094  
Kansas State Penitentiary, Lansing—FANS AND GRILLES

(continued)

- #50096  
Kansas State University, Manhattan—KITCHEN EQUIPMENT
- #50097  
Kansas State University, Manhattan—FEED
- #50098  
Kansas State University, Manhattan—FEED
- #50099  
Kansas State University, Manhattan—FEED
- #50100  
Kansas State University, Manhattan—KITCHEN EQUIPMENT
- #50128  
Department of Social and Rehabilitation Services—TELECOMMUNICATIONS SYSTEM, for Emporia SRS area office.
- #50151  
Department of Administration (Office of Secretary), Topeka—WORD PROCESSING SYSTEM
- #50152  
Department of Social and Rehabilitation Services—MAILING MACHINE, for Olathe SRS area office
- #50162  
Kansas Public Employees Retirement System, Topeka—TELECOMMUNICATIONS SYSTEM
- #50163  
State Board of Agriculture, Topeka—MICRO-COMPUTER SYSTEMS
- #50164  
Wichita State University, Wichita—MICRO-COMPUTER SYSTEMS
- #50170  
Kansas State University, Manhattan—WORD PROCESSOR
- #50186  
University of Kansas, Lawrence—GASOLINE
- #50187  
Kansas State University, Manhattan—TRAILER
- #50188  
Department of Administration, Topeka—GASOLINE, for Central Motor Pool
- #50189  
Wichita State University, Wichita—BASKETBALL BACKSTOPS
- #50190  
Wichita State University, Wichita—TENNIS-VOLLEYBALL SYSTEM
- #25153  
University of Kansas, Lawrence—LABORATORY SOLVENTS
- TUESDAY, MAY 25, 1982
- #25055  
University of Kansas, Lawrence—TERMITE CONTROL SERVICE
- #25150  
The Adjutant General's Department—GRASS MOWING SERVICES, for Nickell Barracks Training Center, Salina
- #49393A  
University of Kansas Medical Center, Kansas City—PORTABLE PATIENT MONITORS
- #50095  
University of Kansas, Lawrence—CHINA
- #50103  
Department of Administration (Building and Grounds Services), Topeka—EMERGENCY ELECTRICAL SYSTEM
- #50104  
Department of Corrections—PLUMBING MATERIALS, for El Dorado Honor Camp
- #50143  
University of Kansas, Lawrence—INTERFACE SUBSYSTEM
- #50144  
Kansas State University, Manhattan—TERMINALS
- #50165  
Kansas State University, Manhattan—WORD PROCESSING SYSTEM
- #50166  
University of Kansas, Lawrence—TAPE SUBSYSTEM UPGRADE
- #50171  
Kansas State University, Manhattan—WORD PROCESSING SYSTEM
- #50172  
Kansas State Penitentiary, Lansing—MOVING SERVICES
- #50173  
University of Kansas, Lawrence—CENTRIFUGE
- #50193  
Wichita State University, Wichita—EXERCISE MACHINES
- #50194  
Wichita State University, Wichita—SOCCER NETS, TENNIS NETS
- #A-4062(c)  
University of Kansas, Lawrence—SPOONER HALL RESTROOM REMODELING, for Handicapped Accessibility
- #A-4370  
Department of Transportation—REMODEL AREA SHOP BUILDING, at Great Bend, Kansas
- #A-4463  
Department of Human Resources—ROOF REPLACEMENT OF JOB SERVICE CENTER, at Ottawa, Kansas
- #A-4480  
Fish and Game Commission—STILLING BASIN REPAIR, of Atchison State Fishing Lake
- WEDNESDAY, MAY 26, 1982
- #25122  
University of Kansas Medical Center, Kansas City and Statewide—IV SOLUTIONS AND EQUIPMENT
- #25138  
Kansas Correctional Industries, Lansing—BLENDED TRAFFIC PAINT THINNER
- #25139  
Kansas Correctional Industries, Lansing—TRAFFIC ALKYD RESIN
- #25140  
Kansas Correctional Industries, Lansing—AMORPHOUS SILICA FOR PAINT
- #25141  
Kansas Correctional Industries, Lansing—CALCIUM CARBONATE FOR PAINT

(continued)

- #25152  
Department of Administration (Buildings and Grounds Services), Topeka—CAFETERIA SERVICE, for State Office Building
- #50129  
Wichita State University, Wichita—ELECTRICAL SUPPLIES
- #50130  
Larned State Hospital, Larned—GROCERIES
- #50133  
Department of Transportation—MRA-A AGGREGATE (DIST. 6) MRA-A, for Edmond, Kansas
- #50134  
Kansas Correctional Industries, Lansing—BOILED LINSEED OIL
- #50135  
University of Kansas, Lawrence—DOORS—PLYWOOD AND LUMBER
- #50136  
Emporia State University, Emporia—SPOTLIGHTS
- #50137  
Kansas State University, Manhattan—HORTICULTURAL TYPE FIXTURES
- #50138  
Kansas State University, Manhattan—AIR CONDITIONING EQUIPMENT
- #50140  
Kansas State University, Manhattan—COMPUTER PERIPHERALS
- #50141  
Department of Social and Rehabilitation Services—AUTOMATIC VENDING MACHINES, for Air Traffic Control Center, Olathe, Kansas
- #50145  
Kansas State University, Manhattan—GAS CHROMATOGRAPH
- #50146  
University of Kansas, Lawrence—LIQUID CHROMATOGRAPHY SYSTEM
- #50147  
Kansas State University, Manhattan—LASER TUBE
- #50148  
University of Kansas, Lawrence—AUTOMATED TITRATION SYSTEM
- #50153  
Department of Revenue—WORD PROCESSING SYSTEM, for various locations
- #50154  
Emporia State University, Emporia—IBM COMPUTER UPGRADE
- #50155  
Wichita State University, Wichita—INTEGRATED CASHIER SYSTEM
- #50174  
Emporia State University, Emporia—WORD PROCESSOR
- #50175  
Department of Social and Rehabilitation Services, Topeka—CONTINUOUS MAILERS
- #50176  
Department of Revenue, Topeka—CONTINUOUS MAILERS
- #A-3559(b)  
University of Kansas, Lawrence—INTERIOR GRAPHICS FOR THE RENOVATED WATSON LIBRARY
- #A-4341  
University of Kansas, Lawrence—REROOFING, of Murphy Hall
- #A-4348(a)-2  
Department of Administration, Topeka—SEAL SEPARATION, at Rotunda Dome of State Capitol
- #A-4473  
Department of Human Resources, Topeka—PARKING LOT EXPANSION, at 401 So. Topeka Ave.
- THURSDAY, MAY 27, 1982
- #25142  
Kansas Correctional Industries, Lansing—ETHYLENE GLYCOL AND PROPYLENE GLYCOL
- #25143  
Kansas Correctional Industries, Lansing—MEDIUM OIL AND ALKYD MODIFIED POLYURETHANE RESIN
- #25144  
Kansas Correctional Industries, Lansing—CHROME YELLOW MEDIUM
- #25145  
Kansas Correctional Industries, Lansing—RUTILE TITANIUM DIOXIDE
- #50142  
University of Kansas, Lawrence—PHOTOTYPE-SETTER INTERFACE
- #50149  
Kansas State University, Manhattan—QUADRUPOLE MASS SPECTROMETER
- #50150  
Kansas State University, Manhattan—LASER RETROFIT
- #50156  
University of Kansas, Lawrence—PLOTTER
- #50157  
Emporia State University, Emporia—DISK DRIVE AND CONTROLLER
- #50158  
Kansas State University, Manhattan—DISK STORAGE
- #50159  
Department of Social and Rehabilitation Services—LABOR AND MATERIAL FOR NEW VENDING MACHINE, at the K-Mart Distribution Center, Lawrence
- #50177  
Wichita State University, Wichita—MICROCOMPUTER SYSTEM
- #50178  
Kansas State Fair, Hutchinson—STATE FAIR TICKETS
- #50179  
Department of Human Resources, Topeka—CONTINUOUS MAILERS
- #50180  
Topeka State Hospital, Topeka—CHINA

(continued)

#50181

Wichita State University, Wichita—FLOOR MAINTAINER POWER SCRUBBER

#50182

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

#50183

University of Kansas, Lawrence—STEREO MICROSCOPE

#50184

University of Kansas, Lawrence—MICROSCOPES

#50195

Kansas State University, Manhattan—MOVING SERVICES

#50196

Wichita State University, Wichita—SWIMMING POOL EQUIPMENT

#A-4296(a)

Pittsburg State University, Pittsburg—CAMPUS WALK IMPROVEMENTS, PHASE IV

#A-4435

Wichita State University, Wichita—REMODELING OF MORRISON HALL

FRIDAY, MAY 28, 1982

#25146

Kansas Correctional Industries, Lansing—55 GALLON STEEL DRUMS

#50119

Department of Social and Rehabilitation Services—POLYESTER BONDED BARRIER BATTING, for Kansas Industries f/t Blind, Kansas City

#50127

Wichita State University, Wichita—THEATRE STAGE CURTAINS

#50160

Wichita State University, Wichita—PHOTO TYPE SETTER

#50161

Kansas State University, Manhattan—DISK DRIVE SYSTEM

#50167

Kansas State University, Manhattan—MICRO-PROCESSOR SYSTEM

#50168

Emporia State University, Emporia—MICRO COMPUTER EQUIPMENT

#50169

Kansas Technical Institute, Salina—MICRO PROCESSOR SYSTEMS

#50185

Wichita State University, Wichita—DIGITAL PEN PLOTTER

#50191

Wichita State University, Wichita—FURNISH AND INSTALL TOWER AND ANTENNAS

#50192

Wichita State University, Wichita—WRESTLING MATS

#50211

Pittsburg State University, Pittsburg—HOT ASPHALTIC OVERLAY, at West Stadium

#A-4201

Department of Social and Rehabilitation Services, Topeka—HANDICAPPED MODIFICATIONS, for Vocational Rehabilitation Unit at 3641 W. 21st.

TUESDAY, JUNE 1, 1982

#25155

Kansas Fish and Game Commission, Pratt—UNIFORM GARMENTS

#A-4348(a)-4

Department of Administration, Topeka—LIGHTING RENOVATION, of State Capitol Grounds

#A-4425

University of Kansas Medical Center, Kansas City—RENOVATION OF METABOLIC RESEARCH LABORATORY

#A-4441

Kansas Historical Society, Topeka—SHELVING INSTALLATION, in Warehouse at 5th &amp; Urish Rd., Topeka

#A-4466

Department of Human Resources—WINDOW REPLACEMENT, at Job Service Center at Kansas City

THURSDAY, JUNE 3, 1982

#50139

State Board of Agriculture, Topeka—DATA COMPILATION AND VERIFICATION

FRIDAY, JUNE 18, 1982

#25147

Kansas Turnpike Authority, Topeka—AUTOMOBILE LIABILITY INSURANCE

MONDAY, JUNE 21, 1982

#25149

Various Agencies—HOSPITAL PROFESSIONAL LIABILITY INSURANCE

JAMES I. TOLBERT  
Director of Purchases

Doc. No. 000320

**State of Kansas****DEPARTMENT OF HEALTH  
AND ENVIRONMENT****TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board April 29, 1982. Will expire May 1, 1983.)

**28-46-42. Exclusion of oil and gas related wells.** On and after May 1, 1982, class II injection wells which inject fluids brought to the surface in connection with the production of oil or natural gas or which inject fluids to enhance the recovery of oil or natural gas are exempted from the provisions contained in article 46. (Authorized by, and implementing, K.S.A. 65-171d; T-83-7, April 29, 1982.)JOSEPH F. HARKINS  
Secretary of Health and Environment

Doc. No. 000317

## State of Kansas

**CONSUMER CREDIT COMMISSIONER****TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board April 14, 1982. Will expire May 1, 1983.)

**75-6-26. Federal Truth-in-lending act requirements.** A creditor, including a person who in the ordinary course of business regularly extends or arranges for the extension of credit or offers to arrange for the extension of credit, shall disclose to the consumer the information required by title I of the consumer protection act (public law 90-321; 82 stat. 146), as amended, and any regulations issued pursuant to this act as of February 15, 1982. (Authorized by and implementing K.S.A. 16a-6-117; effective, E-82-16, Aug. 12, 1981; amended T-83-2, Jan. 7, 1982; amended T-83-6, April 14, 1982.)

**CONSUMER CREDIT COMMISSIONER**

Doc. No. 000316

## State of Kansas

**DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES****TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board April 29, 1982. Will expire May 1, 1983.)

**30-4-85. Eligibility factors specific to the EA program.** (a) A bona fide emergency and crisis situation caused by a natural disaster or a potential rental eviction shall exist.

(b) An applicant or recipient shall be legally capable of acting in his or her own behalf as provided in K.A.R. 30-4-52.

(c) An applicant or recipient shall cooperate in establishment of eligibility as provided in K.A.R. 30-4-39.

(d) An applicant or recipient shall meet the citizenship and alienage requirements as provided in K.A.R. 30-4-54.

(e) An applicant or recipient shall be physically living within the state of Kansas.

(f) A household shall not have applicable income in the calendar month of application in excess of two hundred percent (200%) of budgetary requirements as established by public assistance standards.

(g) A household shall consist of all persons living together as an economic unit and sharing in any basic or shelter needs and shall include at least one (1) child who:

(1) Is under the age of twenty-one (21) years of age; and

(2) Is, or, within (6) months before the month in which assistance is requested, has been, living in a household maintained by any other relatives specified in K.A.R. 30-4-72(b) as his, her or their own home;

(3) Is without resources immediately accessible to meet his or her needs, and assistance is necessary to avoid destitution of the child or to provide living arrangements for him or her in a home;

(4) Is not in destitution or need because he or she or the caretaker relative refused without good cause to

accept potential employment or training for employment; and

(5) Is not in destitution or need because he or she or the caretaker relative is unemployed because of a strike.

(h) The EA program shall not be used as a substitute for normal assistance grants of an ongoing program and shall not be used in lieu of existing programs for which the individual is eligible. Current assistance recipients may receive EA, providing they meet the qualifications and requirements for EA.

(i) Authorization for EA is limited to one (1) period of thirty (30) consecutive days following the date of approval in any twelve (12) consecutive months. All payments shall be made within the authorization period.

(j) The assistance provided may include needs covering a three (3) month period which may be incurred prior or subsequent to the authorization period. The need shall be directly related to the immediate crisis, and shall be met in order to resolve the current emergency. The assistance provided shall be given promptly and shall be within the established guidelines.

(k) The process for eligibility determination shall be pursuant to K.A.R. 30-4-51. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-83-9, April 29, 1982.)

**30-4-122. Special allowances for emergency assistance.** Subject to available funding for emergency assistance program purposes, recipients of EA shall be issued the following allowances as necessary and only if otherwise not available from other sources. (a) Emergency shelter. Emergency shelter shall include rent to obtain housing or prevent eviction on an as-paid basis up to the maximum shelter standard used in the state for a period not to exceed three (3) months.

(b) Emergency utilities. Emergency utilities shall include an amount necessary to turn on utilities (excluding telephone).

(c) Emergency house repairs. Repairs needed to resolve the crisis shall be authorized up to the maximum amount of one thousand dollars (\$1,000) for a client-owned home.

(d) Household furniture, appliances, and supplies shall include repair or purchase of used furniture, appliances and other household supplies up to the maximum amount of five hundred dollars (\$500).

(e) Emergency clothing. Only an initial clothing supply shall be included and shall be limited on an as needed basis to the maximum amount of one hundred and fifty dollars (\$150) per person. Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709, 39-719b; effective May 1, 1981; amended, T-83-9, April 29, 1982.)

**DR. ROBERT C. HARDER**  
Secretary of Social  
and Rehabilitation Services

Doc. No. 000318

## State of Kansas

## KANSAS CORPORATION COMMISSION

## TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board April 29, 1982. Will expire May 1, 1983.)

**82-2-400. Application, approval, place of disposal, and records.** (a) Only upon application to and approval by the commission and the department of health and environment, shall disposal operations be permitted. Before any formations are approved for disposal use, it shall be ascertained that they are separated from fresh and usable water formations by impervious beds to give adequate protection to these fresh and usable water formations.

(b) The commission, in passing upon applications for disposal wells, shall give consideration to the determinations of the state department of health and environment, state water resources board, and state geological survey in establishing safe depths for disposal for all producing areas in the state.

(c) All disposal well applications filed on and after the effective date of this rule that require wellhead pressure to dispose of fluids shall be required to inject through tubing under a packet set immediately above the uppermost perforation or open hole zone. The packet shall be set opposite an interval of casing protected by cement.

(d) The owner or operator of a disposal well that is injecting fluid into a subsurface formation shall: (1) keep current and preserve for a period of five (5) years, an accurate record of the amount and kind of fluid injected into the disposal well; and, (2) at the end of each calendar year, submit a report to the commission, showing the amount and kind of fluid injected into each disposal well and any other disposal information that may be required. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 1981 Supp. 55-901, K.S.A. 65-171d, and K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, E-77-3, Jan. 13, 1976; amended Feb. 15, 1977; amended, T-83-8, May 1, 1982.)

**82-2-401. Casing and cement.** Disposal wells shall be cased and the casing cemented in a manner such that damage will not be caused to hydrocarbon sources or fresh and usable water sources. Surface casing shall be set and cemented as follows: (a) Existing wells to be converted to disposal that do not have adequate surface pipe shall be cemented between the bore hole and the casing by circulating cement to the surface from a point at least fifty (50) feet below the base of the lowest known fresh and usable water. If cement fails to circulate to the surface, staged squeezes shall be required at upward intervals of fifty (50) feet until circulation occurs.

(b) At the discretion of the commission, an alternate process may be performed between the casing and the bore hole at a point at least fifty (50) feet below the base of the fresh and usable water to insure the protection of fresh and usable water sources. Cement bond logs or temperature surveys demonstrating adequate cement protection may be submitted to the commission in lieu of such additional cementing.

(c) When the disposal zone lies stratigraphically

above the wellington salt and when the wellbore has penetrated into or through the salt, a cement plug of at least fifty (50) feet in length shall be placed in the bore hole or casing below the injection zone and above the salt. However, if the plug is inside the casing, the annular space between the casing and the well bore shall be protected with cement through the same interval. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1980 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 10-1003; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-402.** (Authorized by K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1972; revoked T-83-8, May 1, 1982.)

**82-2-403. Disposal well; application, content, notice, objection, hearing and approval.** (a) Fluid shall not be injected into a well for disposal purposes until so ordered by the commission pursuant to application and notice as required.

(b) The application shall be verified and filed in triplicate with the commission, showing: (1) The name, location, surface elevation, total depth, and plug back depth of the disposal well;

(2) The location of all oil and gas wells including abandoned wells, drilling wells and dry holes within one-half (½) mile of the disposal well;

(3) The name, description, and depth of each disposal interval, identifying if through perforations or open-hole or a combination;

(4) The depths of the tops and bottoms of all casing and cement used or to be used in the disposal well;

(5) The size of the casing and tubing and the depth of the tubing packer;

(6) Any information that is available in the log of the disposal well including elevation reference;

(7) A description of the fluid to be injected, source of injected fluid and the estimate maximum and average daily rate of disposal, in barrels per day;

(8) The names and addresses of the operators shown in two (2) above, who were notified of the application, and evidence that such notice was given;

(9) Information showing that disposal into the proposed zone will be contained within the disposal zone and will not initiate fractures through the overlying strata which could enable the disposed fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished to the commission by the applicant if requested by the commission; and

(10) Other information as the commission may require.

(c) The commission, when issuing an order approving disposal, shall consider the following: (1) maximum injection rate; (2) maximum surface injection pressure; (3) injection fluid and the lithology and rock characteristics of the injection zone and the overlying strata; (4) and the adequacy and thickness of the confining zone or zones between the injection interval and the base of the lowest fresh or usable water.

(d) Applications may be filed to include the use of more than one disposal well on the same lease or on more than one (1) lease.

(e) Applications shall be executed by all operators who are to participate in the proposed disposal plan.

(continued)



(f) Notice of the application shall be given by the applicant by mailing or delivering a copy of the application to each operator of producing and drilling wells within one-half (½) mile radius of the proposed disposal well. Notice shall be mailed or delivered on or before the date the application is mailed to or filed with the commission. Notice of the application shall be published in at least one (1) issue of a newspaper with general circulation in the county or counties in which the lands involved are located. The giving of the required notice of the application shall be by the applicant.

(g) Objections or complaints, stating the reasons why the proposed plan as contained in the application may cause damage to oil, gas or fresh and usable water resources, shall be filed within fifteen (15) days after the application is filed.

(h) In the event any objection or complaint is filed or the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held after reasonable notice of the time, place and subject matter of the hearing has been given to the interested parties.

(i) Orders approving the disposal plan shall not be made within fifteen (15) days of the filing of the application unless the written consent of all persons entitled to notice is filed with the commission within that time.

(j) When the fluid disposal rate is one thousand (1,000) barrels per day or less, or any equivalent rate for any fraction of twenty four (24) hours, an overlying strata of at least two hundred (200) feet in thickness between the lowest base of fresh and usable water and the top of the proposed interval of disposal shall be considered sufficient evidence of fresh and usable water protection.

(k) When the fluid disposal rate is greater than one thousand (1,000) barrels per day or equivalent rate for any fraction of twenty four (24) hours, an overlying strata of at least five hundred (500) feet in thickness between the lowest base of fresh and usable water and the top of the proposed interval of injection shall be considered sufficient evidence of fresh and usable water protection.

(l) If the overlying strata is less than required in (j) or (k) above, the commission may approve injection provided a finding is made that the disposal will not initiate fractures through the overlying strata. Applicant shall be required to furnish the commission sworn evidence and data in support of that finding. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901; and implementing, K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-404. Notice of commencement and discontinuance of disposal operations.** (a) Immediately upon the commencement of disposal operations pursuant to K.A.R. 82-2-400, the applicant shall notify the commission of the date of commencement.

(b) Within ten (10) days after the discontinuance of disposal operations, the operator of the project shall notify the commission of the date of the discontinuance and the reasons for it.

(c) Before any disposal well shall be abandoned, the commission shall be notified, and the same procedure shall be followed in the plugging of the well as pro-

vided for in K.A.R. 82-2-301. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901; implementing, K.S.A. 1981 supp. 55-901, K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-405. Assessment of costs.** The applicant shall, within thirty (30) days after notice by the commission, pay a charge as established by the commission for each lease involved in the disposal application. This regulation shall take effect May 1, 1982. (Authorized by and implementing K.S.A. 1981 supp. 55-901; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended T-83-8, May 1, 1982.)

**82-2-406. Disposal well tubing and packer requirements.** (a) After the effective date of this rule, disposal wells shall be equipped to inject through tubing below a packer. To prevent any migration of the injected fluids into the casing-tubing annulus, the packer run on the tubing shall be set in casing opposite a cemented interval at a point immediately above the uppermost perforation or open hole interval. The annulus between the tubing and the casing shall be filled with a corrosion-inhibiting fluid or hydrocarbon liquid having a specific gravity less than 1.00. With the approval of the commission and the department of health and environment, packerless or tubingless completions may be authorized under the provisions of paragraph (b) or (c) of this rule.

(b) *Packerless completions.* As provided in (a) of this rule, the commission may authorize injection through tubing without a packer provided the following requirements are met:

(1) Surface wellhead injection pressure shall not exceed zero (0) psig;

(2) Tubing shall be set at a depth below the top of the cement outside the casing in which the tubing is run;

(3) The tubing shall be run to a depth equal to or below the uppermost perforation or open-hole of the injection interval;

(4) The annular space between the tubing and the casing shall be filled with a corrosion inhibiting fluid or hydrocarbon liquid having a specific gravity less than 1.00, displaced and maintained at a point within 50 (fifty) feet of the bottom of the tubing;

(5) An annulus surface pressure of at least ten (10) psig shall be maintained at all times during the life of the well;

(6) Annulus wellhead surface pressure and wellhead surface injection pressure shall be recorded monthly and kept by the operator for five (5) years; and

(7) All pressure readings recorded shall be taken during actual injection operations.

(c) *Tubingless completions.* As provided in (a) of this rule, the commission may authorize disposal without tubing provided that all six (6) of the following criteria are continuously met during the life of the well:

(1) The casing shall be cemented continuously from setting depth to surface;

(2) Surface injection pressure shall not exceed five hundred (500) psig;

(3) Surface wellhead injection pressure shall be recorded monthly and kept by the operator for five (5) years;

(continued)

(4) All pressure readings recorded shall be taken during actual injection operations;

(5) Mechanical integrity tests shall be performed annually, not more than twelve (12) months between tests, by running a retrievable plug to a depth no more than fifty (50) feet above the uppermost perforation or open-hole of the injection zone; and

(6) It shall be the sole responsibility of the operator of the tubingless completed disposal well to maintain the well so that the mechanical integrity tests can be performed as specified, with no exceptions, or the well shall be immediately plugged and abandoned by displacing cement from the bottom of the well to the surface. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 55-1003, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; effective T-83-8, May 1, 1982.)

**82-2-407. Operating requirements for disposal wells.** (a) Initial requirements.

(1) Each disposal well shall be completed, equipped, operated, and maintained to prevent pollution of fresh and usable water or damage to sources of oil or gas and to confine disposal fluids to the interval or intervals approved for disposal.

(2) Before operating a new well drilled for disposal, or a well newly converted for disposal, the casing outside the tubing and above the packer shall be tested under the supervision of a duly authorized representative of the applicant, verified by the same authorized representative, and witnessed by a representative of the commission or the department of health and environment. Wells equipped with a packer shall be tested with the packer in place. For wells not equipped with a packer, a retrievable plug shall be required to be set in place of a packer. This test shall be conducted by setting the packer or the retrievable plug inside the injection casing immediately above the uppermost perforation or open hole zone, and applying fluid pressure to three hundred (300) psi or the maximum allowable disposal pressure, whichever is greater. The well shall be shut in for at least thirty (30) minutes. Maintenance of the shut-in pressure during the test shall provide assurance of the integrity of the disposal casing.

(b) *Mechanical integrity pressure or monitoring test requirements.* Pressure tests or monitoring shall be performed on disposal wells to periodically establish the mechanical integrity of the tubing, casing, and packer.

(1) *Pressure test.* The annulus above the packer or the injection casing in wells not equipped with a packer, shall be tested at least once every five (5) years under the supervision of a duly authorized representative of the disposal well operator, and verified by the same authorized representative. A minimum of twenty-five percent (25%) of the tests shall be witnessed by a representative of the commission or the department of health and environment. The test shall be conducted in accordance with (a)(2) of this rule.

(2) *Monitoring.* In lieu of a casing pressure test required in (1) above, the operator shall once a month monitor and record during actual disposal the pressure in the annulus and report the log of this pressure to the commission annually. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901

and K.S.A. 65-171d; implementing K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective T-83-8, May 1, 1982.)

**82-2-408. Duration of disposal well orders.** (a) Commission orders authorizing injection into disposal wells shall remain valid for the life of the well, unless revoked by the commission for just cause.

(b) An order granting disposal may be modified, vacated, amended, or terminated during its term. Modifications of the order may be at the request of any interested person or at the commission's initiative. All orders shall be approved by the commission and the department of health and environment.

(c) Mechanical failures or other conditions which indicate a disposal well is not, or may not be, directing the injected fluid into the permitted or authorized injection zone may be cause to shut-in the well. If the condition may endanger any fresh or usable water source or oil or gas resources, the operator shall orally notify the commission within twenty-four (24) hours. Written notice of this well failure shall be submitted to the commission and to the department of health and environment within five (5) days of the occurrence together with a plan for testing and repairing the well. Results of the testing and well repair shall be reported to the commission and the department of health and environment, and shall be included in the annual monitoring report to the commission. Any mechanical downhole well repair performed on the well and not previously reported shall also be included in the annual report. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective T-83-8, May 1, 1982.)

**82-2-409. Records.** The owner or operator of a disposal well shall; (a) keep current and preserve for a period of five (5) years an accurate record of the amount and kind of fluid injected into the disposal well; and (b) submit a report to the commission at the end of each calendar year, showing the monthly average disposal pressure, maximum disposal pressure, amount and kind of fluid injected into each disposal well, and any other performance information that may be required by the commission. Copies of these annual reports shall be submitted to the department of health and environment. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901; implementing, K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective T-83-8, May 1, 1982.)

**82-2-410. Transfer of authority to inject.** (a) An order authorizing a disposal well shall not be transferred from one operator to another without the approval of the commission. The commission shall be notified in writing, in triplicate, of the intent of transfer of ownership of a disposal well from one operator to another. The written notice shall contain the:

- (1) Name and address of present operator;
- (2) Name and location of well being transferred;
- (3) Order number and date of order authorizing disposal;
- (4) Zone or zones of disposal;

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- (5) Proposed effective date of transfer;
- (6) Signature of present operator and date signed;
- (7) Name and address of new operator; and
- (8) Signature of new operator and date signed.

(b) The commission shall, within thirty (30) days after notification, mail a letter to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the amended order authorizing the disposal shall be attached to the letter mailed to the new operator. The commission or the department of health and environment may require the present operator to conduct a mechanical integrity test as a condition of the transfer. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective T-83-8, May 1, 1982.)

**82-2-411. Authorization for existing disposal wells.** Each disposal well authorized under order of the commission on the effective date of this rule shall be an existing disposal well. Injection shall be prohibited in any existing disposal well unless the operator has filed within one (1) year of the effective date of this rule an inventory of existing disposal wells on a form prescribed by the commission; this form shall include each well name, location, authorizing commission order number, date of order, (including all orders authorizing exceptions), maximum authorized injection rate, and maximum authorized surface injection pressure. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective T-83-8, May 1, 1982.)

**82-2-500. Enhanced hydrocarbon recovery injection; application and approval.** The operator of any well may inject fluids under pressure into a formation for the purpose of enhanced hydrocarbon recovery only upon application to and approval by the commission and the department of health and environment. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-501. Casing and cement.** Wells used for the injection of fluids shall be cased with sound casing in such a manner that damage shall not be caused to hydrocarbon sources or fresh and usable water sources. Surface casing shall be set and cemented as follows: (a) Existing injection wells that do not have adequate surface pipe shall be cemented between the bore hole and the casing by circulating cement to the surface from a point at least fifty (50) feet below the case of the lowest known fresh and usable water. If cement fails to circulate to the surface, staged squeezes shall be required at upward intervals of fifty (50) feet until circulation occurs.

(b) At the discretion of the commission, an alternate process may be performed between the casing and the bore hole at a point at least fifty (50) feet below the base of the fresh and usable water to insure the protection of fresh and usable water sources. Cement bond logs or temperature surveys demonstrating adequate cement protection may be submitted to the commission in lieu of such additional cementing.

(c) When the injection zone lies stratigraphically below the wellington salt and when the wellbore has penetrated into or through the salt, a cement plug of at least fifty (50) feet in length shall be placed in the bore hole or casing above the injection zone and below the salt. However, if the plug is inside the casing, the annular space between the casing and the bore well shall be protected with cement through the same interval. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134; implementing, K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-502. Injection well; application, content, notice, objection, hearing and approval.** (a) Fluid shall not be injected into a well for enhanced recovery purposes until so ordered by the commission pursuant to application and notice as required, and upon written approval of the department of health and environment.

(b) The application shall be verified and filed in triplicate with the commission showing:

(1) The name, location, surface elevation, total depth, and plug back depth of each enhanced recovery injection well;

(2) the location of all oil and gas wells including: (A) abandoned wells, drilling wells and dry holes penetrating the injection zone within one-half (½) mile of each injection well; and (B) the surface owner of the land on which each injection well is located and each operator of a producing well within one-half (½) mile of each injection well;

(3) The name, description, and depth of each injection interval, identifying if through perforations or open-hole or a combination;

(4) The depths of the tops and bottoms of all casing and cement used or to be used in the injection well;

(5) The size of the casing and tubing and the depth of the packer setting;

(6) Any information that is available in the log of the disposal well including elevation reference;

(7) A description of the fluid to be injected, source of injected fluid, and the estimated maximum and average daily rate of injection, in barrels per day;

(8) The names and addresses of the operators shown in two (2) above, who were notified of the application, and evidence that such notice was given;

(9) Information showing that injection into the proposed zone will be contained within the injection zone and will not initiate fractures through the overlying strata which could enable the injected fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished by the applicant if requested by the commission; and

(10) Other information as the commission may require.

(c) The commission, when issuing an order approving injection shall consider the following: (1) maximum injection rate; (2) maximum surface injection pressure; (3) injection fluid and the lithology and rock characteristics of the injection zone and the overlying strata; (4) and the adequacy and thickness of the confining zone or zones between the injection interval and the base of the lowest fresh or usable water.

(d) Applications may be filed to include the use of more than one injection well on the same lease or on more than one (1) lease.

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(e) Applications shall be executed by all operators who are to participate in the enhanced recovery plan unless a unit is created; the operator of a unit shall be responsible for the entire unit.

(f) Notice of application shall be given by the applicant by mailing or delivering a copy of the application to each operator of drilling or producing wells within one-half (½) mile radius of the proposed well or wells. Notice shall be mailed or delivered on or before the date the application is mailed to or filed with the commission. Notice of the application shall be published in at least one (1) issue of a newspaper with general circulation in the county or counties in which the lands involved are located. The giving of the required notice of the application shall be by the applicant.

(g) Objections or complaints, stating the reasons why the proposed plan as contained in the application may cause damage to oil, gas, or fresh and usable water resources shall be filed within fifteen (15) days after the application is filed.

(h) In the event any objection or complaint is filed or the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held after reasonable notice of the time, place and subject matter of the hearing has been given to the interested parties.

(i) Orders approving the enhanced recovery plan shall not be made within fifteen (15) days of the filing of the application unless the written consent of all persons entitled to notice is filed with the commission within that time.

(j) When the fluid injection rate is one thousand (1,000) barrels per day or less, or any equivalent rate for any fraction of twenty four (24) hours, an overlying strata of at least two hundred (200) feet in thickness between the lowest base of fresh and usable water and the top of the proposed interval of injection shall be considered sufficient evidence of fresh and usable water protection.

(k) When the fluid injection rate is greater than one thousand (1,000) barrels per day or equivalent rate for any fraction of twenty four (24) hours, an overlying strata of at least five hundred (500) feet in thickness between the lowest base of fresh and usable water and the top of the proposed interval of injection shall be considered sufficient evidence of fresh and usable water protection.

(l) If the overlying strata is less than required in (j) or (k) above, the commission may approve injection provided a finding is made that the injection will not initiate fractures through the overlying strata. Applicant shall be required to furnish the commission sworn evidence and data in support of that finding. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-503. Notice of commencement and discontinuance of enhanced recovery operations.** (a) Immediately upon the commencement of enhanced recovery operations the applicant shall notify the commission of the date of commencement.

(b) Within ten (10) days after the discontinuance of enhanced recovery operations the operator of the proj-

ect shall notify the commission of the date of the discontinuance and the reasons for it.

(c) Before any injection well shall be abandoned, the commission shall be notified, and the same procedure shall be followed in the plugging of the well as provided for in K.A.R. 82-2-301. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134; implementing, K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-504. Records.** The owner or operator of an enhanced recovery injection well shall: (a) keep current and preserve for a period of five (5) years an accurate record of the amount and kind of fluid injected into the injection well; and (b) submit a report to the commission at the end of each calendar year, showing the monthly average injection pressure, maximum injection pressure, amount and kind of fluid injected into each injection well and any other performance information as may be required by the commission. Copies of these annual reports shall be submitted to the department of health and environment. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134; implementing, K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-505. Assessment of costs.** The applicant shall, within thirty (30) days after notice by the commission, pay a charge as established by the commission for each lease involved in the enhanced recovery application. This regulation shall take effect May 1, 1982. (Authorized by and implementing K.S.A. 1981 Supp. 55-135; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended, T-83-8, May 1, 1982.)

**82-2-506.** (Authorized by K.S.A. 55-134, K.S.A. 1972 Supp. 55-133; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; revoked, T-83-8, May 1, 1982.)

**82-2-507.** (Authorized by K.S.A. 55-135; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; revoked, T-83-8, May 1, 1982.)

**82-2-508. Operating requirements for enhanced recovery injection wells.** (a) *Initial requirements.*

(1) Each injection well shall be completed, equipped, operated, and maintained to prevent pollution of fresh and usable water or damage to sources of oil or gas and to confine injected fluids to the interval or intervals approved for injection.

(2) Before operating a new well drilled for enhanced recovery injection, or a well newly converted for injection, the casing outside the tubing and above the packer shall be tested under the supervision of a duly authorized representative of the applicant, verified by the same authorized representative, and witnessed by a representative of the commission or the department of health and environment. Wells equipped with a packer shall be tested with the packer in place. For wells not equipped with a packer, a retrievable plug shall be required to be set in place of a packer. This test shall be conducted by setting the packer or the retrievable plug inside the injection casing immediately above the uppermost injection perforation or open hole zone, and applying fluid pressure to three hundred (300) psi or the maximum allowable injection pressure, whichever

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is greater. The well shall be shut in for at least thirty (30) minutes. Maintenance of the shut-in pressure during the test shall provide assurance of the integrity of the injection casing.

(b) *Mechanical integrity pressure or monitoring test requirements.* Pressure tests or monitoring shall be performed on enhanced recovery injection wells to periodically establish the mechanical integrity of the tubing, casing, and packer.

(1) *Pressure test.* The annulus above the packer or the injection casing in wells not equipped with a packer, shall be tested at least once every five (5) years under the supervision of a duly authorized representative of the enhanced recovery injection well operator, and verified by the same authorized representative. A minimum of twenty-five percent (25%) of the tests shall be witnessed by a representative of the commission or the department of health and environment. The test shall be conducted in accordance with (a)(2) of this rule.

(2) *Monitoring.* In lieu of a casing pressure test required in (1) above, the operator shall once a month monitor and record during actual injection the pressure in the annulus and report the log of this pressure to the commission annually. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective T-83-8, May 1, 1982.)

**82-2-509. Transfer of authority to inject.** (a) An order authorizing an enhanced recovery injection well shall not be transferred from one operator to another without the approval of the commission. The commission shall be notified in writing, in triplicate, of the intent to transfer of ownership of an injection well from one operator to another. The written notice shall include the:

- (1) Name and address of present operator;
- (2) Name and location of well being transferred;
- (3) Order number and date of order authorizing injection;
- (4) Zone or zones of injection;
- (5) Proposed effective date of transfer;
- (6) Signature of present operator and date signed;
- (7) Name and address of new operator; and
- (8) Signature of new operator and date signed.

(b) The commission shall, within thirty (30) days after notification, mail a letter to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the amended order authorizing the injection shall be attached to the letter mailed to the new operator. The commission or the department of health and environment may require the present operator to conduct a mechanical integrity test as a condition of the transfer. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective T-83-8, May 1, 1982.)

**82-2-510. Duration of enhanced recovery injection orders.** (a) Commission orders authorizing injection into enhanced recovery injection wells shall remain valid for the life of the well, unless revoked by the commission for just cause.

(b) An order granting injection may be modified, vacated, amended, or terminated during its term. Modifications of the order may be at the request of any

interested person or at the commission's initiative. All orders shall be approved by the commission and the department of health and environment.

(c) Mechanical failures or other conditions which indicate an enhanced recovery injection well is not, or may not be, directing the injected fluid into the permitted or authorized injection zone may cause to shut-in the well. If the condition may endanger any fresh or usable water source or any oil or gas resources, the operator shall orally notify the commission within twenty-four (24) hours. Written notice of this well failure shall be submitted to the commission and to department of health and environment within five (5) days of the occurrence together with a plan for testing and repairing the well. Results of the testing and well repair shall be reported to the commission and the department of health and environment, and shall be included in the annual monitoring report to the commission. Any mechanical downhole well repair performed on the well and not previously reported shall also be included in the annual report. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective T-83-8, May 1, 1982.)

**82-2-511. Enhanced recovery injection well tubing and packer requirements.** (a) After the effective date of this rule, injection wells shall be equipped to inject through tubing below a packer. To prevent any migration of the injected fluids into the casing-tubing annulus, the packer run on the tubing shall be set at a point directly above the uppermost perforation or open hole interval. However, at the discretion of the commission, packerless or tubingless completions may be authorized under the provisions of paragraph (b) or (c) of this rule.

(b) *Packerless completions.* As provided in (a) of this rule the commission may authorize injection through tubing without a packer provided the following requirements are met:

- (1) Surface wellhead injection pressure shall not exceed zero (0) psig;
- (2) Tubing shall be set at a depth below the top of the cement outside the casing in which the tubing is run;

(3) The tubing shall be run to a depth equal to or below the uppermost perforation or open-hole of the injection interval; and

(4) The annular space between the tubing and the casing shall be filled with a corrosion inhibiting fluid or hydrocarbon liquid having a specific gravity less than 1.00 and displaced and maintained at a point within 50 (fifty) feet of the bottom of this tubing;

(5) An annulus surface pressure of at least ten (10) psig shall be maintained at all times during the life of the well;

(6) Annulus wellhead surface pressure and wellhead surface injection pressure shall be recorded monthly and kept by the operator for five (5) years; and

(7) All pressure readings recorded shall be taken during actual injection operations.

(c) *Tubingless completions.* As provided in (a) of this rule, the commission may authorize injection without tubing provided that all six (6) of the following criteria are continuously met during the life of the well:

(continued)



(1) The casing shall be cemented continuously from setting depth to surface;

(2) Surface injection pressure shall not exceed five hundred (500) psig;

(3) Surface wellhead injection pressure shall be recorded monthly and kept by the operator for five (5) years;

(4) All pressure readings recorded shall be taken during actual injection operations;

(5) Mechanical integrity tests shall be performed annually, not more than twelve (12) months between tests, by running a retrievable plug to a depth no more than fifty (50) feet above the uppermost perforation or open-hole of the injection zone; and

(6) It shall be the sole responsibility of the operator of the tubingless completed injection well to maintain the well so that the mechanical integrity tests can be performed as specified, with no exceptions, or the well shall be immediately plugged and abandoned by displacing cement from the bottom of the well to the surface. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 55-1003, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; effective T-83-8, May 1, 1982.)

**82-2-512.** Authorization for existing enhanced recovery injection wells. Each injection well authorized under order of the commission on the effective date of this rule shall be an existing enhanced recovery well. Injection shall be prohibited in any existing enhanced recovery well unless the operator has filed within one (1) year of the effective date of this rule an inventory of existing enhanced injection recovery wells on a form prescribed by the commission; this form shall include each well name, location, authorizing commission order number, date of order, (including all orders authorizing exceptions), maximum authorized injection rate, and maximum authorized surface injection pressure. This regulation shall take effect May 1, 1982. (Authorized by K.S.A. 55-134; implementing, K.S.A. 55-133; effective T-83-8, May 1, 1982.)

#### STATE CORPORATION COMMISSION

Doc. No. 000315

(Published in the KANSAS REGISTER May 13, 1982.)

#### HOUSE BILL No. 3146

AN ACT concerning the department of corrections; relating to the disposition of certain lease proceeds; creating the farming operations account in the correctional industries fund; amending K.S.A. 76-179 and K.S.A. 1981 Supp. 75-5282 and repealing the existing sections.

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

Section 1. K.S.A. 1981 Supp. 75-5282 is hereby amended to read as follows: 75-5282. (a) All moneys collected by the secretary from the sale or disposition of articles and products manufactured and services provided shall be remitted to the state treasurer at least monthly. The state treasurer shall deposit each such remittance in the state treasury and the same shall be credited to the correctional industries fund, which fund is hereby created in the state treasury.

(b) All the moneys so collected and deposited pursuant to subsection (a) shall be used solely for the purchase of manufacturing supplies, equipment and machinery, for the repair and maintenance of equipment and machinery, and for administrative expenses, except that on July 1 of each year the director of accounts and reports shall transfer from the correctional industries fund to the correctional industries equipment replacement

fund a sum equal to five percent (5%) 5% of the total receipts deposited to the credit of the correctional industries fund pursuant to subsection (a) during the preceding fiscal year which receipts were derived from the sale of inmate made articles and products and inmate provided services. Amounts credited to the farming operations account of the correctional industries fund pursuant to subsection (d) shall not be included in determining the amount to be transferred under this subsection from the correctional industries fund to the correctional industries equipment replacement fund.

(c) The secretary of corrections shall furnish the director of accounts and reports such information as shall be necessary for the determination of the amount to be so transferred under subsection (b). Upon making any of the transfers provided for in this section under subsection (b), the director of accounts and reports shall notify the secretary of corrections thereof, who shall make the proper entries in the records of financial transactions to show such transfers.

(d) On the effective date of this act, the director of accounts and reports is hereby authorized and directed to transfer all moneys in the correctional industries account to the correctional industries fund created by this section. Upon the effective date of this act, all liabilities of the correctional industries account are hereby transferred to and imposed on the correctional industries fund created by this section. The correctional industries account is hereby abolished. The balance of all proceeds from the lease of agricultural land at Kansas state penitentiary which are received after March 1, 1982, after payment of the expenses of the lease from such proceeds, shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and such amount shall be credited to the farming operations account of the correctional industries fund which is hereby created in such fund. All moneys credited to the farming operations account of the correctional industries fund shall be used for the development and maintenance of farming operations at Kansas state penitentiary for the employment of inmates under the custody of the secretary of corrections.

Sec. 2. K.S.A. 76-179 is hereby amended to read as follows: 76-179. All expenses incurred in the sale or lease of any property under the provisions of this act shall be paid out of the proceeds of said the sale or lease agreement; and. Except as provided in K.S.A. 1981 Supp. 75-5282 and amendments thereto, the balance of such proceeds shall be placed credited by the state treasurer in to the state general fund of the state.

Sec. 3. K.S.A. 76-179 and K.S.A. 1981 Supp. 75-5282 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 6, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE April 27, 1982.

ROSS O. DOYEN  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL)

JACK H. BRIER  
Secretary of State.



(Published in the KANSAS REGISTER May 13, 1982.)

SENATE BILL No. 752

AN ACT concerning the metropolitan Topeka airport authority; relating to the powers of the board of directors thereof; amending K.S.A. 27-334 and repealing the existing section.

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

Section 1. K.S.A. 27-334 is hereby amended to read as follows: 27-334. (a) The authority shall have power to may issue its own general obligation bonds, revenue bonds and industrial revenue bonds as provided by this section.

(b) Prior to the issuance of general obligation bonds in an amount less than \$1,000,000, the board of directors of the authority shall adopt a resolution setting forth the principal amounts of and the purpose for which the bonds are to be issued, and shall cause the same to be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after publication of such the resolution, there shall be filed with the county clerk a petition in opposition to the issuance of the bonds, signed by not less than 5% of the qualified electors of the county is filed with the county election officer, the board of directors shall submit the proposed issuance of general obligation bonds to the electors of the county in the manner provided in the general bond law. If a majority of the voters voting on such the proposition at such the election shall vote in favor thereof, such of the issuance, the bonds may be issued by the authority.

The board of directors shall submit any proposed issuance of general obligation bonds in an amount which is equal to or which exceeds \$1,000,000, including the issuance of such bonds in an amount which is equal to or which exceeds \$1,000,000 for the construction of a new or the expansion of an existing commercial air terminal, for approval at a primary or general election, to the qualified electors of the county. The election shall be called and held in the manner provided by the general bond law. If a majority of the voters voting on the question vote in favor thereof, the bonds may be issued in the manner provided by the general bond law. Whenever an election has been called in which all of the qualified electors of the county are eligible to vote, the board also may submit the question of issuing general obligation bonds in an amount which is equal to or which exceeds \$1,000,000 including the issuance of such bonds in an amount which is equal to or which exceeds \$1,000,000 for the construction of a new or the expansion of an existing air terminal for approval at such election.

General obligation bonds of the authority shall not be issued in an amount in excess of 1.85% of the assessed valuation of all the taxable tangible property within the county as shown by the assessment books of the previous year. The general obligation bonds of the authority as to the term, maximum interest rate, and other details shall conform to the provisions of be authorized, issued, registered and sold in the manner provided by the general bond law and shall bear interest at a rate not to exceed the maximum rate prescribed by K.S.A. 1981 Supp. 10-1009. The full faith and credit of the authority shall be pledged to the payment of the general obligation bonds of the authority. Such The general obligation bonds of the authority shall not constitute a debt or obligation of the city or county.

(c) The authority may issue revenue bonds from time to time for the purpose of purchasing, constructing or otherwise acquiring, repairing, extending or improving any property or facility of the authority and may pledge to the payment of such the revenue bonds, both principal and interest, any rental, rates, fees or charges derived or to be derived by the authority from property or facilities owned or operated by it. Such The revenue bonds of the authority shall mature serially beginning not later than five years after the date of issuance, and the date of maturity of such the bonds shall not be fixed for a longer period of time than 35 years after the date of issuance. Such The revenue bonds shall bear interest at a rate not exceeding the maximum rate of interest prescribed by K.S.A. 1980 1981 Supp. 10-1009 and amendments thereto, payable semiannually, such the interest to be evidenced by coupons attached to the bonds. The bonds and interest coupons shall be negotiable. The bonds shall contain recitals stating the authority under which such the bonds are issued, that they are issued in conformity with the provisions, restrictions and limitations of such the authority and that such the bonds and interest

coupons are to be paid by the issuing authority from any rental, rates, fees or charges derived or to be derived by the authority from property or facilities owned or operated by it and not from any other fund or source. The bonds shall be registered in the office of the secretary or clerk of the authority issuing the same bonds.

(d) The authority may issue the industrial revenue bonds of the authority, such the bonds to be issued in accordance with K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and any other applicable provisions of law.

(e) The board of directors may, on its own initiative, submit any proposed issuance of bonds for approval, by the qualified electors of the county at a primary or general election. Such election shall be otherwise called and held in the manner provided by the general bond law. Whenever an election has been called in which all the qualified electors of the county are eligible to vote, the board may also submit the question of issuing such bonds for approval at such election.

New Sec. 2. The board of directors shall submit any proposed sale of an airport facility owned by the authority or any proposed sale of a portion of an airport facility owned by the authority which would prevent such airport facility from being used as an airport, for approval by the qualified electors of the county at a primary or general election.

The board of directors may, on its own initiative, submit any proposed action of the board, for approval by the qualified electors of the county at a primary or general election.

Such elections shall be otherwise called and held in the manner provided by the general bond law.

Whenever an election has been called in which all of the qualified electors of the county are eligible to vote, the board may also submit any proposed action of the board for approval at such election.

Sec. 3. K.S.A. 27-334 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 10, 1982.

Senate adopted Conference Committee report April 28, 1982.

*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE as amended April 5, 1982.  
House adopted Conference Committee report April 28, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER May 13, 1982.)

SENATE BILL No. 751

AN ACT concerning crimes and punishments; defining and classifying the crime of criminal solicitation; relating to the classification of certain crimes; amending K.S.A. 21-3404, 21-3742, 21-3805 and 36-206 and repealing the existing sections.

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

Section 1. (a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) Criminal solicitation of a class A or B felony is a class D felony. Criminal solicitation of a felony other than a class A or B felony is a class E felony.

Sec. 2. K.S.A. 21-3404 is hereby amended to read as follows: 21-3404. (a) Involuntary manslaughter is the unlawful killing of a human being, without malice, which is done unintentionally in the wanton commission of an unlawful act not amounting to felony, or in the commission of a lawful act in an unlawful or wanton manner.

(b) As used in this section, an "unlawful act" is any act which is prohibited by a statute of the United States or the state of Kansas or an ordinance of any city within the state, which statute or ordinance is enacted for the protection of human life or safety.

(c) Involuntary manslaughter is a class E D felony.

Sec. 3. K.S.A. 21-3742 is hereby amended to read as follows: 21-3742. (a) Any person who willfully throws, pushes, pitches or otherwise casts any rock, stone or other object, matter or thing from a bridge or overpass onto a street, roadway, highway, railroad right-of-way, or upon any vehicle, engine or car thereon, shall be is guilty of a class A B misdemeanor.

(b) Any person violating subsection (a) who shall damage damages any vehicle, engine or car lawfully on the street, road, highway or railroad right-of-way by such the thrown or cast rock, stone or other object shall be is guilty of a class E felony A misdemeanor.

(c) Any person violating subsection (a) who shall injure injures another person on such the road, street, highway or railroad right-of-way shall be is guilty of a class D E felony.

(d) In any case where a vehicle, engine or car is damaged by a person or persons violating subsection (a) and a person or persons are is injured either as a result of the cast or thrown object or from injuries incurred as a result of damage to the vehicle in which a person or persons were passengers was a passenger when struck by such object, the person or persons throwing or casting the rock, stone or other object from the bridge or overpass causing such the damage and injury shall be deemed is guilty of a class E D felony.

Sec. 4. K.S.A. 21-3805 is hereby amended to read as follows: 21-3805. (a) Perjury is willfully, knowingly; and falsely swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths.

(b) Perjury is a class G D felony if the false statement is made upon the trial of a felony. Perjury is a class E felony if the false statement is made in a cause, matter or proceeding other than the trial of a felony charge.

Sec. 5. K.S.A. 36-206 is hereby amended to read as follows: 36-206. That any person who shall obtain (a) Defrauding an innkeeper is obtaining any food, lodging; or other accommodation at any restaurant, hotel, boardinghouse, apartment house; or rooming house by means of any trick, deception; or false representation, statement or pretense, with intent to defraud the owner or keeper thereof; if the value of such.

(b) Defrauding an innkeeper is a class A misdemeanor if the value of the food, lodging, services or other accommodations be of the value of fifty dollars (\$50) or less; and shall fail or refuse to pay therefor; such person shall be deemed guilty of a misdemeanor; and upon the conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment in the county jail not exceeding three months; or by both such fine and imprisonment; and if the value of such food, lodging, services or other accommodations be more than fifty dollars (\$50) any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term not exceeding five (5) years is \$50 or less. Defrauding an innkeeper is a class E felony if the value of the food, lodging, services or other accommodations is more than \$50.

Sec. 6. K.S.A. 21-3404, 21-3742, 21-3805 and 36-206 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 9, 1982.

SENATE concurred in HOUSE amendments April 28, 1982.

*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE as amended April 5, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER May 13, 1982.)

## SENATE BILL No. 900

AN ACT concerning the department of economic development; establishing the division of travel and tourism within such department; and repealing section 1 of 1982 Senate Bill No. 599.

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

Section 1. There is hereby established within and as a part of the department of economic development a division of travel and tourism, the head of which shall be the director of travel and tourism. Under the supervision of the secretary of economic development, the director of travel and tourism shall administer the division of travel and tourism. The secretary of economic development shall appoint the director of travel and tourism, and such director shall serve at the pleasure of the secretary of economic development. The director of travel and tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of economic development and approved by the governor.

Sec. 2. From and after July 1, 1982, Section 1 of 1982 Senate Bill No. 599 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 27, 1982.

ROSS O. DOYEN  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

Passed the HOUSE April 28, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

## STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER May 13, 1982.)

## HOUSE BILL No. 3130

AN ACT relating to taxation; exempting money, notes and other evidence of debt from all ad valorem and other property taxes; and repealing K.S.A. 79-3108, 79-3109a, 79-3109b, 79-3110a, 79-3110b, 79-3110c, 79-3111, 79-3112, 79-3113a, 79-3113b, 79-3114, 79-3115, 79-3116, 79-3117, 79-3118a, 79-3118b, 79-3119, 79-3120, 79-3120b, 79-3120c, 79-3120d and 79-3120e and K.S.A. 1981 Supp. 79-3109, 79-3112a, 79-3120a, 79-3120f and 79-3120g.

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

Section 1. In recognition that relief from the burden of property taxation upon money, notes and other evidence of debt will promote saving and encourage the development of individual initiative in providing for one's own current and long-term means of support, and that such savings will provide investment capital which is vital to agriculture, commerce and industry and to the general economic welfare and prosperity of the state, the legislature hereby determines that such relief from property taxation is for a public purpose and will promote the general welfare of the state.

Sec. 2. Money, notes and other evidence of debt are hereby exempt from all ad valorem and other property taxes levied under the laws of the state of Kansas.

Sec. 3. When used in this act the following terms shall have the meanings ascribed to them in this section:

(a) "Money" means gold and silver coin, United States treasury notes, and other forms of currency in common use;

(b) "notes and other evidence of debt" means certificates evidencing shares of stock otherwise taxable to the owner or holder, notes, bonds, debentures, claims secured by deed, liquidated claims and demands for money, accounts receivable, and all written instruments, contracts or other writings evidencing, calling for, fixing or showing a fixed obligation, determined or determinable, at present or in the future, in favor of the holder thereof. Notes and other evidence of debt shall not mean oil or gas leases or any interests created thereby or arising therefrom, any royalty interests in oil or gas or notes secured by mortgages on real estate.

Sec. 4. The provisions of this act shall apply to all taxable years commencing after December 31, 1981.

Sec. 5. K.S.A. 79-3108, 79-3108a, 79-3109a, 79-3110a, 79-3110b, 79-3110c, 79-3111, 79-3112, 79-3113a, 79-3113b, 79-3114, 79-3115, 79-3116, 79-3117, 79-3118a, 79-3118b, 79-3119, 79-3120, 79-3120b, 79-3120c, 79-3120d and 79-3120e and K.S.A. 1981 Supp. 79-3109, 79-3112a, 79-3120a, 79-3120f and 79-3120g are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 24, 1982.

House adopted Conference Committee report April 29, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE as amended April 9, 1982.

Senate adopted Conference Committee report April 29, 1982.

President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

## STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 2723

AN ACT relating to subsistence allowances for official travel by certain public officers and employees; amending K.S.A. 1981 Supp. 75-3207a and repealing the existing section.

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

Section 1. K.S.A. 1981 Supp. 75-3207a is hereby amended to read as follows: 75-3207a. (a) The secretary of administration, at least annually, shall establish the rates of subsistence allowance for in-state and out-of-state travel for official purposes, including travel to designated high-cost cities, and the rates so fixed shall be paid to public officers and employees who are subject to the provisions of K.S.A. 1980 1981 Supp. 75-3207. *The secretary may authorize and prescribe limitations and procedures for payment of such subsistence allowances by separate categories for reimbursement for meal expenses under a daily allowance basis and for reimbursement for lodging expenses under an actual cost incurred basis. Advances for such costs shall also be at the discretion of the secretary.* Such rates, authorizations, limitations, procedures and other provisions for subsistence allowances shall be established by rules and regulations adopted in the manner prescribed by K.S.A. 1980 1981 Supp. 75-3706.

(b) All such rates and designations shall be fixed only after consideration by the secretary of actual costs incurred in such travel, the rates allowed by the internal revenue service, and such other matters as the secretary deems pertinent.

(c) The rates of subsistence allowance established by provisions of rules and regulations adopted pursuant to the provisions of this section shall apply to all official travel on and after the effective date of such rules and regulations.

(d) Nothing in this section shall apply to the officers and employees specified in K.S.A. 75-3216 and amendments thereto.

(e) The rates for subsistence allowance for in-state and out-of-state official travel established by rules and regulations adopted under this section shall be the rates of subsistence allowance for the in-state and out-of-state official travel of officers and employees who are subject to this section until a different rate of subsistence allowance for in-state official travel or out-of-state official travel is established therefor by rules and regulations adopted by the secretary of administration under this section. All rules and regulations adopted by the secretary under this section shall continue to be effective until amended, revoked or nullified pursuant to law.

Sec. 2. K.S.A. 1981 Supp. 75-3207a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 8, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE April 28, 1982.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 3141

AN ACT concerning the Kansas highway patrol; relating to the disposition of highway patrol vehicles.

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

Section 1. (a) Notwithstanding the provisions of K.S.A. 1981 Supp. 75-3739 and amendments thereto, the superintendent of the Kansas highway patrol may negotiate the sale of retired highway patrol vehicles to political subdivisions of this state under such terms and conditions as may be approved by the superintendent.

(b) All other sales of highway patrol vehicles shall be in accordance with the provisions of K.S.A. 1981 Supp. 75-3739 and amendments thereto.

(c) The proceeds from all sales of highway patrol vehicles shall be deposited in the state treasury and credited to the state highway patrol fund.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 7, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE April 27, 1982.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 3142

AN ACT relating to taxes upon the gross earnings derived from money, notes and other evidence of debt; authorizing the levying of such taxes by counties, cities and townships; providing for the administration and enforcement of the provisions of the act and the use and distribution of such revenues derived therefrom; amending K.S.A. 12-140 and 19-101a and repealing the existing sections.

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

New Section 1. (a) In the year 1982 or in any year thereafter, the board of county commissioners of any county is hereby authorized to adopt a resolution imposing a tax for the benefit of such county upon the gross earnings derived from money, notes and other evidence of debt having a tax situs in such county. The rate of tax shall be in the amount of  $\frac{1}{2}$  of 1% of the total gross earnings, or any multiple thereof not exceeding an amount equal to  $\frac{3}{4}$  of 1% of the total gross earnings derived from such money, notes and other evidence of debt during the taxable year of the taxpayer ending during the last preceding calendar year.

(b) In the year 1982 or in any year thereafter, the governing body of any city is hereby authorized to pass an ordinance imposing a tax for the benefit of such city upon the gross earnings derived from money, notes and other evidence of debt having a tax situs in such city. The rate of tax shall be in the amount of  $\frac{1}{2}$  of 1% of the total gross earnings, or any multiple thereof not exceeding an amount equal to  $2\frac{1}{4}$ % of the total gross earnings derived from such money, notes and other evidence of debt during the taxable year of the taxpayer ending during the last preceding calendar year. A copy of an ordinance levying a tax under the authority of this subsection shall be certified to the county treasurer of the county or counties in which such city is located.

(c) In the year 1982 or in any year thereafter, the township board of any township is hereby authorized to adopt a resolution imposing a tax for the benefit of such township upon the gross earnings derived from money, notes and other evidence of debt having a tax situs in such township. The rate of tax shall be in the amount of  $\frac{1}{2}$  of 1% of the total gross earnings, or any multiple thereof not exceeding an amount equal to  $2\frac{1}{4}$ % of the total gross earnings derived from such money, notes and other evidence of debt during the taxable year of the taxpayer ending during the last preceding calendar year. A copy of a resolution levying a tax under the authority of this subsection shall be certified to the county treasurer of the county in which such township is located.

(d) No county, city or township shall adopt any resolution or pass any ordinance on or after June 15, 1982, which will impose any tax pursuant to this act in the year 1982. For the purpose of authorizing taxes commencing in the year 1983 and thereafter the county, city or township shall adopt a resolution or pass an ordinance on or before September 1 of the year preceding the year in which the levy of such taxes will commence.

(e) On or after January 1, 1983, upon submission of a petition signed by not less than 5% of the qualified electors of a county, city or township levying a tax under the provisions of this act requesting the same, the governing body of such taxing subdivision shall be required to submit to the electors of such taxing subdivision at the next primary or general election held in such taxing subdivision a proposition which shall be placed on the ballot in substantially the following form: "Shall \_\_\_\_\_ (county) (city) (township) eliminate the tax on gross earnings derived from money, notes and other evidence of debt and be authorized to impose and levy property taxes, in addition to any aggregate levy amount limitation on the taxing subdivision's ad valorem tax levy authority, as may be necessary to offset the revenue lost from elimination of the tax on gross earnings derived from money, notes and other evidence of debt?" Any such election shall be noticed, called and conducted in the manner prescribed in the general bond law. If a majority of the electors voting thereon at such election shall vote in favor of such proposition, the board of county commissioners or the township board shall provide by resolution or the governing body of any city shall provide by ordinance that no tax shall be levied upon gross earnings derived from money, notes and other evidence of debt as follows: When such election is held prior to August in any

year, the resolution or ordinance shall provide that no such tax shall be levied thereon in the calendar year following the year of such election and in each year thereafter, and when such election is held in August or thereafter of any year, the resolution or ordinance shall provide that no such tax shall be levied thereon in the second calendar year following the year of such election or in any year thereafter. The governing body of the taxing subdivision shall thereupon be authorized to offset the loss in revenue from the elimination of such tax by the imposition and levying of any other taxes as may be authorized by law or by increasing its ad valorem tax levy for the general fund for any year in which revenue is not received from the tax on gross earnings derived from money, notes and other evidence of debt in an amount not to exceed the amount of such tax received in the year prior to elimination of such tax. The increase in the amount of such ad valorem tax authorized herein shall be in addition to any aggregate levy amount which may be fixed by any existing state law or any law which may hereafter be enacted.

(f) On or after January 1, 1983, upon submission of a petition signed by not less than 5% of the qualified electors of a county, city or township not levying a tax under the provisions of this act requesting the same, the governing body of such taxing subdivision shall be required to submit to the electors of such taxing subdivision at the next primary or general election held in such taxing subdivision a proposition to impose a tax pursuant to this act in an amount not exceeding the limitations prescribed in this section. Such proposition shall be in substantially the following form: "Shall \_\_\_\_\_ (county) (city) (township) impose a tax on gross earnings derived from money, notes and other evidence of debt at a rate of \_\_\_\_\_ pursuant to 1982 H.B. No. 3142 to reduce property taxes?" Any such election shall be noticed, called and conducted in the manner prescribed by the general bond law. If a majority of the electors voting thereon at such election vote in favor of the proposition the board of county commissioners or the township board shall provide by resolution or the governing body of any city shall provide by ordinance for the imposition of such taxes in the manner prescribed by this act. Such taxes shall be effective for all taxable years commencing after December 31 of the year in which such proposition is approved by the electors of the taxing subdivision.

New Sec. 2. When used in this act the following terms shall have the meanings ascribed to them in this section:

(a) "Money" means gold and silver coin, United States treasury notes, and other forms of currency in common use;

(b) "notes and other evidence of debt" means certificates evidencing shares of stock otherwise taxable to the owner or holder, notes, bonds, debentures, claims secured by deed, liquidated claims and demands for money, accounts receivable, and all written instruments, contracts or other writings evidencing, calling for, fixing or showing a fixed obligation, determined or determinable, at present or in the future, in favor of the holder thereof. Notes and other evidence of debt shall not mean oil or gas leases or any interests created thereby or arising therefrom or any royalty interests in oil or gas.

New Sec. 3. The tax situs of gross earnings derived from money, notes and other evidence of debt which is received or receivable by persons, firms and corporations or subsidiaries or parent corporations of such firms or corporations, arising out of, or acquired in the conduct of, business transacted by such person, firm or corporation or subsidiary or parent corporation thereof in the state of Kansas, shall be at the principal office of such person, firm or corporation or subsidiary or parent corporation of such firm or corporation located within the state, or if there is no such office within the state, at the place or places at which the business operations of such person, firm or corporation or subsidiary or parent corporation of such firm or corporation is carried on.

New Sec. 4. (a) Every taxpayer receiving earnings which are taxable under the provisions of this act shall file a return on or before August 1 in the year 1982, and on or before July 1 of each year thereafter with the county clerk of the county in which the gross earnings has acquired situs. Such return shall contain such information and be made upon forms prescribed and provided by the state director of taxation. The director of taxation shall in-

(continued)



clude forms for the making of such return with each state income tax return distributed by the state department of revenue.

(b) A return listing the gross earnings of every resident conservatee which are taxable pursuant to this act shall be filed by the conservator of such conservatee. The return of every resident minor shall be filed by the minor's father, if living and of sound mind, but if such father is not living or is an incapacitated person, by the minor's mother or if neither the father or mother is living, by the person having possession or control of the minor's property.

A return listing the gross earnings of a resident trustee or cotrustee of a revocable trust created by a resident settlor which are taxable pursuant to this act shall be filed by the resident settlor. A return listing the gross earnings of a resident trustee or cotrustee of an irrevocable or testamentary trust created by a resident settlor or a resident decedent which are taxable pursuant to this act shall be filed by any beneficiary residing in this state who receives earnings from such trust, to the extent of such earnings, otherwise a return listing such gross earnings shall be filed by the resident trustee to the extent that such earnings are not distributed. A nonresident beneficiary shall not be obligated to file a return listing earnings taxable pursuant to this act nor shall the trustee be obligated to file a return listing the same to the extent they were distributed to a nonresident beneficiary. Where a resident trustee or cotrustee is acting under a revocable, irrevocable or testamentary trust of a nonresident settlor or nonresident decedent, the trustee shall not be required to file a return listing earnings taxable pursuant to this act, but any beneficiary of such trust, residing in this state, who receives or is entitled to receive such earnings from such trust shall be required to file a return. Any resident of this state including the settlor of a revocable trust who receives or is entitled to receive earnings taxable pursuant to this act from a trust, not having a situs in this state, shall file a return listing such resident's share of such earnings.

For the purposes of this act, a settlor of a revocable trust shall be deemed to be entitled to the gross earnings on money, notes and other evidence of debt of such trust whether or not such settlor actually receives the same and a beneficiary shall be deemed to be entitled to a share of such earnings if all or a specific part or percentage of the net income of the trust must be distributed to such beneficiary or if the beneficiary may withdraw all or a specific part of the net income. If such beneficiary may receive earnings only on the exercise of discretion by the trustee or on the occurrence of an event outside of the beneficiary's sole control such beneficiary shall not be deemed to have received the earnings and shall file a return listing only earnings actually received. If earnings of a trust which are taxable pursuant to this act are accumulated and subsequently distributed in a different calendar year than the year in which received by the trust and if the same are reported as income under the revenue laws of Kansas and regulations promulgated thereunder, and if a return listing such earnings has not been filed by the trustees in the year in which earned, then a return listing such earnings shall be filed by such beneficiary in the year in which the same are reported under the revenue laws of Kansas, but otherwise a return listing the same shall not be filed. Where the beneficiary of any trust is required to file a return listing earnings which are taxable pursuant to this act and which are held in trust, such beneficiary for purposes of this act shall be deemed to have received or to be entitled to receive such beneficiary's pro-rata share of the earnings without specific allocation, unless the trust provides otherwise, and based upon the proportion which the beneficiary's share of the earnings bears to the total earnings of the trust. A return listing gross earnings taxable under this act which belong to the estate of a resident decedent shall be filed by the executor or administrator. If the decedent is a nonresident, such executor or administrator shall not be required to file a return listing such gross earnings.

A return listing the gross earnings of persons, companies or corporations which are taxable pursuant to this act, whose assets are in the hands of receivers shall be filed by such receivers and a return listing the gross earnings belonging to a corporation, and subject to this act, shall be filed by some person designated for that purpose by such corporation.

A return listing the gross earnings which are taxable pursuant to this act which belong to a corporation, association or a partnership shall be listed by an agent or partner. Unless subject to tax by reason of section 3 of this act no return listing the gross earnings from money, notes and other evidence of debt collected or received by any agent or representative of any person, company, or corporation, which is to be transmitted immediately to such person, company or corporation, shall be filed by such agent or representative, but such agent or representative shall, upon request, state under oath the amount of such money or credits and to whom the same has been or is to be transmitted.

Taxes levied pursuant to this act shall be paid by the person or fiduciary required to file such return.

New Sec. 5. In every case where any person or corporation shall fail or refuse to make the return required by this act, the county clerk shall proceed to ascertain and determine the tax due thereon and add 50% of the tax so determined, as a penalty for failure to make such return.

New Sec. 6. Taxes levied by counties, cities and townships pursuant to this act shall be due and payable at the time or times prescribed by law for the payment of personal property taxes. The county treasurer of each county in which taxes are levied pursuant to this act shall include a statement of the amount of the tax so computed with the personal property tax statement of each taxpayer. When the amount of tax levied pursuant to this act is less than \$5, such tax shall be cancelled. The tax levied pursuant to this act shall be collected by the county treasurer and the sheriff in the same manner as personal property taxes are collected.

New Sec. 7. The proceeds of all taxes levied pursuant to this act shall be credited to the general fund of the county, city or township levying the same.

New Sec. 8. Any list or statement filed with or as a part of any return shall only be open to inspection by the county clerk of the county wherein the same is filed, and such clerk's assistants and clerks, except upon order of a court of competent jurisdiction, and it is hereby made unlawful to exhibit, disclose or publish any such list or statement or any part of the same or any of the items of the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than \$100 and not more than \$500 and shall be adjudged to have forfeited their office or appointment.

New Sec. 9. Gross earnings derived from the following shall be exempt from taxes levied by counties, cities and townships pursuant to this act:

(a) Notes secured by mortgages on real estate, which mortgages have been recorded in this state and the registration fee or tax thereon paid, as otherwise provided by law;

(b) all moneys, notes and other evidences of indebtedness held by the trustee of a qualified trust described in section 401, 408 or 501(c)(4), (5), (9), (17) or (18) of the internal revenue code of 1954, as amended (26 U.S.C. 401, 408 or 501(c)(4), (5), (9), (17) or (18)) which is part of a stock bonus, pension or profit-sharing plan of an employer for the exclusive benefit of employees or their beneficiaries or health and welfare plan;

(c) (1) For the taxable year commencing after December 31, 1981, money, notes and other evidence of debt, to the extent of the tax liability hereinafter provided, which is owned by a person who has a disability or was 60 years of age or older on January 1 of the year in which an exemption is claimed hereunder. The exemption allowable under this subsection shall be in an amount equal to the lesser of the following: (A) The amount of the tax liability on the first \$3,000 of gross earnings from the money, notes and other evidence of debt; or (B) the amount of the tax liability on the first \$3,000 of gross earnings from such money, notes and other evidence of debt reduced by the amount that the owner's income exceeds \$12,500, including in such owner's income the income of such person's spouse, in the year next preceding that in which the exemption is claimed under this subsection. No person shall be eligible to claim an exemption hereunder in the same year in which such person's spouse has claimed an exemption hereunder. As used in this subsection, the terms "income" and "disability" shall have the meanings ascribed to them in K.S.A. 1981 Supp. 79-4502, and amendments

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thereto; and (2) for all taxable years commencing after December 31, 1982, money, notes and other evidences of debt, to the extent of the tax liability hereinafter provided, which is owned by a person who has a disability or was 60 years of age or older on January 1 of the year in which an exemption is claimed hereunder. The exemption allowable under this subsection shall be in an amount equal to the lesser of the following: (A) The amount of the tax liability on the first \$5,000 of gross earnings from the money, notes and other evidences of debt; or (B) the amount of the tax liability on the first \$5,000 of gross earnings from said money, notes and other evidences of debt reduced by the amount that the owner's income exceeds \$15,000, including in such owner's income the income of such person's spouse, in the year next preceding that in which the exemption is claimed under this subsection. No person shall be eligible to claim an exemption hereunder in the same year in which such person's spouse has claimed an exemption hereunder. As used in this subsection, the terms "income" and "disability" shall have the meanings ascribed to them in K.S.A. 1981 Supp. 79-4502, and amendments thereto;

(d) money, notes and other evidence of debt owned by any credit union, national banking association, state bank, trust company or federal or state-chartered savings and loan association;

(e) bonds or other evidence of indebtedness issued by the state, county, city, school district or other municipal or taxing subdivision of the state;

(f) except for distributions made from earnings or profits of any small business corporation, as defined by section 1371 of the internal revenue code as enacted in 1954 (26 U.S.C. 1371), accumulated by that corporation prior to the time that it has made the election under section 1372 of the internal revenue code of 1954 (26 U.S.C. 1372), all earnings or profit distributed by any such small business corporation having such an election in effect to a person who was a shareholder of such corporation at the time of the distribution;

(g) for all taxable years commencing after December 31, 1982, notes, other than notes described in subsection (a), to the extent that such earnings are a reimbursement of interest paid on another note the proceeds of which was the source of funds for the first note;

(h) all intangible property including money, notes and other evidence of debt belonging exclusively to a hospital or a psychiatric hospital, as defined by K.S.A. 59-2902 and 65-425, and amendments thereto, operated by a not for profit corporation, and used exclusively for hospital or psychiatric hospital purposes;

(i) all intangible property including money, notes and other evidence of debt belonging exclusively to an adult care home as defined by K.S.A. 39-923, and amendments thereto, operated by a not for profit corporation, and used exclusively for adult care home purposes;

(j) all intangible property including money, notes and other evidence of debt belonging exclusively to a private children's home as defined by K.S.A. 75-3329, and amendments thereto, operated by a not for profit corporation, and used exclusively for children's home purposes;

(k) all intangible property including money, notes and other evidence of debt belonging exclusively to a corporation organized not for profit which operates housing for elderly persons having a limited or low income, which property and the income therefrom is used exclusively for housing for such elderly persons;

(l) money, notes and other evidence of debt of every national banking association, state bank, trust company and federal or state-chartered savings and loan associations located or doing business within the state which are taxed under the provisions of K.S.A. 79-1107 and 79-1108, and amendments thereto;

(m) shares, notes and other evidence of ownership of national banking associations, state banks and federal or state-chartered savings and loan associations located or doing business within the state and shares of stock or other evidence of ownership of corporations holding stock of a national banking association, state bank and federal or state-chartered savings and loan associations located or doing business in Kansas, to the extent the income of such corporation is attributable to dividends received on such stock;

(n) money, notes and other evidence of debt of individuals, associations, groups of unincorporated persons or domestic or foreign corporations constituting the average capital employed in business and taxed under the provisions of K.S.A. 79-1103 and 79-1105a; and

(o) shares of stock issued by a corporation classified as a regulated investment company under the provisions of the federal internal revenue code of 1954, as amended.

Sec. 10. K.S.A. 12-140 is hereby amended to read as follows: 12-140. *Except as otherwise specifically authorized by sections 1 to 9 of this act*, no city shall have power to levy and collect taxes on incomes from whatever source derived.

Sec. 11. K.S.A. 19-101a is hereby amended to read as follows: 19-101a. (a) Counties are hereby empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate, subject only to the following limitations, restrictions, or prohibitions: *First*, counties shall be subject to all acts of the legislature which apply uniformly to all counties; *second*, counties shall have no power under this section to consolidate or alter county boundaries; *third*, counties shall have no power under this section to affect the courts located therein; *fourth*, counties shall be subject to acts of the legislature prescribing limits of indebtedness; *fifth*, in the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected; *sixth*, counties shall have no power under this section to legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271-74th congress, or amendments thereof; *seventh*, counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers; *eighth*, counties shall be subject to the limitations and prohibitions imposed under K.S.A. ~~1080~~ 1981 Supp. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties; *ninth*, counties shall have no power to exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government; *tenth*, no county shall levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. ~~1080~~ 1981 Supp. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. ~~1080~~ 1981 Supp. 12-1774, and amendments thereto; *eleventh*, counties shall be subject to all acts of the legislature requiring the levy of taxes to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. ~~1080~~ 1981 Supp. 12-1774, and amendments thereto; *twelfth*, counties subject to the provisions of K.S.A. 19-18,130 and 19-18,131 shall have no power to exempt from or effect changes in said sections; and *thirteenth*, *except as otherwise specifically authorized by sections 1 to 9 of this act*, counties shall have no power to levy and collect taxes on incomes from whatever source derived.

(b) Counties shall apply the powers of local legislation granted in subsection (a) of this section by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) of this section and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) of this section is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b.

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New Sec. 12. The secretary of revenue shall adopt rules and regulations necessary for the administration of this act.

Sec. 13. K.S.A. 12-140 and 19-101a are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 24, 1982.

HOUSE concurred in SENATE amendments April 29, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE as amended April 9, 1982.

President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 3156

AN ACT concerning the powers and duties of the director of the Kansas energy office; amending K.S.A. 74-6804 and K.S.A. 1981 Supp. 74-6803 and repealing the existing sections.

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

Section 1. K.S.A. 1981 Supp. 74-6803 is hereby amended to read as follows: 74-6803. (a) There is hereby established within and as a part of the Kansas energy office an energy advisory council. The energy advisory council shall be composed of 10 members as follows: (1) The governor shall appoint four members, of whom one shall be representative of energy consumers, one shall be representative of public utilities, one shall be representative of energy producers, and one shall be representative of environmentalists; (2) the speaker of the house of representatives shall appoint two members from the house of representatives of whom one shall be a member of the majority party and one shall be a member of the minority party; (3) the president of the senate shall appoint two members from the senate of whom one shall be a member of the majority party and one shall be a member of the minority party; (4) the chairperson of the Kansas corporation commission, or a member of the commission designated by said chairperson; and (5) the state geologist of Kansas, or a person designated by said state geologist. Members appointed by the governor shall serve at the pleasure of the governor. Terms for (2), (3) and (4) shall expire concurrently with their terms as state officers. The term for (5) shall expire concurrently with the term as state geologist.

(b) All budgeting, purchasing and related management functions of the advisory council shall be administered under the direction of the director. All vouchers for expenditures and all payrolls of the advisory council shall be approved by the chairperson of the advisory council and the director. The council shall serve in an advisory capacity to the director on all matters relating to energy resources and the allocation thereof.

(c) The energy advisory council shall provide for its organization and operating procedure including the selection of a chairperson and such other officers as deemed necessary. The

council shall meet as often as the chairperson of the council or the director deems necessary, or upon written request of six members of the council, but in any case, the council shall not meet more than 12 times in any one year. Members of the energy advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts as provided in K.S.A. 75-3223, and amendments thereto.

(d) The energy advisory council shall approve any amendments to the comprehensive state energy conservation plan which are required by the federal department of energy or similar federal agencies for participation in the state energy conservation program.

(e) The provisions of the Kansas sunset law apply to the energy advisory council created by this section and such council is subject to abolition thereunder.

Sec. 2. K.S.A. 74-6804 is hereby amended to read as follows: 74-6804. In addition to other powers and duties provided in this act, the director of the Kansas energy office shall:

(a) Adopt rules and regulations necessary for the administration of this act;

(b) serve as the special coordinator and administrator for federal mandatory fuel allocation programs in this state and for other programs of the federal department of energy and similar federal agencies relating to the allocation, supply or consumption of energy resources in this state including cooperation in the implementation of any emergency energy rationing program which may be effected by the federal government;

(c) develop a comprehensive state energy conservation plan and the procedures for implementing the plan, and subject to the approval of the energy advisory council, may amend such plan as required by the federal department of energy or similar federal agencies, for participation in the state energy conservation program;

(d) prepare an energy emergency preparedness plan for adoption during any energy emergency as proclaimed by the governor pursuant to K.S.A. 74-6806, and amendments thereto;

(e) establish energy research and development priorities for this state;

(f) serve as the central repository within state government for the collection, maintenance and analysis of data and information regarding all forms of energy supplies, demand and consumption. Such data and information shall include, but is not limited to: (1) Continuing assessments of trends in the consumption of all forms of energy and analyses of the social, environmental and economic consequences of such trends, (2) data analyses relating to present and future demands and reserves of energy sources, and (3) evaluation of policies regulating the establishment of rates and prices for energy;

(g) provide for continuing liaison between other state agencies, counties, cities and other political subdivisions, private industry, the public and the federal government in relation to all matters affecting sources and uses of energy;

(h) make requests for and accept federal funds and other assistance from federal agencies for energy resource development, energy conservation and other energy-related activities in this state. Any funds so received shall be deposited in the state treasury. Expenditures from funds so received may be made, in accordance with appropriation acts therefor, to effectuate any provision of this act and shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the director;

(i) upon request therefor, assist other state agencies and local units of government in making requests for federal funds for energy resource development, energy conservation and other energy related activities;

(j) review, study and monitor the efficiency of energy utilization in state governmental operations;

(k) determine those persons which qualify for the awarding of research and development moneys provided for by this act;

(l) make and enter into all contracts and agreements necessary or incidental to the performance of duties and the execution of powers under this act;

(m) develop and implement independent programs in the

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following areas: (1) Conservation, (2) planning and policy development, (3) information and education, and (4) research and development;

(n) inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy through various programs including but not limited to the following: (1) Establishment of an energy information center within the Kansas energy office which shall maintain a toll free telephone information service and disseminate printed materials on all forms of energy conservation topics and renewable energy sources; and

(2) establishment of a computer re-insulation program and solar computer program which calculates the benefits of both to residents of the state.

(o) formulate in cooperation with the state board of education a statewide energy conservation curriculum that will assist in the development of a conservation ethic among the residents of Kansas. The interdisciplinary program shall cover the areas of energy sources, uses, conservation, and management; and

(p) do all acts and things necessary to carry out the powers expressly granted in this act.

Sec. 3. K.S.A. 74-6804 and K.S.A. 1981 Supp. 74-6803 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 7, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE April 27, 1982.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

#### STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER May 13, 1982.)

#### HOUSE BILL No. 3153

AN ACT amending the Kansas tort claims act, concerning the application thereof, amending K.S.A. 1981 Supp. 75-6115 and repealing the existing section.

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

Section 1. K.S.A. 1981 Supp. 75-6115 is hereby amended to read as follows: 75-6115. The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider or an employee thereof, when the health care provider is a governmental entity. Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity, arising out of the rendering or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against a health care provider that is not a governmental entity any other health care provider. The term *As used in this section, "health care provider," as used in this section, shall have the meaning ascribed thereto in provided by K.S.A. 40-3401; and amendments thereto.*

Sec. 2. K.S.A. 1981 Supp. 75-6115 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 2, 1982.

HOUSE concurred in SENATE amendments April 27, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE as amended April 7, 1982.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

#### STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER May 13, 1982.)

#### HOUSE BILL No. 3163

AN ACT concerning the powers and duties of the secretary of social and rehabilitation services; relating to certain mineral rights in Ellsworth county.

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

Section 1. (a) The secretary of social and rehabilitation services is hereby authorized and empowered to execute any lease upon such terms and conditions deemed advisable by the secretary, for the exploration or production of any oil, gas or other minerals retained by the state of Kansas in and under the property in Ellsworth county described as the southwest quarter of section 29, township 15, range eight, except the portion thereof used for cemetery purposes, as provided in K.S.A. 1981 Supp. 76-14a03.

(b) The amount of money received from such lease including any money received for the production of any oil, gas or other minerals shall be credited to the state general fund.

(c) The property described in subsection (a) is deemed to be under the control of the secretary for purposes of executing such leases for the exploration or production of any oil, gas or other minerals.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 7, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE April 27, 1982.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 7, 1982.

JOHN CARLIN  
*Governor.*

(continued)

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 3165

AN ACT concerning fishing; amending section 2 of 1982 House Bill No. 3131 and repealing the existing section.

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

Section 1. Section 2 of 1982 House Bill No. 3131 is hereby amended to read as follows: Sec. 2. (a) For the purposes of paying the principal and interest on revenue bonds issued and sold pursuant to this act, the commission shall issue and sell hatchery stamps which shall be affixed to all fishing licenses issued by the commission. The fee for each stamp issued shall be fixed by rules and regulations adopted by the commission.

(b) If hatchery stamps have been issued by the commission, no person required to purchase a fishing license shall fish within this state without first procuring a hatchery stamp and having it in possession while fishing. Each hatchery stamp shall be validated by the signature of the licensee written across the face of the hatchery stamp.

(c) Any person violating any provision of this section shall be deemed guilty of a class C misdemeanor.

Sec. 2. Section 2 of 1982 House Bill No. 3131 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 8, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE April 28, 1982.

ROSS O. DOYEN  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER May 13, 1982.)

HOUSE BILL No. 3172

AN ACT concerning the financing of unified school district No. 325, Phillips county.

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

Section 1. (a) For the purposes of the school district equalization act and notwithstanding any provision therein to the contrary, for the 1982-83 school year, the term "enrollment" for unified school district No. 325, Phillips county, means 805.7 pupils.

(b) In the 1982-83 school year, the legally adopted budget of operating expenses and the general state aid of unified school district No. 325, Phillips county, shall be determined in accordance with the enrollment of such school district as specified in subsection (a).

(c) In the 1983-84 school year, the legally adopted budget of operating expenses and the general state aid of unified school district No. 325, Phillips county, shall be determined as if the provisions of the school district equalization act had applied to the determination thereof in the 1982-83 school year, and as if this act had not been in effect.

(d) The provisions of this act shall not apply to unified school district No. 325, Phillips county, if the enrollment in the 1982-83 school year has decreased less than the percentage applicable to the district under subsection (g) of K.S.A. 72-7055, and amendments thereto, from the enrollment in the district in the 1981-82 school year or if the enrollment in the district has increased in the 1982-83 school year over the enrollment in the 1981-82 school year.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 28, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE April 29, 1982.

President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED May 7, 1982.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of May, 1982.

(SEAL) JACK H. BRIER  
Secretary of State.

**KANSAS REGISTER**  
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