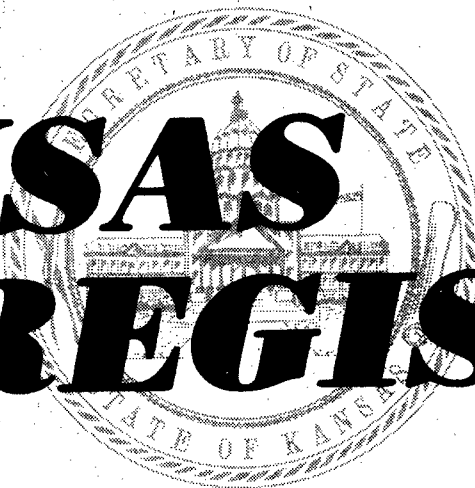


# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 13

March 31, 1983

Pages 277-304

<b>IN THIS ISSUE . . . .</b>	<b>Page</b>
<b>Legislative Bills Introduced . . . . .</b>	<b>278</b>
<b>Children and Youth Advisory Committee</b>	
Notice of Meeting . . . . .	279
<b>Northwest Kansas Groundwater Management District No. 4</b>	
Notice of Meeting and Public Hearings . . . . .	279
<b>Department of Revenue</b>	
Notice of Bids for Oil and Gas Lease . . . . .	279
<b>Notice to Bidders for State Purchases . . . . .</b>	<b>279</b>
<b>Secretary of State</b>	
Notice of Forfeiture . . . . .	281
<b>Attorney General's Opinions</b>	
Opinions No. 83-34 through 83-42 . . . . .	281
<b>Notices of Bond Sales</b>	
City of Garnett . . . . .	283
City of Pleasanton . . . . .	285
County of Sedgwick . . . . .	286
County of Riley . . . . .	287
<b>New Administrative Regulations (effective May 1)</b>	
State Park and Resources Authority . . . . .	288
State Fire Marshal . . . . .	290
Kansas Fish and Game Commission . . . . .	296
<b>New State Laws Enacted</b>	
SB 34: An act concerning nonpartisan selection of judges of the district court; relating to the district judicial nominating commission . . . . .	302
HB 2489: An act concerning interest rates; relating to the <i>Kansas Register</i> . . . . .	303

## State of Kansas

## LEGISLATURE

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

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

**Bills Introduced March 17-23:**

**SB 413**, by Committee on Federal and State Affairs: An act amending the Kansas securities act; exempt transactions; amending K.S.A. 1982 Supp. 17-1262 and repealing the existing section.

**SB 414**, by Committee on Ways and Means: An act relating to the secretary of health and environment; concerning certain fees charged and collected by the secretary; amending K.S.A. 39-936, 48-1606, 65-3023 and 65-4806 and K.S.A. 1982 Supp. 39-930, 65-3008, 65-3431, 65-4318 and 82a-1205 and repealing the existing sections.

**SB 415**, by Committee on Elections: An act enacting the local campaign finance reporting act; defining certain terms; prescribing duties and obligations of candidates for local offices, candidate committees, party committees and political committees; declaring violations thereof to be crimes; and repealing K.S.A. 25-901, 25-902, 25-904 and 25-905.

**SB 416**, by Committee on Ways and Means: An act relating to counties; concerning the making of improvements on streets and highways in certain counties; authorizing issuance of general obligation bonds to pay the cost thereof.

**SB 417**, by Committee on Ways and Means: An act relating to concerning vehicles; size and loads thereon; weight limitations; amending K.S.A. 8-1902, 8-1904, 8-1908 and 8-1909 and repealing the existing sections.

**SB 418**, by Committee on Federal and State Affairs: An act relating to the Kansas code of criminal procedure; concerning parole eligibility, the procedure for granting parole and conditions of parole; amending K.S.A. 1982 Supp. 22-3717, and repealing the existing section.

**SB 419**, by Committee on Federal and State Affairs: An act amending the uniform consumer credit code; concerning certain notice requirements; amending K.S.A. 1982 Supp. 16a-3-204 and repealing the existing section.

**HB 2551**, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; relating to licensure of certain wineries and permitting certain sales of wine by those wineries.

**HB 2552**, by Committee on Federal and State Affairs: An act concerning cities; relating to the acquisition and sale of surplus land.

**HB 2553**, by Committee on Ways and Means: An act concerning the city of Glade; relating to elections for the approval of the issuance of bonds.

**HB 2554**, by Committee on Ways and Means: An act concerning regulation of railroads; rates; intrastate regulations by state corporation commission; federal limitations thereon; amending K.S.A. 66-146 and 66-154 and repealing the existing sections.

**HB 2555**, by Committee on Ways and Means: An act relating to vehicle sales and manufacture; abolishing the vehicle dealer review board; amending K.S.A. 8-2401, 8-2410, 8-2411, 8-2412, 8-2413 and 8-2423, and repealing the existing sections.

**HB 2556**, by Committee on Ways and Means: An act relating to taxation; concerning the levy of taxes by the state of Kansas upon all tangible property in the state; amending K.S.A. 76-6b01 and K.S.A. 1982 Supp. 76-6b04 and repealing the existing sections.

**SCR 1625**, by Senator Hein: A concurrent resolution concerning vacation leave of employees in the classified service under the Kansas civil service act; modifying K.A.R. 1982 Supp. 1-9-4.

**HCR 5039**, by Committee on Education: A concurrent resolution supporting recom-

mendations by the State Board of Regents which define a state university preparatory curriculum and urging unified school districts to implement the recommendations.

**HCR 5040**, by Committee on Ways and Means: A concurrent resolution directing the State Board of Regents to conduct a study on the duplication of degree programs at the postsecondary educational institutions in Kansas and submit a plan to lessen the duplication of these degree programs.

**SR 1823**, by Senators Montgomery and Karr: A resolution urging the Interstate Commerce Commission to rescind their 1982 approval of the D & RGW request for trackage rights to use the Missouri Pacific line between Kansas City and Pueblo.

**SR 1824**, by Senator Norvell: A resolution congratulating and commending Fort Hays State University on their third-place finish in the NAIA national tournament.

**SR 1825**, by Senator Arasmith: A resolution in memory of Keith Sebelius.

**SR 1826**, by Senator Johnston: A resolution congratulating and commending the Thayer High School boys' basketball team and its coach, Ron Thorson, on winning the 1983 Class 1A State Basketball Championship in Kansas.

**SR 1827**, by Senator Winter: A resolution establishing April 3 through April 9 as "Magna Carta Week."

**SR 1828**, by Senator Pomeroy: A resolution congratulating and commending the Silver Lake High School girls' basketball team and its coach, Loren Ziegler, on winning the 1983 Class 3A State Basketball Championship in Kansas.

**HR 6037**, by Representative Schweiker: A resolution congratulating and commending the Shawnee Mission East High School girls' basketball team and its coach, Dave Rehfeld, on winning the 1983 Class 6A State Basketball Championship in Kansas.

**HR 6038**, by Representative Littlejohn: A resolution congratulating and commending the Norton High School girls' basketball team and its coach, Kevin Jilka, on winning the 1983 Class 4A State Basketball Championship in Kansas.

**HR 6039**, by Representative Littlejohn: A resolution commending Trooper Terry G. Parks, a member of the Kansas Highway Patrol, for his efforts that resulted in the seizure of a large quantity of a controlled substance and the apprehension of the multiple suspects involved.

**HR 6040**, by Representative Littlejohn: A resolution commending Trooper Douglas L. Hageman, a member of the Kansas Highway Patrol, for his efforts that resulted in the seizure of a large quantity of a controlled substance and the apprehension of the multiple suspects involved.

**HR 6041**, by Representatives Hassler and Friedeman: A resolution urging the Interstate Commerce Commission to rescind their 1982 approval of the D & RGW request for trackage rights to use the Missouri Pacific line between Kansas City and Pueblo.

**HR 6042**, by Representative Roenbaugh: A resolution congratulating Dr. Clyde W. Tombaugh on the 53rd anniversary of his discovery of the planet Pluto.

**HR 6043**, by Representatives Mainey, Acheson, Barr, Buntin, Hensley, Laird, Miller, Roper, Runnels, Smith and Wagnon: A resolution congratulating and commending the Hayden High School boys' basketball team and its coach, Ben Meseke, on winning the 1983 Class 4A State Basketball Championship in Kansas.

**HR 6044**, by Representative Hayden: A resolution welcoming the Central American Delegation of young political leaders.

**HR 6045**, by Representative Justice: A resolution commemorating the 108th birthday of Ed Franks and thanking Ed Franks for sharing his knowledge with the students at Donnelly College.

**HR 6046**, by Representatives Solbach, Acheson, Arbuthnot, Baker, Barkis, Barr, Blumenthal, Branson, Buntin, Bussman, Charlton, Cribbs, Crumbaker, Dempsey, Dillon, Douville, Duncan, Ediger, Erne, Fox, Francisco, R. Frey, L. Frey, B. Fuller, W. Fuller, Grotewiel, Guldner, Hassler, Hayden, Helgerson, Justice, Knopp, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Matlack, Meacham, D. Miller, R. D. Miller, B. Ott, Patrick, Patterson, Polson, Reardon, Rezac, Roe, Rolfs, Roper, Runnels, Sallee, Sand, Schmidt, Sughrue, Sutter, Teagarden, Turnquist, Vancrum, Wagnon, Weaver, Darrell Webb, Wisdom and Wunsch: A resolution establishing April 3 through April 6 as "Magna Carta Week."

**HR 6047**, by Representatives Schmidt, L. Johnson, Littlejohn and R. D. Miller: A resolution congratulating and commending Fort Hays State University on their third-place finish in the NAIA national tournament.

**HR 6048**, by Representatives Dean, Darrel Webb and L. Johnson: A resolution congratulating Patrick J. Kraft on being chosen to receive the William M. Usdane Award for the Severely Handicapped Worker of the Year for 1982.

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1981 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

*Postmaster*. Send change of address form to Kansas Register; Secretary of State; State Capitol; Topeka, Kansas 66612.

© Secretary of State of the State of Kansas 1983. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature, and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



PHONE: 913/296-2236

Carol A. Bell  
Publications Director

State of Kansas  
**SOCIAL AND REHABILITATION SERVICES  
 CHILDREN AND YOUTH  
 ADVISORY COMMITTEE**

**NOTICE OF MEETING**

Notice is hereby given to all interested parties that the statutorily created Children and Youth Advisory Committee will hold its regular meeting on April 11, 1983, at 1:30 p.m., in the Judicial Administrator's Conference Room (337), Judicial Center, 310 West 10th, Topeka, KS.

MS. GEORGENE WADE, Chairperson  
 Children and Youth Advisory Committee

Doc. No. 001027

**NORTHWEST KANSAS GROUNDWATER  
 MANAGEMENT DISTRICT No. 4**

**NOTICE OF  
 MONTHLY BOARD MEETING  
 AND  
 PUBLIC HEARINGS**

The April board meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for April 14, 1983 at the district office, 1175 South Range, Colby, Kansas. The meeting begins at 10:00 a.m. General administrative matters and other business will be discussed.

The board will also be holding, on this same day, a public hearing beginning at 1:00 p.m. on the Proposed Revised Management Program. A copy of said document is available for public inspection in the district office. Any person desiring to be heard on the matter must file with the board of directors, at least five days prior to the hearing date, a written statement in duplicate of his or her intent to appear and give testimony, and a summary of the testimony to be given.

Immediately following the above hearing the board will hold a public hearing on the Proposed 1984 Operating Budget.

WAYNE A. BOSSERT  
 Manager

Doc. No. 001021

State of Kansas  
**DEPARTMENT OF REVENUE**

**NOTICE OF BIDS FOR OIL AND GAS LEASE  
 BY ORDER OF THE DIRECTOR OF TAXATION  
 OF THE STATE DEPARTMENT OF REVENUE,  
 FOR THE STATE OF KANSAS.**

The Director of Taxation will receive bids for the leasing of Oil and Gas rights in and to the portion of the Arkansas Riverbed, the property of the State of Kansas, described as follows:

That portion of the Arkansas River as it meanders thru Section 31 and 32, Township 27 South, Range 21 West, Ford County, Kansas containing 126.90 acres, more or less.

The bidding shall be considered upon the amount of bonus annual rental, and the amount of royalty to be paid.

Bids shall be submitted upon forms obtained from the Director of Taxation, Third Floor, State Office Building, Sand and Oil Lease Section, Topeka, Kansas 66612.

Lease shall be made on Form 88—(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs.

Bids shall be opened at the office of the Director of Taxation at the hour of 2:00 P.M. on the 4th day of May, 1983.

The Director of Taxation reserves the right to reject any and all bids and to readvertise.

MARK BESHEARS  
 Director of Taxation  
 Department of Revenue

Doc. No. 001024

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, APRIL 11, 1983**

#25531

Statewide—VIDEO TAPE

#25532

Statewide—AUDIBLE RANGE MAGNETIC TAPE

#25536

University of Kansas Medical Center, Kansas City—  
 HEMATOLOGY CONTROLS

#53200

Department of Transportation, Topeka—CORRU-  
 GATED METAL PIPE, ARCHES AND BANDS, for  
 Osage City, Kansas

#53201

Department of Transportation, Salina—MOWER  
 BLADES

(continued)

#53202

Wichita State University, Wichita—REFLECTIVE  
DECALS FOR PARKING

#53243

Kansas State University, Manhattan—MICRO-  
COMPUTER SYSTEM

**TUESDAY, APRIL 12, 1983**

#25533

University of Kansas Medical Center, Kansas City—  
DRY ICE

#53211

Kansas State University, Manhattan—TRASH CON-  
TAINERS

#53212

Department of Transportation, Hutchinson—SNOW  
PLOW REPAIR PARTS

#53213

Department of Transportation—MOWER REPAIR  
PARTS, for various locations

#53214

Department of Transportation—AUTOMATIC  
TRANSMISSION FLUID, for Topeka and Salina, Kansas

#53217

Winfield State Hospital and Training Center, Win-  
field—LAUNDRY SUPPLIES

#53218

Kansas State Penitentiary, Lansing—TOBACCO

#53253

University of Kansas, Lawrence—MICROCOM-  
PUTER EQUIPMENT, for Regents Center in Overland  
Park, Kansas

#A-3659(a)

Fort Hays State University, Hays—FURNISH AND  
INSTALL HUMIDITY CONTROLS, for the Media  
Center

#A-4637(a)

Kansas State University, Manhattan—ROOFING SYS-  
TEM REPLACEMENT, for Weber Hall

**WEDNESDAY, APRIL 13, 1983**

#53222

Department of Transportation—PUSH TYPE  
MOWERS, for various locations

#53223

Department of Transportation—RIDING MOWERS,  
for various locations

#53230

Kansas State University, Manhattan—FEED

#53231

Department of Transportation—TRACTOR MOWER,  
for Topeka and Norton, Kansas

#53232

Social and Rehabilitation Services, Topeka—4-PLY  
COTTON MOP YARN

#53255

Kansas State University, Manhattan—MICROCOM-  
PUTER SYSTEM

#A-2932(b)

Kansas State University, Manhattan—FURNISH AND  
INSTALL SOUND REINFORCEMENT SYSTEM, in  
Bluemont Hall

**THURSDAY, APRIL 14, 1983**

#52879

Kansas State Fair, Hutchinson—PLYWOOD STAG-  
ING

#53237

Wichita State University, Wichita—STEAM HUMI-  
DIFIERS

#53238

University of Kansas Medical Center, Kansas City—  
HOSPITAL SCRUB SUITS

#53239

University of Kansas Medical Center, Kansas City—  
STATION WAGON

#53240

Department of Transportation, Topeka—MOWER RE-  
PAIR PARTS

#53241

Department of Transportation, Topeka—REPAIR  
PARTS FOR CORE DRILL EQUIPMENT

#53242

Department of Transportation—MOWER REPAIR  
PARTS, for Topeka and Garden City, Kansas

#53256

Kansas State University, Manhattan—DATA PROC-  
ESSING EQUIPMENT

**FRIDAY, APRIL 15, 1983**

#25534

Statewide—WATER SOFTENER SALT

#25535

University of Kansas Medical Center, Kansas City—  
WATER SOFTENER SALT

#53252

Department of Transportation, Hutchinson—M.R.A.  
AGGREGATE, for El Dorado and Brainard, Kansas

#53254

Department of Health and Environment, Topeka—BI-  
OLOGICAL SAFETY CABINET

**MONDAY, APRIL 18, 1983**

#25540

Social and Rehabilitation Services, Topeka—JANI-  
TORIAL SERVICES, for Wichita area

#53251

University of Kansas, Lawrence—FURNISH ALL  
LABOR AND MATERIAL IN CONSTRUCTION OF A  
CAPACITOR BANK

**MONDAY, APRIL 25, 1983**

#53257

Kansas State Fair Hutchinson—DECORATION REN-  
TAL, for Kansas State Fair

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001025

## State of Kansas

**SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the authority of the following foreign corporations to do business in the State of Kansas was forfeited on March 15, 1983 for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

**Cancelled 3/15/83 for failure to file the 8/31/82 annual report:**

**Foreign for Profit**

Biltwell Products, Inc., Room 1900, 106 West 14th Street, Kansas City, MO.

Bowen Trucking Co., 144 East Commerce, Aberdeen, MS.

California Catering Company, Inc., 1720 Holmes, Kansas City, MO.

Coral Petroleum Development, Inc., 908 Town & Country Blvd., Suite 600, Houston, TX.

Empire Oil & Gas Co., 18400 E. Colfax, P.O. Box 627, Aurora, CO.

Fresnal Minerals, Inc., 3900 North Woodlawn, #21 Chisholm Creek, Wichita, KS.

Goodrich Dairy, Inc., 608 North Saddle Creek Rd., Omaha, NE.

Greenwood Resources U.S. Inc., 205 5th Ave. S.W. Ste. 3350, Bow Valley Sq. III, Calgary, Alberta, Canada.

J. E. Sieben Construction Company, 1500 Home Savings Building, Kansas City, MO.

Pecos U.S. Ltd., 100 West Tenth Street, Wilmington, DE.

Prasco Credit Corporation, 200-280 Smith Street, Winnipeg, Manitoba, Canada.

Prasco Super Seeder Ltd., 200-280 Smith Street, Winnipeg, Manitoba, Canada.

Realsafe Corporation, 7700 Little River Turnpike, Annadale, VA.

Tradition Realtors, Incorporated, 5604 Antioch Road, Kansas City, MO.

Wagner Interior Systems, Inc., 1112 Cheyenne, Kansas City, KS.

Xoil Energy Resources, Inc., 20 Exchange Place, New York, NY.

**Foreign Limited Partnership**

XXL Oil and Gas Limited, '75, 4940 Viking Drive, Suite 408, Minneapolis, MN.

XXL Oil and Gas, '75B, 4940 Viking Drive, Suite 408, Minneapolis, MN.

**Cancelled 3/15/83 for failure to correct and return annual report:**

**Foreign for Profit**

Bow Valley Resource Services, Ltd., Suite 1800, 321 6th Ave., S.W., Calgary, Alberta, Canada.

Digital Equipment Corporation, 146 Main Street, Maynard, MA.

Timothy J. Harvey, Inc., 2133 East 69th Street, Tulsa, OK.

Westport Trading, Ltd., 3100 Broadway, Suite 202, Kansas City, MO.

**Foreign Not for Profit**

Bank Administration Institute—Bluestem Chapter, 60 Gould Center, Rolling Meadows, IL.

**Cancelled 3/15/83 for failure to submit a certificate of good standing with the annual report:**

**Foreign for Profit**

ABC Baby Furniture and Infant Wear, Inc., 1535 South Eight Street, St. Louis, MO.

Ablest Service Corp., 410 South State St., Dover, DE.

Dernick Resources, Inc., 12600 Northborough Drive, Suite 200, Houston, TX.

Electronic Data Systems Federal Corporation, One East First Street, Reno, NV.

Fairfax Manufacturing Corp., 3018 Lincoln Court, Garland, TX.

Federal Gold Exchange, Inc., 100 West Tenth Street, Wilmington, DE.

Oklahoma Coal, Oil & Gas Co., 309 W. 7th Street, Okmulgee, OK.

Uni-Guard Security Company, 1225 E. 18th St., Kansas City, MO.

United Upholstered Furniture Co., Inc., 3235 Troost, Kansas City, MO.

Whitaker Cable Corporation, 2801 Rockcreek Parkway, N. Kansas City, MO.

JACK H. BRIER  
Secretary of State

BY: JOHN R. WINE, JR.  
Chief Counsel

Deputy Assistant Secretary of State

Doc. No. 001028

**State of Kansas****ATTORNEY GENERAL****OPINION NO. 83-34**

**State Departments; Public Officers, Employees—State Moneys—NDSL Fund; Interest Credited to Special Fund. William R. Kauffman, State Board of Regents, Topeka, March 18, 1983.**

Moneys received by state educational institutions from the U.S. Department of Education under the National Direct Student Loan Program are state moneys which must be deposited in a special fund, and any interest generated by such fund is to be credited to the fund and not the state general fund. Cited herein: K.S.A. 75-3734, K.S.A. 1982 Supp. 75-4201, K.S.A. 75-4210a, 76-723, 20 U.S.C.A. § 1087aa, 34 C.F.R. §§ 674.5, 674.8, 674.19. BJS

**OPINION NO. 83-35**

**Taxation—Motor-Fuel Taxes—Distribution of Proceeds of Taxes.**

**Road and Bridges—Express Highways and Freeways—Transfer of Moneys to and from State Freeway Fund.**

(continued)

**State Funds—State Freeway Fund—Moneys Deposited in, Credited to and Transferred to and from Fund.** Honorable Joan Finney, State Treasurer, John B. Kemp, P.E., Secretary of Transportation, Topeka, March 21, 1983.

Pursuant to K.S.A. 1982 Supp. 79-3425, there is a daily transfer to the highway fund of 69.23% of certain revenues accruing to the state freeway fund. The legislature clearly intends that proceeds of the various motor fuel taxes credited to said fund be subject to such transfer, but it is difficult to discern from the pertinent statutory provisions whether the legislature intends that a similar transfer be made of moneys representing interest on the highway fund that are credited to the state freeway fund pursuant to K.S.A. 1982 Supp. 68-2313. However, because the state officers charged with the administration and implementation of the relevant statutory provisions have consistently construed such provisions as precluding the daily transfer of highway fund interest moneys from the freeway fund to the highway fund, such interpretation is not only entitled to great weight, but is controlling, in light of the legislature's continued acquiescence in such interpretation. Cited herein: K.S.A. 68-2301, K.S.A. 1982 Supp. 68-2304, K.S.A. 68-2306, K.S.A. 1982 Supp. 68-2313, 79-3401, 79-3425, K.S.A. 79-3474, K.S.A. 1982 Supp. 79-3487, K.S.A. 79-3490, K.S.A. 1982 Supp. 79-34,104, L. 1979, ch. 323, § 3. WRA

#### OPINION NO. 83-36

**Drainage and Levees—Watershed Districts—Powers and Duties; Retention of Counsel for Tax Planning Matters.** Thomas L. Toepfer, West Walnut Creek Watershed District No. 58, Hays, March 21, 1983.

A watershed district organized pursuant to K.S.A. 24-1201 *et seq.* is empowered to execute such contracts as are necessary or convenient to allow it to properly carry out its functions, and to obtain those professional services deemed essential by the board of directors. In acquiring easements by donation from landowners, the board of directors may employ the services of an attorney for the performance of duties relevant to the drafting of the easement. However, apart from acting as a scrivener to complete documents needed for tax purposes, such an attorney should not provide advice to the donor as to the tax considerations involved or represent the donor in proceedings before the Internal Revenue Service, nor should public moneys of the district be expended to compensate the attorney except for these limited services. Cited herein: K.S.A. 7-125, 24-1209. JSS

#### OPINION NO. 83-37

**Agriculture—Agricultural Societies and Fairs—Use of Tax Levy.**

**Counties and County Officers—County Buildings—Tax Levy for 4-H Club Buildings.** Representative Anita G. Niles, Seventeenth District, Lebo, March 21, 1983.

The constraints imposed by Article 11, Section 5 of

the Constitution of the State of Kansas preclude the use of proceeds from the tax levies authorized by K.S.A. 2-131b and 19-1561 to fund the operations of a county fair association established and operating pursuant to K.S.A. 2-125 *et seq.* Cited herein: K.S.A. 2-125, 2-129, 2-129c, 2-129e, 2-129g, 2-131b, 2-132, 19-1561. RVE

#### OPINION NO. 83-38

**Schools—Community Colleges—State Aid and Fiscal Provisions; Credit Hour and Out-District State Aid.**

**State Departments; Public Officers, Employees—Department of Administration—Allotment System.** Representative Ed C. Rolfs, Sixty-Fifth District, Junction City, March 21, 1983.

Community colleges are entitled to receive only that amount of credit hour and out-district state aid as is appropriated for those purposes by the legislature and allowed under an allotment system instituted under the authority of K.S.A. 75-3722 *et seq.* A community college is not paid less credit hour or out-district state aid than it is entitled to receive under Article 6 of Chapter 71 of the Kansas Statutes Annotated if it receives its proportionate share of the money appropriated for such purposes by the legislature and allowed under an allotment system. Cited herein: K.S.A. 1982 Supp. 71-602, K.S.A. 71-604, K.S.A. 1982 Supp. 71-607; K.S.A. 75-3722, 75-3724. RJB

#### OPINION NO. 83-39

**Infants—General Provisions—Consent to Receive Medical Services.**

**Public Health—Healing Arts—Treatment of Minors.** Senator Roy M. Ehrlich, Thirty-Fifth District, Hoisington, March 21, 1983.

The existence of statutes which provide that persons who have attained a prescribed age can give informed consent to receive medical treatment under certain circumstances, or which expressly relieve a physician or other health care provider from civil liability for competently furnishing certain medical services to minors, does not preclude the possibility that a particular minor may be capable of giving informed consent to receive other medical services or contraceptives. However, absent a statute which prescribes that all persons of a prescribed age can give informed consent to receive contraceptives or medical treatment, or which expressly relieves a physician or other health care provider from liability for providing contraceptives or medical treatment to persons less than the statutorily-prescribed age of majority, it would be a question of fact for the trier of facts to determine whether informed consent could be given by a particular person and whether such consent indeed had been given. Cited herein: K.S.A. 38-101, 38-123b, 65-2891, 65-2892, 65-2892a. RJB

#### OPINION NO. 83-40

**Counties and County Officers—Public Improvements—Improvement Districts; Power to Regulate Use of Roads.**

(continued)

**Taxation—Motor-Fuel Taxes—Apportionment of Moneys Collected, Counties and Cities.** Fred W. Rausch, Jr., Lakeside Village Improvement District, Topeka, March 21, 1983.

An improvement district organized pursuant to K.S.A. 19-2753 *et seq.* is a quasi-municipal corporation which possesses those powers granted by statute. Nowhere among these powers is the ability to permit only residents to use district streets which have been built or maintained with district funds. To the extent such power exists, it has been retained by the legislature, which possesses plenary control over the streets and highways of this state. Accordingly, district roads are not merely for private use of district residents.

Money collected by the state motor-fuel tax is apportioned pursuant to K.S.A. 1982 Supp. 79-3425, with a portion going into a special city and county highway fund. The statute providing for distribution of moneys in this fund, K.S.A. 1982 Supp. 79-3425c, speaks only of cities, counties and townships which are entitled to funds, and does not include improvement districts created by K.S.A. 19-2753 *et seq.* Cited herein: K.S.A. 19-2765, K.S.A. 1982 Supp. 79-3425c. JSS

**OPINION NO. 83-41**

**Cities and Municipalities—General Improvement and Assessment Law—Special Assessments; Work or Improvements Authorized.** Phillip L. Harris, Overland Park City Attorney, Overland Park, March 21, 1983.

A storm drainage improvement, owned and maintained by private individuals pursuant to a contract with a city, does not constitute a "municipal work or improvement," within the meaning and intent of K.S.A. 12-6a01 *et seq.* Cited herein: K.S.A. 12-6a01, 12-6a02. TRH

**OPINION NO. 83-42**

**State Boards, Commissions and Authorities—State Board of Technical Professions—Practice of Land Surveying.** Senator Ben E. Vidricksen, Twenty-Fourth District, Salina, March 21, 1983.

The preparation of a legal description of real property which conveys Lot 18, and the west 10 feet of Lot 17, in a certain subdivision situated in the city of Salina, does not constitute the "practice of land surveying," as said term is defined in K.S.A. 74-7003(k). Therefore, a real estate broker need not be licensed as a land surveyor in order to prepare such a description. Cited herein: K.S.A. 74-7003(k). TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001023

(Published in the KANSAS REGISTER, March 31, 1983.)

**NOTICE OF BOND SALE**  
**\$900,000**  
**GENERAL OBLIGATION BONDS**  
**SERIES 1983**  
**CITY OF GARNETT, KANSAS**  
(payable from unlimited ad valorem taxes)

Sealed bids will be received by the governing body of the City of Garnett, Kansas (the "City"), at the office of the City Clerk in the City Hall, 131 W. 5th, Box H, Garnett, Kansas 66032, until 11:00 o'clock a.m., C.S.T., on

**TUESDAY, APRIL 12, 1983**

at which time and place said bids will be publicly opened and read for the purchase of \$900,000 principal amount of General Obligation Bonds, Series 1983, of the City (the "Bonds"). All bids received will be reported to the governing body for determination of the best bid at a meeting of the governing body to be held at said time, date and place.

*Details of the Bonds*

The Bonds will be negotiable coupon bonds in the denomination of \$5,000 each. The Bonds will be dated April 1, 1983, and will mature serially on October 1 of each year in the principal amounts as follows:

Year	Principal Amount	Year	Principal Amount
1984	\$ 5,000	1994	\$ 40,000
1985	5,000	1995	65,000
1986	5,000	1996	70,000
1987	5,000	1997	75,000
1988	5,000	1998	85,000
1989	5,000	1999	90,000
1990	20,000	2000	100,000
1991	30,000	2001	105,000
1992	35,000	2002	120,000
1993	35,000		

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 of each year, beginning on October 1, 1983.

*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 on October 1, 1994, and thereafter, will be subject to redemption and payment prior to maturity at the option of the City, in whole or in part on October 1, 1993, or on any interest payment date thereafter, in inverse numerical order at the redemption prices (expressed as percentages of principal amount set out below), plus accrued interest thereon to the date fixed for redemption and payment:

Redemption Dates	Redemption Price
October 1, 1993 thru September 30, 1994	101%
October 1, 1994 thru September 30, 1995	100½%
October 1, 1995 and thereafter	100%

If the City calls any of the Bonds for redemption  
(continued)



prior to their maturity, the City will publish a notice of said redemption once in a financial journal published in the City of New York, New York, said notice to be published not less than 30 days prior to the day fixed for redemption. Written notice of such redemption will also be sent by United States registered or certified mail to the office of the State Treasurer, Topeka, Kansas, and to the manager or managers of the underwriting account making the successful bid not less than 30 days prior to the date fixed for redemption.

#### *Security for the Bonds*

The General Obligation Bonds, Series 1983, will be 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 the taxable tangible property 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. Each interest rate specified shall be a multiple of 1/8 or 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 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 35 days from the date of sale at such bank or trust company located in the state of Kansas or the city of Kansas City, Missouri as may be specified by the successful bidder without cost to the successful bidder, or elsewhere at

the expense of 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 \$18,000, made payable to the order of the Treasurer of the City of Garnett, 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, City Hall, 131 W. 5th, Box H, Garnett, Kansas 66032, 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 \$7,274,168. The total general obligation bonded indebtedness of the City as of the date of the Bonds, including the Bonds, is \$1,297,000.

In addition, the City has outstanding as of the date of the Bonds, \$875,000 of temporary notes, of which

(continued)



\$875,000 will be retired out of the proceeds of the Bonds herein offered for sale.

**Official Statement**

Upon the sale of the Bonds, the City will adopt an Official Statement in substantially the form as the Preliminary Official Statement, subject to minor amendments and supplementation. Copies of the City's Preliminary Official Statement relating to the Bonds may be obtained from the City Clerk or the City's Financial Advisor, Shearson/American Express Inc., 2345 Grand Avenue, Suite 1600, Kansas City, Missouri 64108 (816/346-6114). Upon request, 75 copies of the Official Statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder. DATED this 31st day of March 1983.

JOYCE MARTIN  
City Clerk  
City Hall  
131 W. 5th, Box H  
Garnett, Kansas 66032  
(913/448-5496)

Doc. No. 001031

(Published in the KANSAS REGISTER, March 31, 1983.)

**NOTICE OF BOND SALE**  
**\$300,000.00**  
**GENERAL OBLIGATION SEWER BONDS**  
**SERIES A, 1983**  
**CITY OF PLEASANTON**  
**LINN COUNTY, KANSAS**

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

WEDNESDAY, APRIL 13, 1983  
for \$300,000.00 par value GENERAL OBLIGATION SEWER 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 May 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$15,000	October 1, 1984
15,000	October 1, 1985
15,000	October 1, 1986
15,000	October 1, 1987
15,000	October 1, 1988
15,000	October 1, 1989
15,000	October 1, 1990
15,000	October 1, 1991
15,000	October 1, 1992
15,000	October 1, 1993
15,000	October 1, 1994
15,000	October 1, 1995
15,000	October 1, 1996

15,000	October 1, 1997
15,000	October 1, 1998
15,000	October 1, 1999
15,000	October 1, 2000
15,000	October 1, 2001
15,000	October 1, 2002
15,000	October 1, 2003

Interest on the Bonds will first be payable on APRIL 1, 1984, and thereafter semiannually on the first days of OCTOBER AND APRIL in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding FIVE (5) different interest rates, the duplication 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 (1/8) or one-twentieth (1/20) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed the maximum interest rate allowed by Kansas law; said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the Weekly Bond Buyer on Monday, April 11, 1983, 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 HALL, PLEASANTON, KANSAS 66075, ATTENTION ESTHER SHIELDS, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to THE CITY OF PLEASANTON, 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 WILLIAM P. TIMMERMAN, Bond Counsel, 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 May 15, 1983, at any bank in the State of Kansas or Kansas City, Missouri, at the ex-

(continued)

pense 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 cost of enlarging and improving the City's sewer system, by replacing main interceptor lines, pump station and enlarging the sewage treatment plant.

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 for the City of Pleasanton, Kansas, for the year of 1982 is \$2,563,392.00.

The total bonded indebtedness of the City of Pleasanton, Kansas, at the date hereof, including this \$300,000.00 proposed issue of Bonds, is in the amount of \$516,000.00, which also includes \$156,000 of self-supporting revenue bonds.

DATED March 16, 1983.

ESTHER SHIELDS, CITY CLERK  
CITY OF PLEASANTON  
LINN COUNTY, KANSAS

Doc. No. 001020

(Published in the KANSAS REGISTER, March 31, 1983.)

**NOTICE OF BOND SALE**  
**\$1,406,373.18**  
**GENERAL OBLIGATION**  
**STREET BONDS**  
**SERIES B 1983**  
**SEDGWICK COUNTY**  
**STATE OF KANSAS**  
**(15 Year Bonds)**

Written sealed bids only will be received by the Board of County Commissioners of Sedgwick County, state of Kansas, at the office of the Board of County Commissioners, Wichita, Kansas, at the Sedgwick County Courthouse, Wichita, Kansas 67203, on Wednesday, April 13, 1983, at 10:00 Central Standard Time, for the sale of \$1,406,373.18 par value of General Obligation Street Improvement Bonds, at which time and place said bids will be publicly opened. No oral or auction bids will be considered.

All of said bonds will be negotiable coupon bonds in the denominations of \$5,000.00 each, except No. 1 \$1,373.18. All bonds will be dated May 1, 1983, and will mature serially as follows:

\$1,406,373.18  
G.O. STREET BONDS  
SERIES B 1983

Number	Amount	Interest Rate	Maturity
1	\$ 1,373.18		November 1, 1984
2-18	85,000.00		November 1, 1984
19-36	90,000.00		November 1, 1985
37-54	90,000.00		November 1, 1986
55-73	95,000.00		November 1, 1987
74-92	95,000.00		November 1, 1988
93-111	95,000.00		November 1, 1989
112-130	95,000.00		November 1, 1990
131-149	95,000.00		November 1, 1991
150-168	95,000.00		November 1, 1992
169-187	95,000.00		November 1, 1993
188-206	95,000.00		November 1, 1994
207-225	95,000.00		November 1, 1995
226-244	95,000.00		November 1, 1996
245-263	95,000.00		November 1, 1997
264-282	95,000.00		November 1, 1998

First interest is due on this issue on May 1, 1984, and semiannually thereafter on November 1 and May 1 of each year until the principal sum is paid. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the city of Topeka, Kansas. These bonds are to be paid primarily from special assessments on the property benefited; however, the entire Sedgwick County will stand behind the payment of these bonds if necessary. These bonds are a general obligation of Sedgwick County, Kansas. Said bonds are being issued for the purpose of certain county street improvements, all as provided by law by Section 68-728, K.S.A., and any amendments thereto.

Proposals will be received on bonds bearing such rate or rates of interest not exceeding five different interest rates as may be specified by the bidder. 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 or one-tenth of one percent. No interest rate shall exceed the legal rate therefor as provided by the laws of the state of Kansas. The maximum stated rate, determined on the date the bonds are sold, shall not exceed 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%. Bids involving the use of extra or supplemental coupons will not be considered.

Bids shall be submitted on contract forms with the usual information thereon and should be addressed to: "Board of County Commissioners, Sedgwick County Courthouse, Wichita, Kansas 67203," plainly marked, "Bond Bid." All bids must state the total interest of the bid and the average interest rate, all certified by the bidder to be correct, and the County will be entitled to rely upon such representations. Each bid must be accompanied by a certified or cashier's check in the amount of \$28,127.46, payable to Sedgwick County, state of 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 County as liquidated damages. The checks of unsuccessful bidders will be returned.

Said bonds, duly printed, executed and registered,  
(continued)

(Published in the KANSAS REGISTER, March 31, 1983.)

**NOTICE OF BOND SALE  
RILEY COUNTY, KANSAS  
\$779,427.06 GENERAL OBLIGATION BONDS  
SERIES 1983-1 (WATER, STREETS AND SEWER)**

Riley County, Kansas, will receive bids for the sale of \$779,427.06 General Obligation Bonds, Series 1983-1 (Water, Streets and Sewer), dated April 1, 1983. Bids will be received at the Commission Chambers, Riley County Courthouse, Manhattan, Kansas, until 11:00 o'clock A.M., C.S.T., April 11, 1983.

Bonds will be in the denomination of \$5,000 excepting Bond No. 1 which shall be in the denomination of \$4,427.06 and will mature as follows:

NUMBER	MATURITY	AMOUNT
1- 10	October 1, 1984	\$49,427.06
11- 20	October 1, 1985	50,000.00
21- 30	October 1, 1986	50,000.00
31- 40	October 1, 1987	50,000.00
41- 50	October 1, 1988	50,000.00
51- 60	October 1, 1989	50,000.00
61- 70	October 1, 1990	50,000.00
71- 80	October 1, 1991	50,000.00
81- 90	October 1, 1992	50,000.00
91-101	October 1, 1993	55,000.00
102-112	October 1, 1994	55,000.00
113-123	October 1, 1995	55,000.00
124-134	October 1, 1996	55,000.00
135-145	October 1, 1997	55,000.00
146-156	October 1, 1998	55,000.00

Bonds will bear interest at the rates to be determined when said bonds are sold as hereinafter provided and said interest will be payable on April 1, 1984 and semiannually thereafter on the first days of October and April of each year until said principal sum shall have been paid. Both principal of and interest on said bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in Topeka, Kansas.

Bids will be received on bonds bearing such rates of interest as may be specified by the bidders subject to the following conditions: Not more than five different interest rates shall be specified. Interest rates shall be in a multiple of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%) and shall not exceed Kansas legal rate. No bid less than par and accrued interest will be considered.

Bids shall be sealed and accompanied by a cashier's or certified check on a bank located in the United States of America in the amount of two percent (2%) of the total par value of the bonds being sold, payable to the order of Riley County, Kansas. Each bidder must certify to the correctness of the computations. The award will be made on the basis of the lowest net interest cost to the County. Riley County, Kansas, reserves the right to reject any and all bids.

The purchase price, together with any premium and accrued interest from date of bonds to date of delivery, must be paid at delivery or bidding check will be forfeited.

All of said bonds will constitute general obligations of the County payable both as to principal and interest from ad valorem taxes which may be levied without

(continued)

will be furnished and paid for by said County, and the said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208, whose unqualified approving opinions will be furnished and paid for by the County. Delivery of said bonds will be made to the successful bidder on or about May 15, 1983, at any bank in the state of Kansas, or Kansas City, Missouri, at the expense of the County. Delivery elsewhere will be made at the purchaser's expense. The bond opinion will be printed on the back of each bond. CUSIP numbers will be printed on said bonds. The County will apply for a Moody's Rating for these bonds. The last Moody's Rating was "Aa."

Said bonds will be paid by a general ad valorem levy on all of the taxable, tangible property located within the boundaries of Sedgwick County, if necessary, and as such constitute a general obligation of said County.

Such sealed bids shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the highest bidder. The County reserves the right to reject any and/or all bids and to waive any and all 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 issuer, and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all bonds from their date until their respective maturities.

Debt picture as of April 1, 1983.

The assessed valuation of Sedgwick County, Kansas, for the year 1982 is \$1,481,438,322.00 (30% of full value). Estimated full value \$4,938,127,740.00. Population of the County is approximately 370,000. Estimated market value \$11,916,761,123.00.

The total bonded indebtedness of Sedgwick County, Kansas, is \$24,549,006.65 including this issue, Series B now being sold. Said County also has outstanding Temporary Notes of \$4,793,739.00, \$2,445,048.00 in notes will be picked up by this bond issue and from money on hand.

(\$19,289,006.65 of the above bond debt is exempt by law and all above note debt is exempt.)

Underlapping debt is:

(As of July 1, 1982)

School Districts in the County \$36,910,000.00

All cities in the County including the city of Wichita, \$119,432,757.16 Bonds. (This includes G.O. and Specials.)

Sedgwick County Fire District \$1,620,000.00.

Special Improvement Districts in the County of which the County is not liable \$3,333,693.86.

JACK SPRATT  
TOM SCOTT  
DONALD E. GRAGG  
Commissioners  
Sedgwick County, State of Kansas  
DOROTHY K. WHITE  
County Clerk

limitation as to rate or amount upon all the taxable, tangible property within said County.

Riley County, Kansas, will furnish the bonds, properly printed, without cost to the successful bidder, and said bonds will be subject to the approving opinion of NICHOLS AND WOLFE CHARTERED, Topeka, Kansas, whose final approving opinion will be furnished and paid for by the County and delivered with the bonds together with a certified copy of the transcript of proceedings authorizing said bonds.

The County is requesting CUSIP identification numbers be printed on the Series 1983-1 Bonds, neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Series 1983-1 Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the County; provided, however, that CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

Bonds will be delivered no later than sixty (60) days from the date of sale at any bank in Topeka, Wichita or Kansas City, Missouri, at the expense of the County, or the successful purchaser may designate another place for delivery, the expense of which will be paid by the purchaser.

Assessed valuation figures of Riley County, Kansas, for the year 1982, are as follows:

Equalized assessed valuation taxable, tangible property .....	\$114,875,084
Assessed tangible valuation of motor vehicles .....	\$ 17,658,975
Equalized tangible valuation for computation of bonded indebtedness limitations .....	\$132,534,059

The total bonded indebtedness of Riley County, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$779,427.06, is \$2,963,427.06, of which amount \$779,427.06 Temporary Notes will be redeemed and cancelled from the proceeds of this proposed issue of Bonds.

WANDA CODER  
County Clerk

Doc. No. 001022

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 et seq. *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

STATE PARK AND RESOURCES AUTHORITY

ADMINISTRATIVE REGULATIONS

Article 1.—GENERAL PROVISIONS

**33-1-16. Animals.** Animals and all livestock shall be prohibited. Pets shall be permitted when secured on a handheld leash less than 10 feet in length or contained within a camping conveyance, vehicle, or cage. Pets shall not be allowed on bathing beaches, either in the water or on shore, or in any public facility, except for dogs to assist the blind or hearing impaired as authorized by K.S.A 39-1102 and L. 1982, Ch. 184. Horses shall be ridden only on bridle paths or other designated areas. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective Jan. 1, 1966; amended, T-83-39, Nov. 23, 1982; amended May 1, 1983.)

**33-1-17. Firearms.** Firing of firearms, explosives, air guns, and other weapons shall be prohibited unless otherwise posted by the authority. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective Jan. 1, 1966; amended, T-83-39, Nov. 23, 1982; amended May 1, 1983.)

**33-1-20. Reserved.**

**33-1-21. Special events.** (a) Special events including, but not limited to, water carnivals, boat regattas, music festivals, dramatic presentations, special recreation programs, and gatherings of 15 or more persons where cereal malt or alcoholic beverages are present shall be prohibited unless written permission has been granted by the director of the park and resources authority or the director's designated representative. Written requests for special events shall be submitted on a prescribed form available from the Kansas park and resources authority, 503 Kansas Avenue, post office box 977, Topeka 66601, or from a state park office. Written requests for special events shall be received by the director, at the address listed above, not later than 72 hours before the event. The director may review the request for 24 hours before responding.

(b) The public shall not be charged any fee by the sponsor of the event unless the director of the park and

(continued)

resources authority or the director's designated representative has approved in writing the proposed schedule of fees. The director or the director's designated representative shall have authority to revoke permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permission or with other state park rules and regulations. Any violation shall constitute a separate violation for each calendar day in which it occurs. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective May 1, 1983.)

**Article 2.—MOTOR VEHICLE PERMITS**

**33-2-2. Special permits or passes.** (a) Upon application to, and approval by, the state park director or the director's designated representative, an annual complimentary motor vehicle park permit may be issued to residents of Kansas age 65 years and older. Applicants for the complimentary permit shall present proof of residence, age, and ownership of the motor vehicle to which the complimentary motor vehicle park permit will be affixed. Acceptable proof of residence shall be a current, valid Kansas motor vehicle registration for the vehicle on which the complimentary motor vehicle park permit will be affixed.

(b) Upon application to, and approval by, the state park director or the director's designated representative, an annual complimentary motor vehicle park permit may be issued to disabled residents of Kansas. Applicants for such a permit shall present proof of residence, disability as defined in K.S.A. 1981 Supp. 79-4502(g), and ownership of the motor vehicle to which the complimentary motor vehicle park permit will be affixed. Acceptable proof of disability shall be: (1) a copy of a social security, veteran's administration, railroad retirement, civil service, or other employer's certification of disability; or (2) a certificate of disability by a duly licensed Kansas physician on a prescribed form available from the Kansas park and resources authority, 503 Kansas Avenue, post office box 977, Topeka 66601, or from a state park office. Acceptable proof of residence shall be as defined in section (a). (Authorized by and implementing K.S.A. 1982 Supp. 74-4509b; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-77-35, July 1, 1976; amended Feb. 15, 1977; amended May 1, 1980; amended, T-83-39, Nov. 23, 1982; amended May 1, 1983.)

**33-2-4. Schedule of motor vehicle permit fees.**

One-day Temporary Motor Vehicle Permit (valid only in the park where purchased; expires at 10 a.m. on day following purchase) . . . . .	\$ 2.00
Annual Motor Vehicle Permit (for calendar year) . . . . .	\$15.00
Second Car Permit (with Annual Motor Vehicle Permit; for one additional vehicle of same owner; for calendar year) \$ . . . . .	3.00
Duplicate Permit (to replace lost, stolen, or damaged Annual Motor Vehicle Permit) . . . . .	\$ 1.00

(Authorized by and implementing K.S.A. 1982 Supp. 74-4509b; effective, T-83-39, Nov. 23, 1982; effective May 1, 1983.)

**Article 3.—OTHER FEES AND CHARGES**

**33-3-2. Nonpayment of fees and charges.** (a) The fees and charges provided in K.A.R. 33-3-3 shall apply to state parks under the jurisdiction of the park and resources authority of the state of Kansas, and any person who shall refuse to comply shall not be afforded the applicable service.

(b) For nonpayment of annual rentals for private, club, or organization cabin sites, the permit shall be terminated in accordance with the provisions set forth in the permit document.

(c) Camping fees and charges are due and payable upon entry into all state parks. Before obtaining a camping permit, all prior camping fees and charges shall be paid. Any person who is required to pay a camping fee, and refuses to pay the fee, shall be refused camping privileges and subject to penalties provided by law. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective Jan. 1, 1966; amended May 1, 1983.)

**33-3-3. Schedule of fees and charges.**

Overnight Camping (per night-per unit) . . . . .	\$ 2.00
Overnight Camping with utility charge for electricity (per night-per unit) . . . . .	\$ 4.00
Overnight Camping with utility charge for electricity, water, and sewer hookup (per night-per unit) . . . . .	\$ 5.00
Annual Camping Fee for calendar year (in lieu of \$2.00 Overnight Camping Fee) . . . . .	\$ 25.00
Duplicate Annual Camping Fee (to replace lost, stolen or damaged Annual Camping Fee) . . . . .	\$ 1.00
Utility charge for electricity (per night-per unit) with Annual Camping Fee . . . . .	\$ 2.00
Utility charge for electricity, water, and sewer hookup (per night-per unit) with Annual Camping Fee . . . . .	\$ 3.00
Annual charge for private boat dock . . . . .	\$ 10.00
Towing fee for towing boat docks and other watercraft . . . . .	\$ 10.00
Annual rental for private cabin sites . . . . .	\$100.00
Annual rental for club and organization cabin sites . . . . .	\$150.00

This regulation shall take effect on January 1, 1983. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective Jan. 1, 1966; amended, E-77-26, May 1, 1976; amended Feb. 15, 1977; amended May 1, 1980; amended, T-83-13, July 1, 1982; amended, T-83-39, Nov. 23, 1982; amended May 1, 1983.)

**33-3-4. Definitions.** For the purposes of K.A.R. 33-3-3, "camping unit" shall mean one camping entity or conveyance in which people sleep; or, for a family (residing together in one residence), an unspecified number of camping conveyances occupying one camping site, with at least one parent or legal guardian, and dependent children if present. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective, T-83-39, Nov. 23, 1982; effective May 1, 1983.)

**Article 4.—STATE PARK SYSTEM**

**33-4-8. Lake Crawford state park.** These rules shall apply to Lake Crawford state park:

(a) Vessels propelled by hand or feet and sailboats shall be permitted on the lake.

(b) Vessels propelled by motors of any size shall only be permitted on lake waters for fishing purposes,

(continued)

unless some or all of those waters are designated by posted notice authorized by the authority as being opened to some other activity.

(c) All boating shall be in accordance with rules and regulations of the state fish and game commission. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective May 1, 1983.)

**33-4-9. Lake Meade state park.** These rules shall apply to Lake Meade state park:

(a) Vessels propelled by hand or feet and sailboats shall be permitted on the lake.

(b) Vessels propelled by motors of any size shall only be permitted on lake waters for fishing purposes, unless some or all of those waters are designated by posted notice authorized by the authority as being opened to some other activity.

(c) All boating shall be in accordance with rules and regulations of the state fish and game commission. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective May 1, 1983.)

**33-4-10. Lake Scott state park.** These rules shall apply to Lake Scott state park:

(a) Vessels propelled by hand or feet and sailboats shall be permitted on the lake.

(b) Vessels propelled by motors of any size shall only be permitted on lake waters for fishing purposes, unless some or all of those waters are designated by posted notice authorized by the authority as being opened to some other activity.

(c) All boating shall be in accordance with rules and regulations of the state fish and game commission. (Authorized by and implementing K.S.A. 1982 Supp. 74-4510; effective May 1, 1983.)

LYNN BURRIS  
Director

Doc. No. 000996

## State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

#### NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

### STATE FIRE MARSHAL ADMINISTRATIVE REGULATIONS

#### Article 6.—FIREWORKS

**22-6-7. Permitted fireworks.** All pyrotechnic devices classified and labeled as class C fireworks (common fireworks) by the United States department of

transportation or interstate commerce commission, under 49 C.F.R. 173.100 (1977), may be sold, manufactured, possessed, transported or otherwise permitted for use in Kansas unless specifically prohibited by law. Prohibited devices may be used for public display purposes as provided for in K.A.R. 22-6-10 and may be possessed and transported by wholesalers and manufacturers for ultimate disposition outside the state. (Authorized by and implementing K.S.A. 31-133; effective Jan. 1, 1973; amended May 1, 1983.)

**22-6-11.** (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1983.)

**22-6-16. Registration of bottle rocket manufacturers and wholesalers.** (a) Any manufacturer or wholesaler of bottle rockets who desires to store, handle, possess, or transport bottle rockets in this state for any use outside this state shall register annually with the office of the state fire marshal.

(b) Any person desiring to store, handle, possess, or transport bottle rockets in this state shall complete a registration application furnished by the office of the state fire marshal. This application shall be completed and received by the state fire marshal's office before May 31 of each year. Each registration shall be valid for one year from June 1 to May 31 of the following year. The application shall contain name of applicant, name of business, address of business, description of business activity, destination and disposition of the bottle rockets, and any other information deemed necessary by the state fire marshal. (Authorized by and implementing K.S.A. 31-133, 31-155, 31-156; effective May 1, 1982; amended May 1, 1983.)

#### Article 7.—FLAMMABLE AND COMBUSTIBLE LIQUIDS

**22-7-1. Flammable and combustible liquids.** National fire protection association pamphlet no. 30, chapters 1 through 9, including appendices a, b, c, d and e, 1981 edition, except section 7-4.4, paragraph 7-4.4.1 through 7-4.4.4, is hereby adopted by reference. Upon application by a person aggrieved by the requirements of this regulation the state fire marshal may grant a variance from such requirements or allow additional time for such person to comply with such requirements, if, after an opportunity to investigate, the state fire marshal finds that the condition, structure or activity in noncompliance poses no life safety hazard. Such finding shall be made in writing to the aggrieved person making application. (Authorized by and implementing K.S.A. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1983.)

**22-7-4.** (Authorized by and implementing K.S.A. 1980 Supp. 31-133; effective May 1, 1981; revoked May 1, 1983.)

#### Article 8.—LIQUEFIED PETROLEUM GASES

**22-8-3. Definitions.** (a) "Check list" means the  
(continued)



written procedures to be followed when inspecting an LP gas powered motor vehicle or public transportation vehicle for proper installation.

(b) "Check list certificate" means a certificate issued to an installer or inspector permitting the installation or inspection of LP gas motor fuel kits or components on motor vehicles or public transportation vehicles.

(c) "Check list seal" means the official numbered seal issued by the state fire marshal that is placed on a LP gas powered vehicle that has successfully passed inspection.

(d) "Inspector" means a person who has been issued a check list certificate by the state fire marshal to inspect LP gas powered vehicles.

(e) "Installer" means a person, partnership, firm, association, joint-stock company, syndicate or corporation engaged in the installation, repair, or reconditioning of LP gas carburetion kits or LP gas components to be installed for motor fuel use on a public transportation vehicle, or a motor vehicle not owned by the installer.

(f) "Kit" or "component" means a unit or equipment designed for the purpose of enabling an internal combustion engine on a motor vehicle to utilize LP gas motor fuel.

(g) "LP gas motor fuel" means a material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures. This includes propane, propylene, butane (normal butane or iso-butane) and butylenes.

(h) "Motor vehicle" means a self propelled vehicle used on public highways.

(i) "Public highway" means a paved or unpaved roadway open to the use of the public for the purpose of vehicle travel, including a toll highway.

(j) "Public transportation vehicle" means a motor vehicle used to transport persons for hire, or to transport more than six unrelated persons in one vehicle.

(k) "Plot plans" means a scale drawing of the LP gas service station property showing the location of the facilities, including the location of buildings, above ground or underground tanks, dispensing units, and indicating the distances between each.

(l) "Recognized testing laboratory" means a nationally recognized testing agency approved by the state fire marshal which is staffed by qualified personnel and properly equipped to conduct the particular test in question and which is regularly engaged in conducting tests and furnishing inspection and re-examination services. The laboratories are those who publish lists of tested materials, equipment, or devices and inspection examinations and tests of the most recent production of the listed product. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

**22-8-4. Certificate, requirements.** (a) A person shall not inspect or install an LP gas motor fuel kit or components on a motor vehicle or public transportation vehicle without first obtaining a check list certifi-

cate, check list and check list seal from the office of the state fire marshal. A permit shall not be required for the following:

(1) a manufacturer of internal combustion engines which installs approved LP gas motor fuel equipment as part of the internal combustion engine manufacturing process;

(2) a person or firm in the business of repairing and handling internal combustion engines equipped with LP gas motor fuel equipment, provided that no alterations are made to the original installation of the LP gas motor fuel system. This shall not relieve a person or firm from the responsibility of performing leak checks to the LP gas motor fuel components that might have been disturbed during the handling or repair process; or

(3) a person who installs an LP gas motor fuel kit or component on a non-highway titled vehicle.

(b) Persons desiring a check list certificate shall complete an application on forms provided by the office of the state fire marshal and provide proof of liability insurance for the minimum amount of three hundred thousand dollars (\$300,000.00) single occurrence for persons who may receive damages or injuries as the result of an improper installation or inspection.

(c) A check list seal shall be placed on the lower left hand corner of the windshield by the inspector or installer. A check list seal shall become invalid and must be removed when the vehicle has been involved in an accident damaging any of the equipment or components of the LP gas motor fuel system or when title to the vehicle is transferred.

(d) A check list seal may be issued by the state fire marshal to replace a previously issued seal which has been destroyed provided the owner of the vehicle submits in writing a statement attesting to the fact that the seal was destroyed.

(e) A person shall not dispense LP gas motor fuel into a Kansas highway titled motor vehicle or public transportation vehicle if the vehicle does not bear a valid Kansas check list seal.

(f) All persons who install LP motor fuel kits or components on their own vehicles shall have them inspected by a person who holds a valid check list certificate. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

**22-8-5. Plot plans.** A person planning to operate a public LP gas service station shall submit a plot plan to the office of the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

## Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

**22-10-1. Certification standards, definitions.** (a) "Business" means any person or firm who inspects, services or installs portable fire extinguishers or auto-

(continued)



matic fire extinguishers for commercial cooking equipment. "Business" does not include any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or any individual acting as a representative or employee of a certified business.

(b) "Certificate" means a written document issued by the state fire marshal that authorizes a business to perform the act or acts permitted by these regulations.

(c) "Certified firm" means a business having a valid registration certificate issued by the state fire marshal.

(d) "Charge" means to fill and make ready for use a portable fire extinguisher or fixed extinguishing system cylinder or container.

(e) "Class" or "classes" mean the specific function or functions that a business is authorized to perform under these regulations.

(f) "Department of transportation (DOT) cylinder" means a cylinder manufactured and tested in compliance with specifications of the United States department of transportation.

(g) "Engineered system" means a fixed extinguishing system that requires individual calculation and design to determine the flow rates, nozzle pressure, quantities of extinguishing agent and the number and types of nozzles and their placement in a specific system.

(h) "Firm" means any person, partnership, corporation, association or business which installs, services, charges, recharges or inspects any portable fire extinguisher or fixed extinguishing system, unless otherwise exempted by these regulations.

(i) "Fixed extinguishing system" means an automatic fire extinguisher for commercial cooking equipment.

(j) "Hydrostatic testing" means the pressure testing of cylinders and containers by approved hydrostatic methods.

(k) "Portable fire extinguisher" means a device that contains within it chemical fluids, powder, or gases for extinguishing fires and has a label of approval attached by a nationally recognized testing laboratory.

(l) "Pre-engineered system" means a fixed extinguishing system with predetermined flow rates, nozzle pressures, and quantities of extinguisher agents.

(m) "Recognized testing laboratory" means a nationally recognized testing agency approved by the state fire marshal which is staffed by qualified personnel and properly equipped to conduct the particular test in question and which is regularly engaged in conducting tests and furnishing inspection examinations and tests of the most recent production of the listed product.

(n) "Registration certificate" means a certificate issued by the state fire marshal to a business indicating the class or classes of acts that the business is authorized to do.

(o) "Self-contained cooking equipment" means a unit of cooking equipment manufactured with a grease collection and vapor removal apparatus as an integral

part of the unit and provided with or designed for the installation of a fixed extinguishing system.

(p) "Service" means to conduct a "thorough check" of a portable fire extinguisher or fixed extinguishing system including charging, maintaining, recharging, repairing, testing or tagging necessary to assure that the portable fire extinguisher or fixed extinguishing system will operate properly.

(q) "Test" means to subject any portable fire extinguisher or fixed extinguishing system to any procedure necessary to insure its proper operation or installation. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-2. Applicability.** (a) These regulations shall apply to:

(1) businesses which service, charge, recharge, install or inspect portable fire extinguishers;

(2) businesses which service, charge, recharge, install or inspect fixed extinguishing systems;

(3) businesses which conduct hydrostatic tests of a portable fire extinguisher or fixed extinguishing system cylinder or container;

(4) any combination of (1), (2) or (3); or

(5) a business that has employees who service, recharge or inspect only the portable fire extinguishers owned and used only by the business.

(b) These regulations shall not apply to:

(1) any manufacturer who charges a portable fire extinguisher or fixed extinguishing system cylinder or container prior to its initial sale;

(2) any business engaged in the sale of approved portable fire extinguishers but not engaged in the servicing, charging, recharging, installing or inspection of portable fire extinguishers; or

(3) any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-3. Registration certificates.** (a) Each business who services, recharges, installs or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempt by these regulations. The registration certificate shall indicate the class or classes of acts that are authorized. A certified business shall be allowed to take orders for a class or classes of acts that are not authorized by the registration certificate, provided that these orders are consigned to another business that is certified to perform the necessary class or classes of acts indicated by the order.

(b) The registration certificate shall indicate one (1) or more of the following class or classes:

(1) class RA which permits servicing, charging,

(continued)

recharging, installing or inspecting fixed extinguishing systems;

(2) class RB which permits servicing, charging, recharging, installing or inspecting portable fire extinguishers; or

(3) class RC which permits hydrostatic testing of non-DOT cylinders such as wet chemical or dry chemical containers.

Only those acts permitted by the class or classes of the certificate can be undertaken by the business holding the certificate.

(c) A business that desires to obtain a registration certificate shall make a verified, written application to the state fire marshal. The application shall be signed by the sole proprietor, or each partner, or by an officer of the corporation, firm or business. The state fire marshal shall make application forms available on request.

(d) For a class RA registration certificate the following items shall accompany the application:

(1) proof of insurance providing a minimum of three hundred thousand dollars (\$300,000) coverage for comprehensive general liability for bodily injury and property damage;

(2) written authorization from each fixed extinguishing system manufacturer whose products are used by the business. This authorization shall include the type or types of systems the business is authorized to install or service; and

(3) the amount of fifty dollars (\$50). No fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivision.

(e) For a class RB or RC registration certificate, proof of insurance which provides a minimum of fifty thousand dollars (\$50,000) coverage for comprehensive general liability for bodily injury and property damage and the amount of twenty-five dollars (\$25) shall accompany the application. No fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivisions.

(f) If the state fire marshal finds, after reviewing a business' application, insurance information, record of services, servicing and shop facilities and methods and procedures of operations, that the granting or renewing of a registration certificate would not be contrary to public safety and welfare, the state fire marshal shall issue or renew the appropriate class or classes of registration certificate requested by the business. The state fire marshal shall assign an identifying number to each registration certificate.

(g) A registration certificate issued by the state fire marshal is valid for one (1) calendar year January 1 through December 31. Renewal applications shall be submitted to the state fire marshal by November 30 of the year of expiration. Renewal applications shall include the same items required in sections (d) and (e) of this regulation.

(h) Evidence of alteration of a registration certificate shall render the certificate invalid and the altered

certificate shall be surrendered to the state fire marshal.

(i) A location or ownership change by a certified business shall be reported to the state fire marshal in writing at least fourteen (14) days before the change. A failure to notify the state fire marshal may render the registration certificate invalid. A location or ownership change shall be verified by the state fire marshal or an authorized deputy.

(j) Every registration certificate issued by the state fire marshal shall be posted on the premises of the certified location and shall be available for inspection during normal business hours by the general public or the state fire marshal or a duly authorized deputy.

(k) A duplicate registration certificate may be issued by the state fire marshal to replace a previously issued registration certificate which has been lost or destroyed. A certified business requesting a duplicate certificate shall submit in writing a statement attesting to the fact that the registration certificate has been destroyed.

(l) A registration certificate shall not constitute authorization for a certified business or any of its employees to enter any property or building. A registration certificate shall not constitute authorization for a holder of a registration certificate or any of the certificate holder's employees to enforce any provisions of these regulations.

(m) Each business performing hydrostatic testing of cylinders manufactured in accordance with the specifications and procedures of the United States department of transportation shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall have a valid hydrostatic testing certificate issued by the department of transportation. All hydrostatic testing of DOT cylinders after the expiration date of the hydrostatic testing certificate issued by the United States department of transportation shall be prohibited.

(n) A certified business shall perform the servicing, charging, recharging, installing or inspecting of portable fire extinguishers or fixed extinguishing systems or hydrostatic testing on non-DOT cylinders in accordance with these regulations and the applicable adopted standards pertaining to those acts.

(o) A certified business installing fixed extinguishing systems shall provide the state fire marshal with written notification of a new installation of a fixed extinguishing system in this state. This notification shall contain: the name of the business and the location of the installation; references to the manufacturer's appropriate installation manual and to the section by which the system was installed; the date of installation; the name, address and certificate number of the business making the installation; the make and model of the system; and a rough draft of the piping layout and nozzle placement.

(p) All new installations of fixed extinguishing systems shall be designed and installed in compliance with the following:

(1) national fire protection association pamphlet no. 17, standards for dry chemical extinguishing systems,

(continued)

1980 edition, as adopted by reference in K.A.R. 22-10-14;

(2) national fire protection association pamphlet no. 96, standards for the removal of smoke and grease laden vapors from commercial cooking equipment, 1980 edition, as adopted by reference in K.A.R. 22-10-13; and

(3) the appropriate manufacturer's design specifications.

(q) A new installation of a fixed extinguishing system may be permitted in an existing range hood for vapor removal not strictly in compliance with national fire protection association pamphlet no. 96 provided the state fire marshal determines that no distinct life safety hazard would result.

(r) The installation of fixed extinguishing systems in self-contained cooking equipment need not comply with national fire protection association pamphlets no. 17 and 96 if it is designed and installed according to the manufacturer's specifications. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-4.** (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; revoked, T-83-31, Oct. 25, 1982; revoked May 1, 1983.)

**22-10-6. Requirements.** The requirements for the servicing, charging, recharging, installing or inspecting or hydrostatic testing of portable fire extinguishers or fixed extinguishing systems shall be performed in accordance with these regulations and the manufacturer's recommended procedures at the time of installation. All businesses installing and servicing fixed systems shall be approved or certified by the manufacturer. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-9. Service tags.** (a) A new service tag shall be attached to the portable fire extinguisher or fixed extinguishing system in a position that shall be convenient to inspect, but shall not hamper the operation or removal of the portable fire extinguisher or activation of the fixed extinguishing system.

(b) Each service tag shall contain:

- (1) servicing business' name;
- (2) address of the servicing business;
- (3) registration certificate number;
- (4) type of service performed;
- (5) date the service is performed;
- (6) label "do not remove by order of the state fire marshal";
- (7) signature of the service person; and
- (8) type of extinguisher.

(c) Service tags shall be printed for a minimum of two years use. Service tags shall be approximately two and one-half (2½) inches in width and not more than five and one-half (5½) inches in length.

(d) Every tag attached to an extinguisher serviced by a certified business after January 1, 1983 shall conform to these regulations.

(e) All required information shall appear on one (1) side of the service tag. Other desired printing or information shall be placed on the reverse side of the tag.

(f) A person shall not remove a service tag except when further service is performed. A person shall not deface, modify, or alter a service tag attached to a portable extinguisher or fixed extinguishing system. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-10. Denial, refusal, suspension, or revocation.** A registration certificate that has been duly issued by the office of the state fire marshal or has been applied for may be denied, suspended, revoked, or renewal refused, if the office of the state fire marshal finds from available evidence that the individual or business has violated any provisions of the Kansas fire prevention code or these regulations. A person or business aggrieved by an order of the office of the state fire marshal may seek an appeal and hearing under the provisions of K.S.A. 31-140, 31-141, and 31-142 by filing a notice of appeal in the office of the state fire marshal within ten (10) days from the date of the service of this order. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-11. Approval of fixed extinguishing systems.** (a) The state fire marshal, or a deputy state fire marshal, shall have the authority to approve or disapprove any fixed extinguishing system installed in this state. This determination shall be made pursuant to K.A.R. 22-10-13 and 22-10-14 or to the manufacturer's installation instructions.

(b) When a fixed extinguishing system is disapproved, written notification of this disapproval shall be forwarded to the business making the installation and to the owner or occupant of the premises where the fixed extinguishing system is installed. This written notification shall include the reason or reasons why the fixed extinguishing system was disapproved. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-12. Portable fire extinguishers.** National fire protection association pamphlet no. 10, chapters one (1) through five (5), including appendices a, b, c, d, e, f and g, 1981 edition, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-13. Commercial cooking equipment duct**  
(continued)

system. National fire protection association pamphlet no. 96, 1980 edition, chapters one (1) through nine (9) including appendix a is hereby adopted by reference with the exception that existing systems with electrically heated equipment other than deep fat fryers need not be automatically shut off upon activation of the extinguishing system. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; as amended by L. 1982, Ch. 169; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**22-10-14. Dry chemical extinguishing systems.** National fire protection association pamphlet no. 17, chapters one (1), two (2) and four (4), except section 4-4, including appendix a, 1980 edition, is hereby adopted by reference with the exception that existing systems with electrically heated equipment other than deep fat fryers need not be automatically shut off upon activation of the extinguishing system. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983.)

**Article 11.—ADULT CARE HOMES, HOSPITALS, RESIDENTIAL CARE FACILITIES AND MATERNITY CENTERS**

**22-11-1. Life safety code adopted; adult care homes and hospitals.** National fire protection association, life safety code, pamphlet no. 101, 1967 edition, sections 10-0001 through 10-1414, is hereby adopted by reference. The provisions of sections 10-0001 through 10-1414 shall apply to adult care homes and hospitals. (Authorized by and implementing K.S.A. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1983.)

**22-11-2. Life safety code adopted; existing adult care homes and hospitals.** National fire protection association, life safety code, pamphlet no. 101, 1967 edition, sections 10-211 through 10-2413, is hereby adopted by reference. The provisions of sections 10-211 through 10-2413 shall apply to existing adult care homes and hospitals. (Authorized by and implementing K.S.A. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1983.)

**22-11-7. Life safety code adopted; adult care homes for the mentally retarded.** National fire protection association, life safety code, pamphlet no. 101, 1967 edition, section 11-5 pertaining to lodging and rooming houses is hereby adopted by reference. The provisions of section 11-5 shall apply to adult care homes for the mentally retarded with 15 beds or less. (Authorized by and implementing K.S.A. 31-133, 31-147; effective May 1, 1983.)

**22-11-8. Life safety code adopted; one and two bed adult care homes and three and four bed boarding care adult care homes.** (a) National fire protection association, life safety code, pamphlet no. 101, 1981 edition, chapter 20 pertaining to lodging and rooming

houses is hereby adopted by reference. The provisions of chapter 20 shall apply to one and two bed adult care homes and three and four bed boarding care adult care homes.

(b) A life safety code inspection of a home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137 upon request from the Kansas department of health and environment.

(c) Mobile non-ambulatory residents shall only be housed on the ground level of a home provided handicap accommodations for exiting are present. Ambulatory residents may be housed on any level of a home. Non-ambulatory persons shall not be allowed as residents. As used in this paragraph "mobile non-ambulatory" means unable to walk without assistance but able to move from place to place with the use of a device such as a walker, crutches, wheel chair or wheeled platform. "Ambulatory" means able to walk without assistance. "Non-ambulatory" means unable to walk with or without assistance of a device or another person.

(d) The following fundamental fire and life safety requirements shall be imposed in all one and two bed adult care homes and three and four bed boarding care adult care homes in addition to chapter 20 of the life safety code:

(1) Emergency lighting shall be provided to insure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors and fire extinguishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequent as is necessary to insure orderly egress in case of an emergency.

(4) All exits and routes to all exits shall be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) All exits shall be arranged and maintained to provide free unobstructed egress. No locks or fastening devices shall be installed to prevent free escape from inside of the building.

(6) All buildings shall be constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its residents from fire, smoke, fumes and panic during emergency situations. (Authorized by and implementing K.S.A. 31-133, 31-147; effective May 1, 1983.)

EDWARD C. REDMON  
State Fire Marshal

Doc. No. 000979

## State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS****NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**FISH AND GAME COMMISSION  
ADMINISTRATIVE REGULATIONS****Article 1.—GAME BIRDS**

**23-1-11. Retrieval and possession of game birds.** It shall be unlawful for any person while hunting to fail to: (1) make an effort to retrieve any game bird which is crippled or killed by that person; or (2) include any retrieved bird in the bag or possession limit established for that type of bird; or (3) retain any bird in possession until reaching their place of residence, or until disposed of by gift or consumption. It shall not be deemed unlawful for a person to relinquish possession of a game bird for the purpose of dressing. Pheasants in possession for the purpose of transportation shall retain intact a foot, plumage or some part whereby the sex may be readily established. (Authorized by and implementing K.S.A. 32-152, 32-215; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983.)

**Article 2.—GAME ANIMALS**

**23-2-14. Antelope and deer; season restrictions.** (a) Equipment definitions:

(1) Long bows and compound bows are those that have at least 45 pounds pull up to or at full draw. All arrows shall be equipped with broadhead points.

(2) Centerfire (single shot, bolt action, lever action, slide-action and semi-automatic) rifles are those that fire a bullet which is greater than .23 inch in diameter and use a cartridge (case and bullet) greater than two inches in length. Only soft point, hollow point, or other expanding bullets shall be used.

(3) Muzzleloading rifles are those that fire a bullet of .40 inch in diameter or larger and are capable of using only components loaded separately through the front of the firing chamber.

(4) Shotguns are those that are 20 gauge or larger using only rifled slugs.

(b) Carcass tag. A permittee shall have in possession a carcass tag whenever hunting antelope or deer. Removal of the carcass tag from the permit shall invalidate that permit for future hunting. The carcass tag shall be dated and signed when attached to the carcass by the permittee. Legally acquired antelope or deer meat may be given to, and processed, by another,

provided a written notice accompanies the meat which will include the donor's name and address.

(c) Informational cards. All hunters shall report the results of their hunt within 48 hours after the close of the season on the informational card.

(d) Legal archery equipment for taking antelope or deer with an archery permit shall be long bows and compound bows.

(e) Legal hunting equipment for the firearm antelope season in Kansas shall be centerfire rifles, muzzleloading rifles, long bows and compound bows.

(f) Legal hunting equipment for the firearm deer season in Kansas shall be centerfire rifles, muzzleloading rifles and shotguns. A .44 magnum shall be a legal cartridge in a rifle or carbine under a firearms deer permit.

(g) An archery permittee shall not have any type of firearm on their person when hunting antelope or deer.

(h) Muzzleloader permittees shall not have a rimfire or centerfire firearm on their person when hunting deer or antelope.

(i) No permit, once issued, shall be transferable and a refund shall not be granted. A refund may be granted in the case of death prior to the opening date of the season.

(j) The commission shall reserve the right to reject a permit application or revoke a permit at any time if there is false representation or misrepresentation in completing or obtaining the application or permit.

(k) A person shall not submit more than one application for an antelope permit or apply for both an archery and a firearm permit. Applicants applying for more than one permit shall be ineligible to receive any antelope hunting permit for the year in which the applications were made.

(l) A person shall not submit more than one deer application for a permit or apply for both an archery and a firearm permit. Applicants applying for more than one permit shall be ineligible to receive any deer hunting permit for the year in which the applications were made. Residents may apply for an archery permit if unsuccessful in the firearms deer application drawing, provided that application is authorized by the commission.

(m) Persons who are not landowners, tenants, or members of the immediate family who reside with landowners or tenants as described in K.S.A. 32-179 shall be ineligible to apply for landowner-tenant permits for deer or antelope. Non-residents shall be ineligible to apply for deer or antelope permits.

(n) All persons who received firearms deer permits in the previous open season shall not be eligible to receive firearms deer permits in the next open season unless the management unit and permit category for which they applied is under-subscribed.

(o) Persons who received antelope permits in either of the previous two seasons shall not be eligible to receive antelope permits in the next open season unless the management unit and permit category for which they applied is under-subscribed.

(p) Persons unsuccessful in obtaining a firearms

(continued)



deer permit through the drawing process during the previous four firearm deer seasons shall be granted priority in the permit drawing for the succeeding year. This provision shall be in effect commencing with the 1984 firearms deer seasons. (Authorized by and implementing K.S.A. 32-164, 32-178, 32-179; effective May 1, 1981; amended May 1, 1983.)

### Article 3.—FISH

**23-3-1.** (Authorized by K.S.A. 32-215; implementing K.S.A. 32-161; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-76-16, March 27, 1975; amended May 1, 1976; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-3-3.** (Authorized by K.S.A. 32-224, 32-225; effective Jan. 1, 1966; amended May 1, 1976; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-3-5.** (Authorized by K.S.A. 32-161, 32-164, 32-215; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1978; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-3-6.** (Authorized by K.S.A. 32-161, 32-170; effective Jan. 1, 1966; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-3-7.** (Authorized by K.S.A. 32-161, 32-161a, 32-161b; effective Jan. 1, 1968; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-3-8. Fishing; definitions.** The following definitions shall apply to all regulations compiled by the fish and game commission relating to fishing.

**Nonsport fish:** Carp, drum, white amur, threadfin and gizzard shad, goldfish, gar, suckers (shall include carpsuckers and buffalo), eel, sturgeon, goldeye and bowfin.

**Sport fish:** Northern pike, walleye, sauger, yellow perch, striped bass, white bass, black bass (large-mouth, spotted and smallmouth), striped bass hybrid, rainbow trout, brown trout, muskellunge, tiger muskie, channel catfish, blue catfish, flathead catfish, paddlefish, panfish (bullhead, black and white crappie, blue gill, redear sunfish, green sunfish, war-mouth, rock bass).

**Bait fish:** Minnow or carp family (Cyprinidae), sucker family (Catostomidae), top minnows or killifish family (Cyprinodontidae), shad family (Clupeidae), sunfish family (Centrarchidae), specifically excluding black basses. Bait fish exclude any of those fishes specifically named by regulation as a Kansas threatened or endangered species.

**Take:** To seize, catch, capture, kill, have in possession, or to attempt to seize, catch, capture, kill, or have in possession.

**Possession limit:** The maximum total number of a species that can be retained per person at any one time.

**Creel limit:** The maximum total number of a species that can be taken per person in a calendar day.

**Calendar day:** A twenty-four (24) hour period from midnight to midnight.

**State fishing lakes:** Lakes owned or leased by the Kansas fish and game commission.

**Seine:** A net with a float line and lead line designed to be pulled through the water for the purpose of catching fish.

**Fish trap:** A device for catching fish consisting of a net or other structure which diverts the fish into an enclosure arranged to make escape more difficult than entry.

**Dip net:** A small net with rigid support about the mouth.

**Cast net:** A circular or conical weighted net designed to be cast mouth downward by hand and withdrawn by lines attached to its margin.

**Total fish length:** The length as measured from the tip of the snout to the end of the tail with mouth closed and the tail lobes pressed together.

**Skin and scuba diving:** To swim or dive equipped with a face mask or goggles allowing underwater vision where the person may or may not be equipped with underwater breathing apparatus.

**Speargun:** A device used to propel a spear through the water by mechanical means or compressed gas.

**Bow:** A non-mechanical device made of metal, wood, fiberglass, or plastic, curved with a cord that connects the two ends, designed to propel an arrow. This includes long and compound bows.

**Arrow:** A missile shot from a bow.

**Daylight hours:** Hours of the day between one-half (½) hour before sunrise and one-half (½) hour after sunset.

**Snagging:** The hooking of fish in any part of its anatomy other than the inside of the mouth.

**Gig:** A hand operated spear with barbed prong(s).

**Spring gig:** A hand operated, spring activated, grasping device.

**Lines:** Any hand operated string or cord, utilizing hooks and may or may not be used in conjunction with rods, poles or reels.

**Trotline:** A line anchored at one point with more than two (2) hooks and not more than twenty-five (25) hooks and not associated with a hand operated mechanical reel.

**Setline:** A line anchored at one point, with two (2) hooks or less and not associated with a hand operated mechanical reel.

**Tip-ups:** An ice fishing device designed to signal the strike of a fish.

**Hook:** A device with a single shaft and one or more barbed hooks used for catching fish. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-9. Fishing; open season.** The open season for the taking of fish in Kansas shall be January 1 to December 31, both dates inclusive, except those areas closed by posted notice or where it is necessary to close certain areas to public fishing for specific hours by the director's actions. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-10. Fishing methods.** (a) It shall be lawful for  
(continued)

a person to operate or have set two (2) lines with not more than two (2) baited hooks or artificial lures per line, one (1) trotline, or eight (8) setlines. Trotlines and setlines shall not be used on state fishing lakes unless the lake is posted to allow their use. All lines, trotlines and setlines shall be checked at least once every twenty-four (24) hours.

(b) Each trotline, setline, tip-up and unattended line shall have a tag or label securely attached designating the name and address of the operator. It shall be lawful to use a trotline or setline one hundred and fifty (150) yards or more from any dam or one hundred and fifty (150) yards or more from the mouth of any stream.

(c) Fish are legally taken by hook and line when hooked within the mouth. Fish hooked elsewhere shall be returned unrestrained to the water immediately or it shall be deemed to have been snagged.

(d) Eight (8) tip-ups may be used for ice fishing in addition to the allowed two lines except on state fishing lakes. Two tip-ups may be used for ice fishing on state fishing lakes instead of the allowed two lines. Tip-ups shall have a maximum of two (2) hooks each. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-11. Taking of fish by bow and arrow, snagging and spear fishing.** (a) It shall be lawful to take nonsport fish during the open fishing season with a bow and arrow in all waters of the state except those waters or portions of those waters posted closed to bow and arrow fishing and all areas within a distance of fifty (50) yards of an occupied boat dock, occupied swimming area or occupied picnic area. Legal equipment shall be a bow and arrow; arrows shall have a barbed head with a line attached from bow to arrow.

(b) It shall be lawful to take nonsport fish and paddlefish by snagging or giggering in water areas opened by posted notice of the commission.

(c) It shall be lawful to take nonsport fish with a spear or spear gun while skin and scuba diving during daylight hours, subject to the following conditions:

(1) Each spear shall have a barbed head and be attached to the gun or person by a line;

(2) A spear gun or spear shall not be used which incorporates an explosive charge of any type; and

(3) Scuba diving shall be in compliance with K.S.A. 82a-821 and 822. The director, by posted notice, may open certain water areas for the taking of one or more species of sport fish for a specified time, subject to creel and possession limits. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-12. Frogs; lawful methods, open season and creel.** It shall be lawful to take bullfrogs by hand; hand dip net; hook and line; bow and arrow with barbed head and line attached from bow to arrow. The taking of bullfrogs by bow and arrow is limited to daylight hours only.

The open season for taking of bullfrogs shall be July 1 to October 31, both dates inclusive, with a daily creel limit of eight (8). (Authorized by K.S.A. 32-164;

implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-13. Taking of bait fish or minnows.** Bait fish may be taken for noncommercial purposes by the following methods: seine not longer than fifteen feet (15') and four feet (4') deep with mesh not larger than one-fourth inch (1/4"); fish trap with mesh not larger than one-fourth inch (1/4") and throat not larger than one inch (1") in diameter; or a dip or cast net with mesh no larger than one-fourth inch (1/4").

Bait fishes taken shall not exceed twelve inches (12") in total length and shall be restricted to a possession limit of five hundred (500) per person.

The taking of bait fishes shall be allowed statewide except on state fishing lakes. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-14. Fishing; wanton waste.** Fish taken shall be retained in possession until dressed, transported to a person's domicile, place of commercial preservation, returned to the waters from which taken, or disposed of at a location designated by the fish and game commission. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-15. Fish salvage procedures.** It shall be legal to take fish by designated methods when a fish salvage condition is designated by the director and accomplished through public notice or posting the area open to fish salvage. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-16. Commercial fishing.** (a) Areas open to commercial fishing shall include the portion of the Missouri River that borders on the state of Kansas (including bayous and backwaters, but not including tributaries) and other waters as designated by contract or permit.

(b) The permit or contract shall designate the species and size of fish which may be harvested, the type of equipment and gear legal for commercial harvest, and the method of operation. The permit shall be carried when engaged in commercial fishing.

(c) The commercial fisherman shall securely attach to each piece of his or her commercial fishing equipment, at a point on or nearest to the surface of the water, a tag supplied by the fish and game commission.

(d) A commercial fisherman shall make a written record, in duplicate, of a sale or exchange of commercial fish and shall furnish the purchaser with a copy of the report. One copy shall be retained and subject to examination by all law enforcement officers.

(e) A commercial fisherman shall submit a monthly report and a notarized annual report to the director of the Kansas fish and game commission, Pratt, Kansas, on forms supplied by the commission. The monthly report shall be made within ten (10) days following the close of the previous month. The reports shall show the quantity and species of fish taken, equipment used

(continued)



to take the fish, and other information as may be requested in the report.

(f) Commercial fishermen duly licensed by the state of Missouri may, without further license, fish as permitted by the state of Kansas and regulations of the fish and game commission, in the flowing portion of the Missouri River forming a common boundary between the two states, but not in the tributaries, bayous, nor backwaters. Missouri commercial fishermen shall not fish from or attach any device or equipment to land under the jurisdiction of Kansas. This reciprocal privilege is contingent upon the state of Missouri recognizing the same privileges for the duly licensed commercial fishermen of Kansas.

(g) The permit shall be secured from the office of the director, fish and game commission, Pratt, Kansas, by making application using the form as provided by the director and furnishing the information requested in the form, and by remitting with the application a permit fee of twenty-five dollars (\$25). All fees shall be remitted by the director to the state treasurer for credit to the fish and game commission fee fund. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

**23-3-17. Mussel fishing; license and regulation.** (a) An individual desiring to take mussels from the waters of the state, including that part of the Missouri River bordering on the state, shall make application to the director of the fish and game commission. The application shall state the name and residence of the applicant, the location, and the extent of the waters from which the mussels will be taken. The license shall designate the areas where the mussels are to be harvested. The license shall entitle the licensee to have in his or her possession mussels or shells in any quantity, and to sell, ship or transport from within or without the state. A mussel of less than one and three quarters inches (1 $\frac{3}{4}$ " in largest dimension shall be returned to the water immediately.

(b) The licensee shall report to the director of the fish and game commission before the 31st day of December of each year the amount of mussels taken by him or her under his or her license the previous year. The licensee shall pay to the director of the fish and game commission the license fee as prescribed by rule and regulation adopted under K.S.A. 32-164b for a resident or a nonresident. The licenses shall expire on the 31st day of December of each year. All money arising from the sale of the licenses shall be remitted quarterly to the state treasurer by the director of the fish and game commission and shall become a part of the fish and game commission fee fund.

(c) Failure or refusal to return the annual report shall result in the non-reissuance of a permit for the following year. The director may refuse to issue, or revoke a mussel fishing license when in his or her judgment the licensee is not cooperating in supplying requested information or his or her operation is detrimental to the management of the mussel resource. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-189; effective, T-83-3, Jan. 7, 1982; effective May 1, 1983.)

#### Article 4.—COMMERCIAL FISHING

**23-4-1 to 23-4-4.** (Authorized by K.S.A. 32-161, 32-164, 32-181, 32-185; effective Jan. 1, 1966; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

**23-4-5 to 23-4-7.** (Authorized by K.S.A. 32-185; effective Jan. 1, 1966; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

#### Article 5.—FROGS

**23-5-1.** (Authorized by K.S.A. 32-164; implementing K.S.A. 32-161, 32-164; effective Jan. 1, 1966; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

#### Article 6.—FURBEARERS

**23-6-3.** (Authorized by and implementing K.S.A. 32-158, 32-164; effective Jan. 1, 1971; revoked May 1, 1983.)

#### Article 6.—CYANIDE GAS OR OTHER POISONOUS GAS, GUN, BOMB, OTHER DEVICE; USE IN WILDLIFE CONTROL

**23-6-7. Cyanide gas or other poisonous gas, gun, bomb, other device; use in wildlife control.** Subject to federal and state laws, and rules and regulations, cyanide gas or other poisonous gas guns or devices may be used in duly authorized wildlife control programs subject to the limitations and restrictions that follow:

(a) A permit for use of cyanide gas or other poisonous gas guns or devices shall be secured from the director, fish and game commission, Pratt, Kansas 67124. A permit shall be issued by the director only upon the recommendation of Kansas state university extension wildlife damage control specialists or the state zoologist.

(b) The application for permit shall be made on forms provided by the commission and shall include a legal description of the property on which the cyanide gas or other poisonous gas guns or devices will be operated.

(c) Permits shall be limited to landowners and legal tenants of land and shall be applicable and valid only on land legally owned or leased.

(d) Permit duration shall not exceed the period recommended by the Kansas state university extension wildlife damage control specialists or the state zoologist. The permit duration shall not exceed 120 days.

(e) Warning signs indicating use of cyanide gas or other poisonous gas guns or devices shall be conspicuously placed at all property access points and corners. One elevated warning sign shall be placed within six feet of any cyanide gas or other poisonous gas gun or device. Signs shall only be posted while the cyanide gas or other poisonous gas guns or devices are in use. Signs used shall be approved by both the director, fish and game commission, and the Kansas state university wildlife damage control specialists.

(f) All persons issued permits shall maintain records of use of cyanide gas or other poisonous gas guns or devices on forms provided by the commission. The

(continued)

records shall be submitted to the director, fish and game commission, within 30 days of permit expiration.

(g) Cyanide gas devices and all necessary materials, supplies, and equipment (including signs) shall be available only through the Kansas state university wildlife damage control specialists on a demonstration or loan basis.

(h) All use of cyanide gas or other poisonous gas guns or devices shall be in conformity with conditions specified on the permit.

(i) The director shall have the right to refuse to issue a permit for use of cyanide gas or other poisonous gas guns or devices when the director has determined there is: a lack of justification or information; incorrect information; prior history of permit abuse by the applicant or lack of cooperation; or potential danger to the public, natural resources, or environment. (Authorized by and implementing K.S.A. 32-158, 74-3302; effective May 1, 1983.)

### Article 8.—WILDLIFE AREAS

**23-8-2. Certain acts prohibited in wildlife areas.** (a) Possession of loaded firearms or discharging firearms for any purpose in wildlife areas is prohibited, except:

(1) For hunting in areas that may be designated as hunting areas by the commission;

(2) During an authorized field trial event; and

(3) During a special activity authorized in writing by the director.

(b) Fishing is prohibited in all wildlife areas, except those areas or portions of areas that may be opened to fishing by the commission by posted notice.

(c) Throwing trash, waste, or refuse on the ground or in the waters; the misuse and abuse of property; or the use of facilities as toilets or for refuse disposal, except those provided for those purposes, is prohibited.

(d) Starting or building a fire in a posted non-fire area, allowing a fire to cause damage to grounds or facilities, or leaving a fire unattended is prohibited.

(e) Except as otherwise provided, dogs not controlled with chain or leash, or confined to a motor vehicle, trailer, or cabin, are prohibited from wildlife areas. Dogs not so confined or controlled shall be permitted on those portions of the areas which are open for hunting during legal open seasons, authorized field trial events or non-commercial dog training, as prescribed by rules and regulations.

(f) The speed limit for all vehicles operating within wildlife areas shall not exceed twenty-five (25) miles per hour except where otherwise posted.

(g) Horseback riding and the operation of automobiles and other vehicles in wildlife areas is restricted to maintained roads and to parking areas unless posted otherwise.

(h) A person shall not camp or remain in a wildlife area for a period longer than seven (7) consecutive days. A twenty-four (24) hour absence of persons, equipment or vehicles is required between each camping period of seven (7) consecutive days.

(i) Disorderly conduct in wildlife areas shall include drunkenness, vile language, fighting, disturbing

the public peace, and personal exposure by removal or change of clothing in any place where a person is not properly sheltered, is prohibited.

(j) The destruction of or injury to any sign, guidepost, property, vegetation or habitat in any wildlife area is unlawful.

(k) It shall be illegal to bathe, swim or wade in state fishing lakes except in areas posted for this activity, provided wading shall not be illegal as part of the fishing, hunting, bull-frogging and trapping activity.

(l) The discharging or use of fireworks in a wildlife area is unlawful except with the written consent of the fish and game commission and under conditions specified by the commission for special events.

(m) The drinking, display or sale of alcoholic liquors within a wildlife area is prohibited. In the event the director deems it advisable to close certain areas to the use of beer or malt beverages containing not more than three and two-tenths percent (3.2%) of alcohol by weight, said areas may be posted closed for such periods as is necessary.

(n) The catching or taking of minnows in any manner from any wildlife area is prohibited except that bait minnows may be taken from Cheyenne Bottoms Wildlife Area under conditions prescribed by the director, and from federal reservoir waters.

(o) Private construction of a building, boat dock, fishing dock, launching ramp, tables, or other equipment or facilities on wildlife areas is prohibited except as may be permitted by commission regulation or by special permit from the director. (Authorized by and implementing K.S.A. 32-224; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1980; amended, T-83-3, Jan. 7, 1982; amended May 1, 1983.)

**23-8-11. Wildlife areas; use restrictions.** (a) Hunting, shooting, killing, taking, trapping, injuring, pursuing, molesting, or disturbing in any way any bird or animal on or within wildlife areas shall be prohibited, except areas or portions of areas as may be opened, during the legal open season or some part of it, to any of these activities by commission regulation or by posted notice. In the event the director deems it advisable or necessary to restrict the use of hunting equipment on those wildlife areas open to hunting, the director may effect the restrictions by posted notice. In the event the commission deems it advisable or necessary to restrict any public use on any wildlife area or portions of an area, the commission may effect restrictions by posted notice.

(b) Blinds may be used on any wildlife area, but shall be portable or on a temporary basis constructed of natural materials available on the blind site. The digging of holes or pits shall be prohibited. (Authorized by and implementing K.S.A. 32-224; effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1983.)

**23-8-12.** (Authorized by K.S.A. 32-224, 74-3302; effective Jan. 1, 1966; amended May 1, 1976; amended May 1, 1980; revoked, T-83-3, Jan. 7, 1982; revoked May 1, 1983.)

(continued)

**Article 11.—BOATING**

**23-11-5.** (Authorized by K.S.A. 82a-804; effective Jan. 1, 1966; amended, E-71-20, April 28, 1971; amended Jan. 1, 1972; amended May 1, 1979; revoked May 1, 1983.)

**Article 18.—FEES**

**23-18-1.** Amount of fees. (a) On and after May 1, 1983, through and including December 31, 1983, the following fees shall be in effect:

Resident hunting license	\$ 8.00
Nonresident hunting license	40.00
Resident fishing license	8.00
Nonresident fishing license	20.00
Resident duplicate license or permit (hunting, fishing, furharvester)	3.00
Nonresident duplicate license or permit (hunting, fishing, furharvester)	3.00
Resident fur dealer license	100.00
Combination resident hunting and fishing license	16.00
Nonresident fur dealer license	200.00
Controlled shooting area hunting license	8.00
Resident mussel fishing license	25.00
Nonresident mussel fishing license	100.00
Game breeders permit	10.00
Live rabbit trapping permit	10.00
Rabbit shipping permit	200.00
Collecting for scientific and exhibition permit	5.00
Disabled persons vehicle permit (lifetime)	3.00
General resident deer hunting permit	25.00
Landowner-tenant firearm deer hunting permit	15.00
General resident antelope hunting permit	30.00
Landowner-tenant firearm antelope hunting permit	20.00
Turkey hunting permit	20.00
Field trial permits (game birds and game animals)	20.00
Field trial permits (fur-bearing animals)	20.00
Commercial dog training permit	20.00
Water event permit	20.00

(b) On and after January 1, 1984, through and including December 31, 1984, the following fees shall be in effect:

Resident hunting license	9.00
Nonresident hunting license	50.00
Resident fishing license	9.00
Nonresident fishing license	20.00
Resident duplicate license or permit (hunting, fishing, furharvester)	3.00
Nonresident duplicate license or permit (hunting, fishing, furharvester)	3.00
Resident fur dealer license	100.00
Combination resident hunting and fishing license	18.00
Nonresident fur dealer license	200.00
Controlled shooting area hunting license	9.00
Resident mussel fishing license	25.00
Nonresident mussel fishing license	100.00
Game breeders permit	10.00
Live rabbit trapping permit	10.00
Rabbit shipping permit	200.00
Collecting for scientific and exhibition permit	5.00
Disabled persons vehicle permit (lifetime)	3.00
General resident deer hunting permit	30.00
Landowner-tenant firearm deer hunting permit	20.00
General resident antelope hunting permit	35.00
Landowner-tenant firearm antelope hunting permit	25.00
Turkey hunting permit	20.00
Field trial permits (game birds and game animals)	20.00
Field trial permits (fur-bearing animals)	20.00
Commercial dog training permit	20.00
Water event permit	20.00

(c) On and after January 1, 1985, the following fees shall be in effect:

Resident hunting license	9.00
Nonresident hunting license	50.00
Resident fishing license	9.00
Nonresident fishing license	20.00

Resident duplicate license or permit (hunting, fishing, furharvester)	3.00
Nonresident duplicate license or permit (hunting, fishing, furharvester)	3.00
Resident fur dealer license	100.00
Combination resident hunting and fishing license	18.00
Nonresident fur dealer license	200.00
Controlled shooting area hunting license	9.00
Resident mussel fishing license	25.00
Nonresident mussel fishing license	100.00
Game breeders permit	10.00
Live rabbit trapping permit	10.00
Rabbit shipping permit	200.00
Collecting for scientific and exhibition permit	5.00
Disabled persons vehicle permit (lifetime)	3.00
General resident deer hunting permit	30.00
Landowner-tenant firearm deer hunting permit	20.00
General resident antelope hunting permit	35.00
Landowner-tenant firearm antelope hunting permit	25.00
Turkey hunting permit	20.00
Field trial permit (game birds and game animals)	20.00
Commercial dog training permit	20.00
Water event permit	20.00
Resident furharvester's license	15.00
Nonresident furharvester's license	250.00

(Authorized by and implementing K.S.A. 32-164b; effective, E-79-32, Nov. 21, 1978; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**23-18-2.** Hatchery stamp fee and stamp. (a) On and after January 1, 1983, or as soon after as the commission shall contract for the sale and delivery of its revenue bonds to be issued pursuant to Chapter 173, Laws of 1982, whichever date is later, the following shall be in effect:

Hatchery stamp	\$3.00
----------------	--------

(b) The hatchery stamp shall comprise a punched hole to appear on the face of the authorized multiple license in a location specifically marked "Hatchery Fee." (Authorized by and implementing K.S.A. 1982 Supp. 32-602; effective, T-83-34, Nov. 10, 1982; effective May 1, 1983.)

**Article 20.—AMPHIBIANS AND REPTILES**

**23-20-1.** Amphibians and reptiles; permit to commercially harvest. (a) Any person desiring to take amphibians and reptiles in Kansas for commercial purposes shall first obtain a permit by applying to the director of the fish and game commission. Application shall be made on the form provided by the commission, and shall be completed in full.

(b) The permit shall expire on December 31 following the date of issuance.

(c) The permit, once issued, shall not be transferable.

(d) The permittee shall report to the director of the fish and game commission before January 10 of each year the number of each species of amphibians and reptiles taken under a valid permit the previous year. Failure or refusal to return the annual report shall result in non-issuance of additional permits.

(e) The director may refuse to issue, or may revoke a permit if the permittee is not cooperating in supplying requested information, if there is false representation in completing or obtaining the application or

(continued)

permit, or if activity under the permit is detrimental to the management of the resource. (Authorized by K.S.A. 32-189; implementing K.S.A. 32-188; effective May 1, 1983.)

### KANSAS FISH AND GAME COMMISSION

Doc. No. 000980

(Published in the KANSAS REGISTER March 31, 1983.)

#### SENATE BILL No. 34

AN ACT concerning nonpartisan selection of judges of the district court; relating to the district judicial nominating commission; amending K.S.A. 20-2904 and repealing the existing section.

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

Section 1. K.S.A. 20-2904 is hereby amended to read as follows: 20-2904. (a) Lawyer members of the district judicial nominating commission shall be elected by the lawyers who are qualified electors of the judicial district and who are registered with the clerk of the supreme court pursuant to rule 201 of such court. Each lawyer member of a district judicial nominating commission shall be a qualified elector of such judicial district. The number of lawyer members to be elected to the district judicial nominating commission of a judicial district shall be as follows:

(1) In a judicial district consisting of a single county, ~~three (3)~~ *members shall be elected the number of members elected shall be equal to the number of non-lawyer members appointed pursuant to subsection (a)(1) of K.S.A. 20-2905 and amendments thereto.*

(2) In a judicial district consisting of two ~~(2)~~ counties, four (4) members shall be elected.

(3) In a judicial district consisting of three ~~(3)~~ or more counties, the number of members elected shall equal the number of counties in such judicial district.

(b) Between December 1 and December 15 of the year in which nonpartisan selection of judges of the district court is approved by the electors of the judicial district as provided in K.S.A. 20-2901 and amendments thereto, the clerk of the supreme court shall send to each such lawyer by ordinary first class mail a form for nominating one ~~(1)~~ such lawyer for election to the commission. Any such nomination shall be returned to the clerk of the supreme court on or before January 1 of the following year, together with the written consent of the nominee. After receipt of all nominations which are timely submitted, the clerk shall prepare a ballot containing the names of all lawyers so nominated and shall mail one ~~(1)~~ such ballot and instructions for voting such ballot to each registered lawyer in the judicial district. Ballots shall be prepared in such manner that each lawyer receiving the same shall be instructed to vote for the same number of nominees as the number of positions to be filled. Each such ballot shall be accompanied by a certificate to be signed and returned by the lawyer voting such ballot, evidencing the qualifications of such lawyer to vote and certifying that the ballot was voted by such person.

In order to insure that the election of lawyer members is by secret ballot, the clerk shall provide a separate envelope for the ballot, in which the voted ballot only shall be placed, and the envelope containing the voted ballot shall be placed in another envelope, also to be supplied by the clerk, together with the signed certificate, and returned to the clerk of the supreme court prior to February 15 of such year. The ballots so returned shall be canvassed within five ~~(5)~~ days thereafter. The canvassers shall consist of the clerk of the supreme court and two ~~(2)~~ or more persons who are registered members of the bar residing in Kansas, either practicing lawyers, justices or judges, designated to act as such by the chief justice. The canvassers shall open and canvass the ballots and shall tabulate and sign the results as a record in the office of the clerk. Any ballot which does not contain separate votes for nominees equal in number to the number of persons to be elected shall be void and shall not be counted.

(c) After the ballots are counted and tabulated in descending

order from the nominee receiving the highest number of votes the canvassers shall declare to be elected those nominees who are equal in number to the number of lawyers to be elected and who have the greatest number of votes.

In the event of a tie creating more nominees to be elected than there are positions to be filled, the canvassers shall determine the person or persons to be elected by lot. In the event that less than the required number of lawyers is elected, the positions for which lawyers have not been elected shall be declared vacant and the vacancies filled in the manner prescribed by subsection (e) of K.S.A. 20-2906 and amendments thereto.

(d) The procedure provided in this section for election of lawyers to serve as members of the first district judicial nominating commission established in a judicial district shall apply to the election of lawyers to succeed lawyer members of the commission whose terms of office expire, except that the form for submitting a nomination shall be sent between December 1 and December 15 of the year preceding the year in which such terms of office expire, and the dates prescribed for submission of nominations and the mailing, returning and canvassing of ballots shall apply in the year in which such terms of office expire.

Sec. 2. K.S.A. 20-2904 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 February 3, 1983.

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

Passed the HOUSE March 21, 1983.

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

APPROVED March 29, 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 29th day of March, 1983.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER March 31, 1983.)

## HOUSE BILL No. 2489

AN ACT concerning interest rates; relating to the Kansas register; amending K.S.A. 1982 Supp. 16-207 and repealing the existing section; also repealing K.S.A. 1982 Supp. 16-207e.

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

Section 1. K.S.A. 1982 Supp. 16-207 is hereby amended to read as follows: 16-207. (a) Subject to the following provision, the parties to any bond, bill, promissory note or other instrument of writing for the payment or forbearance of money may stipulate therein for interest receivable upon the amount of such bond, bill, note or other instrument of writing, at a rate not to exceed 15% per annum unless otherwise specifically authorized by law.

(b) The maximum rate of interest per annum for notes secured by all real estate mortgages and contracts for deed to real estate executed on or after the effective date of this act shall be at an amount equal to 1½ percentage points above the ~~average weighted yield of mortgages~~ *yield of thirty-year fixed rate conventional home mortgages committed for delivery within 61 to 90 days* accepted under the federal home loan mortgage corporation's ~~weekly purchase program effective daily offerings for sale on the first day of each last day on which commitments for such mortgages were received in the preceding month~~ unless otherwise specifically authorized by law. Such interest rate shall be computed for each calendar month and be effective on the first day thereof. The secretary of state shall publish notice of such maximum interest rate ~~in the first~~ *not later than the second* issue of the Kansas register published each month. The initial rate of interest upon any conventional loan evidenced by a note secured by a real estate mortgage shall not exceed the rate quoted in the application executed by the borrower on the day on which application for such conventional loan is made.

(c) No penalty shall be assessed against any party for prepayment of any home loan evidenced by a note secured by a real estate mortgage where such prepayment is made more than six months after execution of such note.

(d) The lender may collect from the borrower: (1) The actual fees paid a public official or agency of the state, or federal government, for filing, recording or releasing any instrument relating to a loan subject to the provisions of this section; and (2) reasonable expenses incurred by the lender in connection with the making, closing, disbursing, extending, readjusting or renewing of loans subject to the provisions of this section.

(e) Any person so contracting for a greater rate of interest than that authorized by this section shall forfeit all interest so contracted for in excess of the amount authorized under this section; and in addition thereto shall forfeit a sum of money, to be deducted from the amount due for principal and lawful interest, equal to the amount of interest contracted for in excess of the amount authorized by this section and such amounts may be set up as a defense or counterclaim in any action to enforce the collection of such obligation and the borrower shall also recover a reasonable ~~attorney's attorney~~ fee.

(f) The interest rates prescribed in subsections (a) and (b) of this section shall not apply to a business or agricultural loan. For the purpose of this section unless a loan is made primarily for personal, family or household purposes, the loan shall be considered a business or agricultural loan. For the purpose of this subsection, a business or agricultural loan shall include credit sales and notes secured by contracts for deed to real estate.

(g) Loans made by a qualified plan, as defined in section 401 of the internal revenue code, to an individual participant in such plan or to a member of the family of such individual participant, are not subject to the interest rates prescribed in subsections (a) and (b) of this section.

(h) The interest rates prescribed in subsections (a) and (b) of this section shall not apply to a note secured by a real estate mortgage or a contract for deed to real estate where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule.

Sec. 2. K.S.A. 1982 Supp. 16-207 and 16-207e are 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 March 4, 1983.

HOUSE concurred in SENATE amendments March 21, 1983.

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

Passed the SENATE as amended March 16, 1983.

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

APPROVED March 29, 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 29th day of March, 1983.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

**KANSAS REGISTER**  
**Secretary of State**  
**State Capitol**  
**Topeka, Kansas 66612**

Second Class  
postage paid  
at  
Topeka, Kansas

**Use this form (or a copy of it) to enter a  
SUBSCRIPTION**

\_\_\_\_\_ One-year subscriptions @ \$47.50 ea.

TOTAL ENCLOSED \_\_\_\_\_  
(Make checks payable to Kansas Register)

SEND TO:  
(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

THIS SPACE FOR REGISTER OFFICE  
USE ONLY, PLEASE

CODE \_\_\_\_\_ REC. NO. \_\_\_\_\_

EXPIRES \_\_\_\_\_ ENTERED BY \_\_\_\_\_

MAIL FORM WITH PAYMENT TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612

**Use this form (or a copy of it) for  
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

\_\_\_\_\_

Indicate change or correction of name or address  
here:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAIL TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612