

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

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Pages 25-30

IN THIS ISSUE . . .

Legislative Division of Post Audit

Invitation for Bids 26

Department of Transportation

Request for Bids 26

State Corporation Commission

Mined Land Conservation and Reclamation Board; Schedule of Meetings . . 27

Notice to Bidders for State Purchases 27

Department of Human Resources

Notice Regarding Job Training Partnership Act 28

Attorney General's Opinions

Opinions No. 82-272 through 82-281 28

New State Law Enacted

SB 24: Relating to the local ad valorem tax reduction fund; apportionment and payment of moneys therefrom to county treasurers 30

State of Kansas
LEGISLATIVE DIVISION OF POST AUDIT

INVITATION FOR BIDS

Sealed bids on a Legislative Division of Post Audit Invitation for Bid on an organization-wide audit of the Kansas Energy Office, Topeka, Kansas, will be received until 1:00 p.m., January 31, 1983.

Copies of the Invitation for Bid may be obtained from Vicky S. West, Senior Auditor, Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka, Kansas 66612.

RICHARD E. BROWN
 Legislative Post Auditor

Doc. No. 000867

State of Kansas
DEPARTMENT OF TRANSPORTATION

REQUEST FOR BIDS

Sealed bids on DOT Quotation 6829 for the Sale of Miscellaneous Equipment, Shop Equipment, Wood Posts and Miscellaneous Items, located in the following Districts: Kansas Department of Transportation District Yard, Salina, Kansas; Kansas Department of Transportation District Yard, Norton, Kansas; Kansas Department of Transportation District Yard, Chanute, Kansas and Kansas Department of Transportation District Yard, Hutchinson, Kansas, will be received until 10:00 A.M., Thursday, February 3, 1983.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, Kansas; R. L. Anderson, District Engineer, Salina, Kansas; E. L. Olson, District Engineer, Norton, Kansas; D. E. Kimbell, District Engineer, Chanute, Kansas or M. S. Fry, District Engineer, Hutchinson, Kansas.

JOHN B. KEMP
 Secretary

Doc. No. 000864

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 Topeka, Kansas 66612



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Carol A. Bell
 Publications Director

State of Kansas
STATE CORPORATION COMMISSION
MINED LAND CONSERVATION
AND RECLAMATION BOARD

SCHEDULE OF MEETINGS

Notice is hereby given to all interested parties of the schedule for the Mined Land Conservation and Reclamation Board Meetings for the year 1983.

February 10, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
April 7, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
June 9, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
August 11, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
October 13, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
December 8, 1983	9:00 a.m.	Holiday Inn, Pittsburg, Kansas

A special notice will be mailed on any change in location or time of meetings.

Special meetings will be at the call of the Chairman of the Board or upon petition of three (3) or more Board members.

All meetings are conducted in conformity with K.S.A. 75-4317 *et seq.*

Field tours, site inspections or seminars for Board members are scheduled for the day preceding each scheduled Board meeting. Attendance is optional.

DELNO L. BASS
 Executive Director

Doc. No. 000869

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, JANUARY 24, 1983

#25046 Supplement

University of Kansas Medical Center, Kansas City and Statewide—ORAL CONTRACEPTIVE

#52452

Department of Transportation, Hutchinson—TREATED WOOD SIGN POSTS

#52457

University of Kansas, Lawrence—SOFTWARE PACKAGE

TUESDAY, JANUARY 25, 1983

#25449

Statewide—THERMAL AND SPIRIT MASTERS AND SPIRIT FLUID

#52462

Kansas State University, Manhattan—FERTILIZER, for Sandyland Experiment Field, St. John

#52463

Kansas State University, Manhattan—FEED

#52473

University of Kansas, Lawrence—WORD PROCESSING SYSTEM

#A-3558(b)

University of Kansas, Lawrence—CONSTRUCTION OF OBSERVATORY DOME FOR LINDLEY HALL

WEDNESDAY, JANUARY 26, 1983

#25336 Supplement

University of Kansas Medical Center, Kansas City and Statewide—MISCELLANEOUS HOSPITAL SUPPLIES (CLASS 09)

#52469

Department of Transportation, Topeka—LUBRICATING OIL

#52470

Department of Transportation, Hutchinson—HERBICIDE

#52472

University of Kansas Medical Center, Kansas City—COMPUTER SYSTEM

THURSDAY, JANUARY 27, 1983

#25446

Adjutant General's Department, Topeka—BOILER WATER CHEMICALS AND SERVICES

#52476

Kansas State University, Manhattan—NMR SPECTROSCOPY SYSTEM

#52480

Department of Transportation, Topeka—VAN

#52481

University of Kansas, Lawrence—LUMBER

FRIDAY, JANUARY 28, 1983

#52486

Kansas Fish & Game Commission, Pratt—FERTILIZER, for P & M Wildlife Area, West Mineral

MONDAY, JANUARY 31, 1983

#25437

University of Kansas Medical Center, Kansas City & Statewide—SURGEON NEEDLES, SUTURES, SPECIALITY ITEMS (CLASS12)

NICHOLAS B. ROACH
 Director of Purchases

Doc. No. 000866

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE REGARDING JOB TRAINING
PARTNERSHIP ACT**

You are hereby notified of the process and timetable to be followed in the designation of service delivery areas pursuant to the Job Training Partnership Act, Public Law 97-300. The Job Training Partnership Act (JTPA) replaces the Comprehensive Employment and Training Act (CETA) and authorizes job training programs for persons who have serious barriers to employment, primarily economically disadvantaged adults and youth. JTPA will be implemented on October 1, 1983 with federal fiscal year 1983 serving as a transition year. An important step in this transition is the designation of service delivery areas which are sub-state areas where programs will be operated. The following is an explanation of the process which will be used in making such designations.

On February 17, 1983, the Governor shall, after receiving the proposal of the State job training coordinating council, publish in the *Kansas Register* a proposed designation of service delivery areas. Prior to such publication, the Kansas Department of Human Resources will hold public meetings in Kansas City, Wichita, Topeka, Garden City, Hays, and Chanute. The purpose of these meetings will be to provide information on JTPA, highlighting the responsibilities of local elected officials, and to obtain input regarding the designation of service delivery areas under JTPA.

During the period of February 17, 1983, through March 3, 1983, interested parties may submit written comments on the proposed designation of service delivery areas and request revisions thereof. Interested parties may include, but are not limited to, units of general local government; organizations providing employment, training or related services; organizations representing any portion of the economically disadvantaged population; and other affected persons.

Also, during the period of February 17, 1983, through March 3, 1983, formal requests for service delivery area designation may be made to the Governor by units of general local government (and combinations thereof). The format for such requests and instructions for submittal will be published in the February 17, 1983, *Kansas Register*.

The Governor shall make final designation of service delivery areas within the State on March 10, 1983, and shall publish such in the March 17, 1983, *Kansas Register*. Procedures for appeal of such final designation will be included in the March 17, 1983, *Kansas Register*.

For additional information contact: Larry E. Wolgast, Ed.D.; Assistant Secretary; Department of Human Resources; 401 Topeka Avenue; Topeka, Kansas 66603.

LARRY E. WOLGAST, Ed.D.
Assistant Secretary

Doc. No. 000868

State of Kansas

ATTORNEY GENERAL**OPINION NO. 82-272**

Labor and Industries—Employment Officer, Agencies and Committees—Employer-Fee-Paid Employment Agencies Exempt. Harvey L. Ludwick, Ed.D., Secretary of Human Resources, Topeka, December 30, 1982.

K.S.A. 44-401 *et seq.* do not require licensing of employment agencies which are paid for these services solely by prospective employers. Cited herein: K.S.A. 44-401, 44-412. BJS

OPINION NO. 82-273

Crimes and Punishments—Code; Crimes Affecting Governmental Functions—Obstructing Legal Process or Official Duty. R. Douglas Sebelius, Norton County Attorney, Norton, December 30, 1982.

Since a county or district attorney does not have an official duty to make an arrest and is not a law enforcement officer, an individual could not be successfully prosecuted under K.S.A. 21-3808 (obstructing legal process or official duty) for resisting or opposing arrest by a county or district attorney. Cited herein: K.S.A. 19-702, 21-3110, 21-3808, 22-2401, 22-2403, 22a-104. BLH

OPINION NO. 82-274

Counties and County Officers—Sheriff—Duties of Sheriff and Local Police to Enforce Felonies. S. M. Albright, Chief of Police, Rose Hill, December 30, 1982.

A sheriff and a city's police officers have concurrent jurisdiction to enforce state laws within such city. Hence, a city police department may investigate all felonies which occur within its jurisdiction through all stages of the investigation. However, if the sheriff believes the police officers are failing to enforce the laws or properly investigate crimes, through neglect or inability to adequately perform their duties, the sheriff has not only the right but also the duty to act independently of such officers in the enforcement of state laws and the investigation of crime. Cited herein: K.S.A. 19-813, 22-2202, 22-2401, 22-2401a (as amended by L. 1982 ch. 380, § 2). BLH

OPINION NO. 82-275

Crimes and Punishments—Code; Sentencing—Payment of Restitution Funds in "Sting" Operations. The Honorable Gerald L. Hougland, Associate District Judge, Tenth Judicial District, Olathe, December 30, 1982.

Because "restitution" contemplates restoring a proper owner to his original position before he suffered a loss, a court may only order restitution to be paid to the aggrieved party and may not require such funds to be paid to another source. Cited herein: K.S.A. 21-4610. BLH

(continued)

OPINION NO. 82-276

Counties and County Officers—Public Improvements—Sewage Disposal Works—Costs—Methods of Assessment. Commissioner Johnna Lingle, Johnson County, Olathe, December 30, 1982.

Any method of assessment to pay costs and expenses related to sewer project construction must result in imposing substantially equal portions of costs and expenses upon property similarly benefited. Additionally, a contractual agreement between two sewer subdistricts for the purpose of utilizing a treatment facility constructed at the expense of one of the contracting subdistricts is a valid exercise of powers conferred pursuant to K.S.A. 19-2704 *et seq.*, and K.S.A. 12-2903 *et seq.* (Interlocal Cooperation Act). Cited herein: K.S.A. 12-2901, 12-2903, 19-101a, 19-101b, 19-2704, 19-2704a, 19-2705, 19-2712, 75-704. RVE

OPINION NO. 82-277

Cities and Municipalities—Home Rule Powers—Charter Ordinances. Marlin Johanning, City Attorney, Atchison, December 30, 1982.

Restrictions upon officeholding by former Atchison city commissioners, contained within Charter Ordinance No. 5 of the city of Atchison, may not prohibit former city commissioners, who meet eligibility requirements set forth in Article 2, Sections 4 and 5 of the Kansas Constitution, from holding the office of Kansas State Representative. Cited herein: Kan. Const., Art. 2, §§ 4, 5, Art. 12, § 5. TRH

OPINION NO. 82-278

Intoxicating Liquors and Beverages—Cereal Malt Beverages—Residency Requirements for Licensees. Marvin E. Rainey, City Attorney, City of Shawnee, December 30, 1982.

Where the place of business of a corporate applicant for a cereal malt beverage retailer's license is to be conducted by a manager or agent, such manager or agent need not be a resident of the county in which such place of business is located.

At the time a partnership makes application for a cereal malt beverage retailer's license, at least one of the partners must be a resident of the county in which the premises covered by the license are located, but no other residence requirements are imposed on the partners by K.S.A. 41-2703. The letter opinion of July 26, 1972 (VII *Op. Att'y Gen.* 668) is withdrawn. Cited herein: K.S.A. 41-2701, 41-2703. WRA

OPINION NO. 82-279

Grain and Forage—Grain Storage; Terminal and Local Warehouses—Warehouse Receipts; Liabilities.

Uniform Commercial Code—Warehouse Receipts and Other Documents of Title—Warehouse Receipts; Liabilities. Marvin R. Webb, Director, Grain Inspection Department, Topeka, December 30, 1982.

A public warehouseman delivering grain stored pursuant to a bailment upon the presenting of a negotiable warehouse receipt generally is not liable to the

extent of any security interests in the goods delivered to the holder of the warehouse receipt. The warehouseman, as a bailee, is not required to ascertain the existence of any liens or perfected security interests before issuing a negotiable warehouse receipt or delivering bailed goods to the holder of such instrument upon demand. However, where the warehouseman acts as a purchaser of farm products, such purchase may be subject to prior liens or perfected security interests. Cited herein: K.S.A. 34-239, 34-244, 34-250, 34-252, 34-253, 58-203, 58-2524, 84-7-802, 84-7-403, 84-7-404, 84-7-503, 84-9-109, K.S.A. 1981 Supp. 84-9-306, 84-9-307, 84-9-401. BJS

OPINION NO. 82-280

Elections—Corrupt Practices—Corporate Contributions. Jerry L. Harper, Douglas County District Attorney, Lawrence, December 30, 1982.

K.S.A. 25-1709 (as amended by L. 1982, ch. 156, § 1) is not unconstitutional as violative of the "free speech" clause of First Amendment to the U.S. Constitution. Moreover, a recall election is a question submitted election to which 25-1709 no longer applies. Finally, savings and loan associations are subject to the provisions of K.S.A. 25-1709, as amended, since for purposes of that section, they are "carrying on the business of a bank." Cited herein: K.S.A. 1981 Supp. 9-701, K.S.A. 9-702, 9-1101, 17-5101, 17-5501, 25-1709 (as amended by L. 1982, ch. 156, § 1), 25-1710, 25-2503, 25-4301, 25-4314, 25-4318, 77-201, U.S. Const., Amend. I. BJS

OPINION NO. 82-281

Taxation—Kansas Retailers' Sales Tax—Exempt Sales. Senator Robert V. Talkington, Twelfth District, Iola, December 30, 1982.

No constitutional provision would be offended by amendment of subsections (m) and (n) of K.S.A. 1981 Supp. 79-3606 (as amended by L. 1982, ch. 421, § 1) to partially exempt sales of tangible personal property enumerated therein from state retailers' sales taxes. Likewise, no constitutional provision would inhibit the repeal of the aforesaid exemptions and subsequent imposition of a state retailers' sales tax upon sales of the subject property at a lower rate than that which is imposed upon other sales of tangible personal property. Cited herein: K.S.A. 1981 Supp. 79-3606 (as amended by L. 1982, ch. 421, § 1), Kan. Const., Art. 11, § 1, U.S. Const., Amend. XIV. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 000865

(Published in the KANSAS REGISTER January 13, 1983.)

SENATE BILL No. 24

AN ACT relating to the local ad valorem tax reduction fund; concerning the apportionment and payment of moneys therefrom to county treasurers; amending K.S.A. 79-2960 and K.S.A. 1982 Supp. 79-2959 and repealing the existing sections.

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

Section 1. K.S.A. 1982 Supp. 79-2959 is hereby amended to read as follows: 79-2959. There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein. On January 15 and on July 15 of each year, the director of accounts and reports shall ~~transfer a sum~~ make transfers in equal amounts which in the aggregate equal to four and one-half percent (~~4 1/2%~~) 4 1/2% of the total retail sales and compensating taxes deposited in credited to the state treasury general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund. The state treasurer shall apportion and pay the amounts so transferred to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent (~~65%~~) of the amount to be distributed shall be apportioned on the basis of population of the counties as reported in the last preceding annual enumeration of the state board of agriculture; and (2) Thirty-five percent (~~35%~~) of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 2. K.S.A. 79-2960 is hereby amended to read as follows: 79-2960. Each year, the county treasurer shall estimate the amount of money each political subdivision in his or her such county (including the county as one such political subdivision) will receive from the local ad valorem tax reduction fund. The state treasurer shall advise each county treasurer, prior to June 1 of each year, of the amount of the local ad valorem tax reduction fund of the state; that the state treasurer estimates (using the most recent available information) will be paid to such county on January 15 and July 15 of the following year. The county treasurer shall before June 15 of each year, notify the treasurer of each political subdivision of the estimated amount in dollars

of the ~~distribution~~ distributions to be made from the local ad valorem tax reduction fund. Such estimate shall be made in accordance with K.S.A. 79-2961. Each tangible property tax levying political subdivision shall set out a local ad valorem tax reduction fund item of income for one or more tangible property tax funds of general application (excepting bond and interest funds), in its budget for the current year tax levies, the amount which the county treasurer has estimated as the share of such local ad valorem tax reduction funds to be so credited. The director of accounts and reports shall make suitable provision in the budget forms to be used by such subdivisions for listing local ad valorem tax reduction fund income items.

Sec. 3. K.S.A. 79-2960 and K.S.A. 1982 Supp. 79-2959 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body January 10, 1983.

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

Passed the HOUSE January 11, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED January 11, 1983.

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 11th day of January, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

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