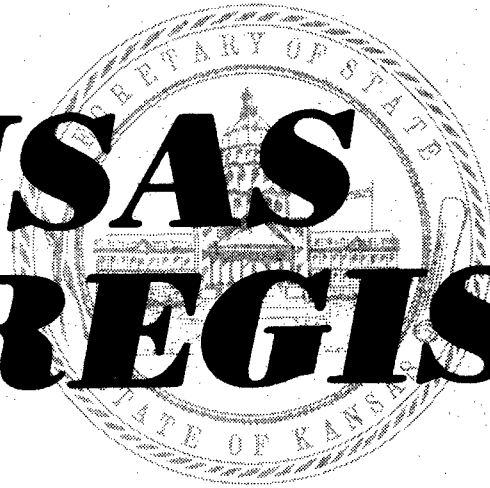


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 2, No. 22

June 2, 1983

Pages 841-864

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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 June 13 at 1:30 p.m. at the Judicial Center, Judicial Administrator's Conference Room (337), 310 West 10th, Topeka, KS.

GEORGENE WADE, Chairperson
Children and Youth Advisory Committee

Doc. No. 001266

State of Kansas

**DEPARTMENT OF CORRECTIONS
CORRECTIONS INDUSTRIES ADVISORY
COMMITTEE**

NOTICE OF MEETING

The statutorily created Industries Advisory Committee for the State Department of Corrections will meet on Monday, June 13, 1983 at Kansas State Penitentiary at 1:00 p.m. Interested persons may contact A. William McVey, Correctional Industries Coordinator, at P.O. Box 2, Lansing, Kansas 66043 (913-727-3249) for more information.

A. WILLIAM McVEY
Correctional Industries Coordinator

Doc. No. 001257

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT**

PUBLIC NOTICE

On May 23, 1983, the Kansas Department of Health and Environment filed Certificate of Need applications for the following facilities: Wesley Medical Foundation, construction of a parking garage; Hillhaven—Wichita, conversion to adult care home; and Miles Lakewood Village Nursing Center, Inc., addition of 28 beds. These applications are available for public examination at the Health Systems Agency of Southeast Kansas, 355 North Waco, Wichita, Kansas, 66202, and the Kansas Department of Health and Environment, Office of Health Planning, Forbes Field, Building 321, Topeka, Kansas 66620.

BARBARA J. SABOL
Secretary

Doc. No. 001264

State of Kansas

SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL
COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of 1983 House Bill No. 2489, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of June 1, 1983 through June 30, 1983 shall be 14.55%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 31st day of May, A.D. 1983.

JACK H. BRIER
Secretary of State

Doc. No. 001268

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1982 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.

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



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

SECRETARY OF STATE

**KANSAS PUBLIC
DISCLOSURE COMMISSION**

Advisory Opinion No. 83-7

Written May 18, 1983 to Sheila M. Lyons, C.S.R., District Court, Position G, Sedgwick County Courthouse, Wichita, Kansas 67203.

This opinion is in response to your letter of April 28, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

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

We understand you request this opinion in your capacity as the Ethics Committee Chairperson of the Kansas Shorthand Reporters' Association. You advise us that the Association is a Professional Association composed of Certified Shorthand Reporters. Your membership consists of both Official Court Reporters employed by the State of Kansas in the various Judicial Districts and Freelance Court Reporters, who are self-employed or employed by Freelance Court Reporting firms. Some of your members are court reporting teachers, and a few of your members are retired.

You state your Association publishes the newsletter periodically, usually quarterly, and it deals with topics of concern to both Official and Freelance court reporters, as well as informing court reporters of upcoming meetings and other important dates.

The Editor of your newsletter is chosen each year by the in-coming Association President, and may serve for that year only or may be chosen to serve again by the following year's President. The Editor's position is an unpaid position, and the Editor is usually assisted by other reporters in his or her geographical area, who are also unpaid volunteers. The newsletter is customarily printed in the city in which the current Editor resides. At the present time the "Twister" Editor is Mr. David Holt, of Wichita, Kansas, and the "Twister" is printed there in Wichita.

We understand the newsletter is not published by any State agency, nor is it funded through any State agency or court. The costs of the newsletter are paid directly through the Association itself.

You indicate the costs of printing have risen considerably during the last few years, and you feel it would help to offset some of the printing costs if you were permitted to include advertisements in your newsletter. The companies you are particularly interested in soliciting for the advertising are companies who provide court reporting supplies and companies who deal with state-of-the-art court reporting equipment. These particular companies advertise in both your National Shorthand Reporters' Association monthly magazine and in other states' newsletters.

Based on this factual situation you ask whether the provisions of K.S.A. 46-236 would prohibit your Association from soliciting advertising for its publications.

We first note that K.S.A. 46-236 applies only to those persons who are "state officers or employees" as that phrase is defined in K.S.A. 46-221.

K.S.A. 43-221(a)(4) exempts from the definition of "state officers or employees":

... any justice or commissioner of the Supreme Court or judge of the judicial branch or *employee or officer of the judicial branch* or any member of a board, council or commission who is appointed by the Supreme Court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty of the judicial branch. . . .

Thus, the threshold question is whether official court reporters are "state officers or employees" under K.S.A. 46-215 *et seq.*; that is, whether under K.S.A. 46-221 they are "employees or officers of the judicial branch."

On this issue we have reviewed K.S.A. 20-345 and are satisfied that official court reporters are employees or officers of the judicial branch and therefore fall within the exception to the definition of "state officer or employee" contained in K.S.A. 46-221. Since official court reporters are not by definition "state officers or employees" under that section, K.S.A. 46-236 simply does not apply to them.

In sum, it is our opinion that K.S.A. 46-236 does not in any way affect the ability of official court reporters to solicit advertising on behalf of the Association for its publications.

Advisory Opinion No. 83-8

Written May 18, 1983 to J. D. Euler, EULER & EULER, 137 South Main, Troy, Kansas 66087.

This opinion is in response to your letter of May 4, 1983, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 75-4301 *et seq.*

We understand you to request this opinion in your capacity as the legal representative for the City of Wathena, Kansas.

You advise us it has been the practice of the City to rotate business among service station operators within the City on a monthly basis. One of the service stations is operated by the Mayor of the City of Wathena. You state there is no question but what the amount of business the City does with the Mayor exceeds the substantial interest definition as set forth in K.S.A. 75-4301. The policy of rotating the business on a monthly basis was established by the City Council and the Mayor had no vote on the same. Payment of all bills are approved by the Council and the Mayor has no vote on the same unless there is a tie vote. You indicate the only participation by the Mayor is signing checks for payment after the bills have been approved by the Governing Body.

Based on this factual situation, you ask whether the

(continued)

business transacted between the Mayor and the City violates K.S.A. 75-4301 *et seq.*

We have reviewed K.S.A. 75-4301 *et seq.* in its entirety and it is our opinion so long as the Mayor abstains from any action in his capacity as a public official in the making or participation in the making of the contract with his private business that a conflict of interest does not exist. Enclosed is a copy of Opinion No. 75-72 which is directly in point and should give you further guidance concerning the requirements for abstention. We do note, however, that we do not believe the abstention requirement goes so far as to require the Mayor to abstain from the ministerial action of signing checks so long as he completely abstains from any discretionary activities related thereto as more fully set out in Opinion No. 75-72.

Advisory Opinion No. 83-9

Written May 18, 1983 to L. O. Bengtson, City Attorney, 114 East Iron, P.O. Box 903, Salina, Kansas 67401.

This opinion is in response to your letter of April 13, 1983, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 75-4301 *et seq.*

We understand you request this opinion in your capacity as the City Attorney for Salina, Kansas. You state that K.S.A. 75-4305 requires that any public officer or employee must, prior to acting upon any matter which will affect any business in which such officer or employee holds a substantial interest, file a report of the nature of said interest with the County Clerk in which the municipality is located. It has been the policy in Salina for members of boards and commissions who are confronted with such a situation to abstain from participating in the discussion or voting on any matter which might affect any business in which such person has a substantial interest.

You indicate that the question has been raised that the above procedure is incorrect and that all public officials or public officers should file a disclosure of substantial interest on the day of their appointment or election to such office.

Based on this factual situation, you ask the following questions:

1. Are members of boards and commissions, such as the City Planning Commission, Board of Zoning Appeals, etc., required to file a disclosure of substantial interest at the time of their appointment or election to office?

2. Whether the procedure followed by the City of Salina in regards to members of Boards and Commissions abstaining from acting upon matters which affect any business in which they hold a substantial interest eliminates the necessity of filing these substantial interest disclosures.

K.S.A. 75-4302 sets out the general rule for when local public officers or employees are required to file substantial interest disclosures. That section states:

(a) Every candidate for elective public office, at the time and place of filing his or her declaration of candidacy or at the time of his or her

appointment as a candidate, shall file a written report disclosing all of his or her substantial interests. On or before July 1, 1970, every candidate for elective public office who filed his or her declaration of candidacy prior to the effective date of this act, and every elected public officer who has not filed a disclosure of substantial interests shall file in the office of the election officer with whom such officer is required to file his or her declaration of candidacy for public office, a written report disclosing all of his or her substantial interests. Within thirty (30) days after he or she takes office, any person who is appointed to fill a vacancy in an elective public office shall file, in the office where his or her predecessor filed his or her declaration of candidacy, a written report disclosing all of his or her substantial interests.

(b) At the time of his or her taking office, every public officer or employee appointed or employed to serve as a board member of, or the head or executive officer of, any state agency, department, board, bureau, office, institution, council or commission in the executive, legislative or judicial branch of state government and every public officer or employee exercising supervisory authority over a primary division or subdivision thereof shall file in the office of the secretary of state a written report disclosing all of his or her substantial interests.

(c) On or before July 1, 1970, every appointive public officer or employee required to file a disclosure of interests at the time of his or her appointment, who has not filed such disclosure, shall file a written report disclosing his or her substantial interests in the manner prescribed by law.

(d) Whenever any change shall occur in the substantial interests of any person required by law to file a disclosure of such interests, he or she shall file a supplemental report disclosing this change within ten (10) days thereof.

(e) The secretary of state shall, by rules or regulations, prescribe the manner and form for filing the disclosures of substantial interests required by law.

In applying this language to your question, we first note that subsection (b) applies only to "state" agencies and entities and does not apply to local boards and commissions such as the City Planning Commission or Board of Zoning Appeals. Thus, as a general rule this section requires the filing by local officials only when they are a candidate for elective office or are appointed to fill a vacancy in an elective office under subsection (a).

Applying this language to your specific question, it is our opinion that members of local boards or commissions including Planning Commissions and Boards of Zoning Appeals are required to file disclosure statements if they are elected by the public. If, however, those positions are appointed by some other

(continued)

governing body, then the occupant need not file the disclosure statement solely due to appointment to that position.

Turning to your second question, you have correctly noted that K.S.A. 75-4305 contains under some circumstances an additional requirement for filing disclosure statements. However, you have also correctly noted that so long as the member of the board or commission completely abstains from any official action which might affect a substantial interest that the filing requirements do not arise.

Advisory Opinion No. 83-10

Written May 18, 1983 to John M. Simpson, Attorney at Law, Suite 120, 4350 Johnson Drive, Shawnee Mission, Kansas 66205.

This opinion is in response to your letter of May 5, 1983, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 46-239.

We understand you request this opinion in your capacity as a recently appointed member of the Kansas Water Authority. Pursuant to K.S.A. 74-2622(b), members of the Authority receive compensation, subsistence allowances, mileage and other expenses under K.S.A. 75-3223.

You state in your private practice as an attorney, you frequently represent individuals, corporations, partnerships, trusts, and other organizations before state agencies. Within the past year, you have represented such clients before the Kansas Corporation Commission, the Board of Tax Appeals, and the Kansas Department of Health and Environment. At the present time, you have matters pending before each of those state agencies. In the future, you may represent clients before those agencies as well as additional state agencies.

You also indicate in some instances, you are compensated by your client for the representation before the state agency. In some instances, you are compensated only to the extent of expenses that are incurred with the representation. Additionally, in some instances, you do not charge the client anything for compensation or expenses.

Based on this factual situation, you ask whether you are required to file representation case disclosure statements pursuant to K.S.A. 46-239.

K.S.A. 46-239 states:

(a) No state officer or employee shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section.

(b) Any state officer or employee who is employed in any representation case shall, not later than ten (10) days after the acceptance of employment for such case or on the first appearance before the state agency involved (whichever occurs first), file on a form prescribed and provided by the commission a disclosure statement as provided in this section. Any individual, while a legislator or within one (1) year after the expiration of a term as a legislator, who contracts to

perform any service for a state agency other than the legislature, shall not later than ten (10) days after the acceptance of such contract, file a disclosure statement as provided in this section.

(c) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement (or, if permitted by the secretary of state, amend the original filing) at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

(d) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

(e) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed and provided by the commission and shall state (1) the name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

(f) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or (2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

Failure to file a true disclosure statement is a class B misdemeanor.

Applying this language to your factual situation, the first question which arises is whether you are a "state officer or employee" due to your appointment as a member of the Kansas Water Authority. On this issue as noted in the factual situation, since that position receives compensation under K.S.A. 75-3223, it is our opinion that you are a "state officer or employee" under K.S.A. 46-221.

The next issue, since you started your representation cases before becoming a state officer or employee, is whether you must now file the statements for pre-existing representations. On this issue, it is our opinion that such statements should be filed pursuant to

(continued)

K.S.A. 46-239 before your next "appearance before the state agency" if a further appearance is required and the representation otherwise constitutes a "representation case."

On the issue of what constitutes a "representation case," we have set out below K.S.A. 46-226 as follows:

"Representation case" means the representation of any person, client, principal, or third person, with compensation, in any matter before any state agency where the action or non-action of the state agency involves the exercise of substantial discretion; but representation case does not mean or include (a) any communication initiated by a legislator on behalf of a constituent or other member of the public for which no compensation is received or to be received, or (b) preparation and filing of tax returns or other governmental forms, or (c) participation in tax audit negotiations, or (d) any activity of a state officer or employee in carrying out the duties of his or her office or employment, or (e) a preliminary inquiry by any person into a matter before a state agency.

From a review of this language, it is our opinion in those cases in which you do not receive a fee for your services that the definition of "representation case" is not met and a filing of the statement is not required.

In addition, the statute contains several exceptions and when an exception applies, the statement need not be filed. In regard to the exceptions, we note that the commission has also determined from a review of several other portions of the Act that "representation case" does not include the sale of goods and services to the state nor any appearances before the judicial branch of state government.

If we may provide you with any further information, don't hesitate to contact our staff.

Advisory Opinion No. 83-11

Written May 18, 1983 to Kelli Schwabauer, City Clerk, City of South Haven, P.O. Box 130, South Haven, Kansas 67140.

This opinion is in response to your letter of April 18, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as City Clerk for the City of South Haven, Kansas. You advise us that in a recent election, the Wheatland Lodge Nursing Home administrator was elected councilman.

You ask whether the administrator of the nursing home should abstain from voting on any matters that might concern the nursing home.

We assume from your letter that the administrator of the nursing home holds a "substantial interest" therein pursuant to K.S.A. 75-4301.

Under such circumstances, two sections of the Act are applicable to your question. K.S.A. 75-4304 concerns contracts by public officials and employees with businesses by which they are employed or in which they hold a substantial interest. That section states, "(a) No public officer or employee shall in his capacity

as such officer or employee, make or participate in the making of a contract with any person or business by which he is employed or in whose business he has a substantial interest, and no such person or business shall enter into any contract where any public officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business. A public officer or employee does not make or participate in the making of a contract if he abstains from any action in regard to the contract. This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) Contracts for property or services for which the price or rate is fixed by law. (b) Any public officer or employee who is convicted of violating this section shall forfeit his office or employment."

In addition, K.S.A. 75-4305 relates to other situations not covered by K.S.A. 75-4304 where an action by a public official or employee will "affect" any business in which they hold a substantial interest. That section states, "Any public officer or employee who has not filed a disclosure of substantial interests and who, while acting in his official capacity, shall pass upon any matter which will affect any business in which such officer or employee shall hold a substantial interest, shall, before he acts upon such matter, file a written report of the nature of said interest with the office of the secretary of state, if such person is a state officer or employee, or if such person is an officer or employee of a municipal or quasi-municipal corporation with the county clerk of the county in which all or the largest geographical part of such municipal or quasi-municipal corporation is located. A public officer or employee does not pass or act upon any matter if he abstains from any action in regard to the matter."

The prohibitions contained in K.S.A. 75-4304 are not directed at preventing contracts between governmental agencies, in this case the City of South Haven, and businesses in which a public official in that agency holds a substantial interest. Rather, this section is aimed at requiring the public official to absent himself from the consideration of such contracts in his or her official capacity as an agent of the city. Thus, so long as the councilman abstains from any action in his capacity as a public official in regards to any contract between the city and the nursing home, he will be in conformance with this section.

For your guidance, we note that the abstention required by this section includes not only non-participation in one's capacity as a public official in public meetings, but also non-engagement in that capacity in private discussions with other members of the city governing body. Moreover, the councilman cannot vote on any issue concerning such contracts or be a signatory thereto or vote to pay bills in regard thereto in his capacity as an agent of the city. In other words, the abstention from action in one's capacity as a public official must be total.

In regard to public meetings where such contracts or matters directly related to them are discussed, we

(continued)

suggest that the councilman absent himself from the meeting during such discussions. He should also request that the record show the fact of his absence and the reasons therefore.

We would like to emphasize at this point that K.S.A. 75-4304 relates to this case only to "contracts" between the city and others. Thus, those votes which relate to matters other than such contracts or matters directly related thereto are not covered by this section. In addition, contracts let after competitive bidding has been advertised for by published notice and contracts for property or services for which the price or rate is fixed by law are not covered by this section.

Though not covered by K.S.A. 75-4304, those matters we have just discussed are dealt with in most cases under K.S.A. 75-4305. Unlike K.S.A. 75-4304, this section is not limited to contractual situations. Rather, it is applicable when an action of a public official will "affect" a business in which such official holds a substantial interest. When such is the case, the public official must, unless he or she has already properly filed a disclosure of substantial interests form, file a statement of substantial interests before taking any action, or abstain from taking the action in the manner described above. If you have any questions concerning the applicability of this section to a specific factual situation, feel free to request another opinion based on that situation.

In conclusion, so long as the terms of this opinion are followed, it is the Commission's opinion that the councilman will be in compliance with K.S.A. 75-4301 *et seq.* in regard to the matters you have mentioned.

Advisory Opinion No. 83-12

Written May 18, 1983 to Ronald E. Miles, Director, Board of Indigents' Defense Services, 535 Kansas Avenue, Suite 1202, Topeka, Kansas 66603.

We understand you to request this opinion in your capacity as the Director of the Board of Indigents' Defense Services.

You ask whether the nine-person Board of the Indigents' Defense Services are state officers and employees as defined by K.S.A. 46-221.

K.S.A. 46-221 states:

(a) "State officer or employee" means (1) any individual who is an elected or appointed state officer, (2) any individual who is in the classified service or unclassified service of the Kansas civil service act, (3) all officers and employees of the legislative branch and of the governor's office, irrespective of how compensated or period of employment, and (4) any individual who receives monthly or semimonthly compensation for services from the state or any state agency. State officer or employee does not include any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or *any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch*, when such person is engaged in

performing a function or duty for the judicial branch. Also, state officer or employee does not include any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

(b) "Candidate for state office" means a candidate for nomination or election to any state office as defined in K.S.A. 25-2505 and amendments thereto, except district judges.

(emphasis added).

We first note that it is our opinion that the members of the Board are in the "unclassified service" pursuant to K.S.A. 75-2935 and therefore meet the definition of "state officer or employee" contained in K.S.A. 46-221.

The question turns then to whether members of the Board fall within the exception to the definition which we have highlighted. On this issue we have set out below subsection (a) of K.S.A. 22-4519 which created the Board as follows:

There is hereby created *within the executive branch of state government* the State Board of Indigents' Defense Services, which shall consist of nine members appointed by the governor, subject to confirmation by the senate. (emphasis added).

It is our opinion from the above enabling language that the legislature clearly contemplated the Board to be an entity of the executive branch performing executive branch and not judicial functions. It is, therefore, our opinion that the Board does not fall within the exception to the definition of "state officer or employee" and its members fall within the requirements of K.S.A. 46-215 *et seq.*

RICHARD E. DIETZ, Chairman
By Direction of the Commission

Filed with the Secretary of State May 19, 1983.

Doc. No. 001260

State of Kansas

DEPARTMENT OF TRANSPORTATION**REQUEST FOR BIDS
FOR AN OIL AND GAS LEASE**

You are hereby notified that pursuant to K.S.A. 68-413, the Secretary of Transportation is offering the following described property for an oil and gas lease:

A tract of land lying in Division E and F of Mickey's Addition to the City of Stockton, Kansas. Beginning at a point on the center line of Highway 183, at a point 581 feet east and 1240 feet north of the center of Section 13, Township 7 South, Range 18 West, thence east 461 feet to the center line of Walnut Street, thence north along the center line of Walnut Street 520 feet, thence west 620 feet to the center line of Highway 183, thence south along the center line of Highway 183 to the point of beginning, containing 5.3 acres, more or less, exclusive of existing highway.

The lease will be executed on a lease provided by the Secretary, and shall be for a period not to exceed one (1) year and as long thereafter as oil and gas is being produced therefrom in paying quantities.

Bids will be considered on the basis of a cash bonus, annual delay rental, and the amount of royalty to be paid.

Bids shall be submitted upon lease forms supplied by the Department of Transportation. The lease forms may be obtained from the Office of Chief Counsel, Department of Transportation, State Office Building, Topeka, Kansas 66612. Any inquiries should be addressed to Paul Gurney in the Office of Chief Counsel at (913) 296-3545. All bids shall be sealed and accompanied by a certified check or bank draft in the amount of the cash bonus bid payable to the Secretary of Transportation, State Office Building, Topeka, Kansas, and mailed to the Office of Chief Counsel, Kansas Department of Transportation, Seventh Floor, State Office Building, Topeka, Kansas 66612.

Bids shall be opened at the Office of Chief Counsel, Kansas Department of Transportation, Seventh Floor, State Office Building, Topeka, Kansas at the hour of 2:00 p.m. on the 6th day of July, 1983. The Secretary of Transportation reserves the right to reject any and all bids and to readvertise.

JOHN B. KEMP, P.E.
Secretary of Transportation

Doc. No. 001270

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, JUNE 13, 1983

#25609

Department of Health and Environment, Topeka—**BIOLOGICALS, VACCINES, AND DIETARY FORMULA**

#53376

Department of Human Resources—**MICROFICHE READERS**, for various locations

#54078

Department of Revenue, Topeka—**REPAIR SCALES**

#54080

University of Kansas Medical Center, Kansas City—**SPARE PARTS FOR SECURITY SYSTEM**

#54081

University of Kansas Medical Center, Kansas City—**SURGICAL PNEUMATIC POWER SET**

#54085

University of Kansas Medical Center, Kansas City—**BLOOD GAS ANALYZER**

#54086

University of Kansas Medical Center, Kansas City—**RESEARCH MICROSCOPE**

#54087

University of Kansas Medical Center, Kansas City—**SOLVENT DELIVERY SYSTEM**

#54090

University of Kansas Medical Center, Kansas City—**LUMBER, PLYWOOD AND FURNITURE SQUARES**

#54091

University of Kansas Medical Center, Kansas City—**CORNER GUARDS**

#54092

Department of Transportation, Topeka—**WOOD LATH**

#54093

Adjutant General's Department—**WASHED CRUSHED ROCK—F.O.B. VENDORS PLANT "NOT DELIVERED," Fort Riley**

#54094

Department of Transportation—**AC-7 (WITH PUMP) ASPHALT CEMENT**, Garden City

#54095

Department of Transportation—**BITUMINOUS PLANT MIX, COMMERCIAL GRADE—F.O.B. VENDORS PLANT "NOT DELIVERED," Reno County**

#54096

Department of Transportation—**AGGREGATE, MRA-A, B, C, D, E, F, (DISTRICT 5)**, for various locations

#54114

University of Kansas, Lawrence—**FURNISH ALL LABOR, MATERIALS IN CONSTRUCTING TWO CAPACITOR BANKS**

#54169

Department of Transportation—**CEMENT PORTLAND TYPE III**, for Salina and Chanute

(continued)

#54170

Department of Corrections, Topeka—STEAM FIRED
CENTRAL AIR HANDLING HEATER, for Kansas State
Penitentiary, Lansing

#54171

Kansas State University, Manhattan—CARPET AND
INSTALLATION

#54172

Department of Transportation—DIESEL INJECTOR
TESTERS, for Garden City and Norton

#54173

Department of Transportation, Garden City—SNOW
AND GRADER BLADES

#54174

Department of Transportation, Wichita—LUMI-
NAIRES, for Hutchinson

#54175

Kansas State School for the Visually Handicapped,
Kansas City—LAUNDRY EQUIPMENT

#54176

Winfield State Hospital and Training Center, Win-
field—FLOOR MACHINE

#54177

Wichita State University, Wichita—DIRECTIONAL
SIGNS AND POSTS

#54215

University of Kansas Medical Center, Kansas City—
CHROMATOGRAPH

TUESDAY, JUNE 14, 1983

#25607

Kansas State Agencies—TOWELS AND WASH-
CLOTHS

#25608

Kansas State Agencies—BEDDING

#25612

University of Kansas Medical Center, Kansas City—
RADIOPHARMACEUTICALS AND RADIO IMMUNO
ASSAY KITS

#54076

University of Kansas, Lawrence—ELECTRONIC PI-
ANOS

#54098

Department of Health and Environment, Topeka—
NUCLEAR APPARATUS

#54099

Kansas State University, Manhattan—PROJECTOR
AND ACCESSORIES

#54100

Department of Transportation, Topeka—OVAL,
FIBER-GLASS LEVELING RODS

#54101

Larned State Hospital, Larned—MISCELLANEOUS
GROCERIES

#54102

Topeka State Hospital, Topeka—PUMPS

#54160

Kansas Highway Patrol, Topeka—BREATH ANALY-
SIS EQUIPMENT

#54161

University of Kansas, Lawrence—UPGRADING OF
RHEOGONIOMETER

#54180

Kansas State University, Manhattan—FLUID POWER
TRAINER

#54181

Kansas State University, Manhattan—KEY FOBS,
DECALS, LABELS AND BUTTONS

#54216

University of Kansas Medical Center, Kansas City—
CHROMATOGRAPHY SYSTEM

#A-4487(a)

University of Kansas, Lawrence—PARKING LOT #58
IMPROVEMENTS

#A-4560 through #A-4564

Department of Transportation—PROVIDE GROUND
FAULT PROTECTION AT DISTRICT SHOP BUILD-
INGS, for various locations

#A-4618

Kansas State Historical Society, Topeka—REROOF
HOLLENBERG PONY EXPRESS STATION, Hanover

#A-4646

Department of Human Resources—FURNISH AND
INSTALL SECURITY FLOODLIGHTS, Kansas City

WEDNESDAY, JUNE 15, 1983

#25579

Kansas Park and Resources Authority—CHEMICALS,
for various locations

#25610

Wichita State University, Wichita—READY MIX
CONCRETE (APPROXIMATELY 80 CUBIC YARDS)

#25613

University of Kansas Medical Center, Kansas City—
FLOOR COVERING MATERIALS

#25615

Kansas State Agencies—WORK SHOES

#54217

Kansas State University, Manhattan—UPGRADING
CHROMATOGRAPH

#54218

Kansas State University, Manhattan—TRANSDUCER
MEASURING SYSTEM

#54219

Department of Transportation, Salina—TUNGSTON-
CARBIDE BITS

#54220

Department of Transportation—HOT-APPLIED
CRACK SEALANT

#54221

Department of Revenue, Topeka—ENVELOPES

#54222

University of Kansas Medical Center, Kansas City—
LIQUID SCINTILLATION SYSTEM

#54225

Kansas Technical Institute, Salina—TORSION TEST-
ING MACHINE

#54329

Kansas Fish and Game Commission, Pratt—SEED, for
various locations

#A-4496(a)

Fort Hays State University, Hays—CONSTRUCT
PARKING ACCESS DRIVE

#A-4624(a)

Kansas State Historical Society, Topeka—FURNISH
AND INSTALL SECOND LEVEL ART STORAGE
RACKS

#A-4637(a)

Kansas State University, Manhattan—FURNISH AND
INSTALL HYDRAULIC ELEVATOR IN WILLARD
HALL

THURSDAY, JUNE 16, 1983

#25603

Kansas Correctional Industries, Lansing—COSME-
TOLOGY SERVICES

(continued)

#25605

Kansas State University, Manhattan—READY MIX
CONCRETE AND FINE AGGREGATE

#25614

Wichita State University, Wichita—SURFACE AND
BASE MIX ASPHALT

#53574

University of Kansas Medical Center, Kansas City—
RIGID NEPHROSCOPE SYSTEM

#54097

University of Kansas, Lawrence—MICROCOM-
PUTER SYSTEM

#54103

University of Kansas Medical Center, Kansas City—
DISPLAY STATIONS AND CONTROL UNIT

#54227

Adjutant General's Department—STORAGE TANK,
for Salina

#54228

Kansas State University, Manhattan—TRANSDUCER

#54229

Kansas State Penitentiary, Lansing; Kansas State In-
dustrial Reformatory, Hutchinson; and Department of
Corrections, Topeka—MICROFILM CAMERA

#54248

Department of Transportation, Hutchinson—SHEAR
BASES, for Wichita

#54249

Kansas Bureau of Investigation, Topeka; University of
Kansas Medical Center, Kansas City; and Wichita State
University, Wichita—TWO-WAY RADIO EQUIPMENT

#54277

Kansas Fish and Game Commission, Pratt—LABOR-
MATERIALS TO INSTALL STEEL SIDING

#54322

Department of Social and Rehabilitation Services, To-
peka—MICROCOMPUTER SYSTEM

#54323

University of Kansas Medical Center, Kansas City—
PLAIN PAPER COPIER

#54324

Kansas State University, Manhattan—PLAIN PAPER
COPIER

#54325

Department of Administration (Building and Grounds
Services), Topeka—CARPET AND INSTALLATION

#54326

Department of Transportation—ARTICULATED
TANDEM DMC MOTOR GRADERS, for various loca-
tions

#54328

Department of Administration, Topeka—CARPET
AND INSTALLATION

FRIDAY, JUNE 17, 1983

#54178

University of Kansas Medical Center, Kansas City—
ELECTRONIC TYPEWRITERS, for Wichita

#54247

Kansas State Historical Society, Topeka—WALL DIS-
PLAY SYSTEM

#54250

University of Kansas Medical Center, Kansas City—
FIRE ALARM SYSTEM

#54278

University of Kansas Medical Center, Kansas City—
PLAIN PAPER COPIER

#54279

Kansas State School for the Visually Handicapped,
Kansas City—PLAIN PAPER COPIER

#54280

University of Kansas Medical Center, Kansas City—
PLAIN PAPER COPIER

#54327

Kansas State Park and Resources Authority, Topeka—
TREES, for various locations

MONDAY, JUNE 20, 1983

#25592

University of Kansas Medical Center, Kansas City and
other State Agencies—DRESSING/PATIENT CARE
ITEMS (CLASS 02)

TUESDAY, JUNE 21, 1983

#25580

University of Kansas Medical Center, Kansas City—
LIQUID OXYGEN

WEDNESDAY, JUNE 22, 1983

#25606

Department of Transportation—ROCK SALT FOR
SNOW AND ICE REMOVAL, for various locations

TUESDAY, JUNE 28, 1983

#25584

University of Kansas Medical Center, Kansas City—
SHEEP AND RABBIT WHOLE BLOOD

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001263

State of Kansas

ATTORNEY GENERAL

OPINION NO. 83-75

Drainage and Levees—Drainage Districts—Election
of Directors; Filling of Vacancy. Glenis L. Helden-
brand, Reno County Clerk, Hutchinson, May 19, 1983.

Pursuant to K.S.A. 24-413, whenever a vacancy
occurs in the office of director of a drainage district
organized under K.S.A. 24-401 *et seq.*, the remaining
two directors shall appoint a person to hold the office
until the next election. Such person must be a "quali-
fied resident" of the district, as such term is used in
K.S.A. 24-409 to include freeholders of the district
who reside in the county in which the district is
located. In the event that the two remaining directors
are deadlocked and cannot appoint a third member,
the district court may be asked, through an action in
mandamus, to order the directors to perform their
statutory duty. Cited herein: K.S.A. 24-409, 24-413,
60-801, 60-803. JSS

OPINION NO. 83-76

Courts—District Courts—District Court Expenses
Payable by Counties. Rebecca Wilson Brunswig,
Greeley County Attorney, Tribune, May 19, 1983.

Expenses related to a district court magistrate's at-
tendance at educational programs and seminars are
properly payable by county moneys if such expenses
are within the budget as approved by the board of
county commissioners and authorized by the admin-
istrative judge of the subject district court. Cited
herein: K.S.A. 20-341, 20-346a(b), 20-348, 20-
349. RVE

(continued)

OPINION NO. 83-77

Counties and County Officers—Sheriff—Use of Motor Vehicles Outside County. Richard G. Smith, Wichita County Attorney, Leoti, May 19, 1983.

Sheriffs and their deputies may properly operate county-owned law enforcement vehicles outside the territorial boundaries of the county when exercising lawful jurisdiction outside such county or in carrying out the statutory duties of the sheriff. Cited herein: K.S.A. 19-212, 19-813, K.S.A. 1982 Supp. 22-2401a, K.S.A. 28-107b. JEF

OPINION NO. 83-78

Kansas Constitution—Legislature—One Subject in a Bill Requirement.

Kansas Constitution—Legislature—Delegation of Legislative Power. Representative Robert G. Frey, One Hundred Twenty-Fifth District, Liberal; Representative Larry F. Turnquist, Sixth District, Lindborg, May 19, 1983.

As introduced by the House Committee on Assessment and Taxation, 1983 House Bill No. 2053 does not involve an unlawful delegation of legislative power and does not contain more than one subject. Cited herein: 1983 House Bill No. 2053, Kan. Const., Art. 2, § 1, Art. 2, § 16. RJB

OPINION NO. 83-79

Cities and Municipalities—Code for Municipal Courts; General Provisions—Municipal Court; Jurisdiction. Howard Schwartz, Judicial Administrator, Topeka, May 19, 1983.

No provision of the Code of Procedure for Municipal Courts, or any other statutory provision, grants general authority to cities to penalize ordinance violations by imprisonment for a term commensurate to that of a felony. Further, cities do not have such authority under constitutional home rule powers, since punishment of serious offenses, for which a term of imprisonment in excess of one year may be imposed, is not a "local affair," as said term is used in Article 12, § 5 of the Kansas Constitution. However, where the state of Kansas has, by statute, delegated to cities the authority to impose such a sentence with respect to a particular ordinance violation, a municipal judge may validly impose the sentence. The state of Kansas has delegated such authority with respect to third or subsequent violations of Section 31 of the *Standard Traffic Ordinance of Kansas Cities*, but has not delegated such authority with respect to violations, for a third or subsequent time, of Section 192 of said Ordinance. Cited herein: K.S.A. 8-262, 8-1401, 8-1568, 8-2001, 8-2204, 12-4101, 12-4104, 12-4509, 12-4510, 13-401, 13-424, 13-601, 14-401, 14-439, 14-801, 15-440, 15-501, 20-1401, 20-1403, 20-1424, 20-1428, 20-1501, 20-1502, 20-1601, 20-1603, 20-1801, 20-1803, 20-1901, 20-1902, 20-2001, 20-2002, 20-2101, 20-2102, L. 1965, ch. 90, § 1, L. 1973, ch. 62, § 12-4702, Kan. Const., Art. 12, § 5. TRH

OPINION NO. 83-80

Counties and County Officers—General Provisions—Home Rule Powers; Limitation on Tax Levies. Lyndus A. Henry, Johnson County Counselor, Olathe, May 20, 1983.

1983 amendments to K.S.A. 1982 Supp. 19-101a(a) permit a county to exempt itself from a nonuniform tax levy statute and provide substitute and additional provisions therefor, so long as the county's charter resolution specifies that a portion of the proceeds of any property tax levied by the county will be used to pay the principal of, and interest upon, bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto. This amendment supersedes the conclusion reached in Attorney General Opinion No. 82-87. Cited herein: K.S.A. 12-1774, K.S.A. 1982 Supp. 19-101a, as amended by 1983 Senate Bill No. 302, § 1, 79-1946, 79-1947. RJB

OPINION NO. 83-81

Schools—Teachers' Contracts—Due Process Hearings; Costs Associated With Hearing. David C. Burns, Counsel for U.S.D. No. 440, Newton, May 20, 1983.

Pursuant to K.S.A. 72-5440(b), members of a due process hearing committee selected in accordance with K.S.A. 72-5438 are entitled to be paid only subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223. Such committee members are not entitled to receive compensation. Cited herein: K.S.A. 72-5438, 72-5440, 75-3223. RJB

OPINION NO. 83-82

Counties and County Officers—Fire Protection—Creation of County Fire District; Effect on Existing Contracts of Townships and Cities. Loren H. Houk, City Attorney, Valley Center, May 24, 1983.

Pursuant to authority granted by K.S.A. 80-1501 *et seq.*, a township may enter into a contract for fire protection with a city, and may levy a tax for the purpose of paying compensation to a city thereunder. Such a contract is not automatically terminated by the inclusion of the township in a fire district organized by the county under K.S.A. 19-3601 *et seq.*, but may be ended by the mutual agreement of the parties. In the absence of a desire to end the contract, nothing in either act precludes a township and city from continuing to so contract, although the territory in the township will be subject to both the township levy and a levy for the county fire district allowed by K.S.A. 19-3610. Cited herein: K.S.A. 19-3601, 19-3610, 19-3611, 19-3612, 80-1501, 1982 Supp. 80-1502, 80-1503, 80-1543, K.S.A. 80-1545. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 001265

State of Kansas
STATE CORPORATION COMMISSION

State of Kansas
STATE CORPORATION COMMISSION

Before Commissioners:
Michael Lennen, Chairman
Richard C. (Pete) Loux
Phillip R. Dick

Before Commissioners:
Michael Lennen, Chairman
Richard C. (Pete) Loux
Phillip R. Dick

In the matter of the es-)
tablishing the daily takes)
of natural gas from un-) Docket No. 137,878-C
prorated gas pools within) (C-20,340)
the State of Kansas.)

In the matter of deter-)
mining proper allowables)
for existing wells and) Docket No. 137,879-C
amending the proration) (C-20,341)
report for the upper Sul-)
livan Stalnaker gas pool,)
Harper County, Kansas.)

ORDER AND NOTICE OF HEARING

ORDER AND NOTICE OF HEARING

NOW, the above-captioned matter comes before the State Corporation Commission on its own motion for the purpose of determining the allowed production of natural gas from wells in unprorated pools in the state of Kansas. The Commission being duly advised in the premises finds and concludes as follows:

NOW, the above-captioned matter comes before the State Corporation Commission on its own motion. The Commission, being duly advised in the premises, makes the following findings and conclusions:

1. This Commission has jurisdiction over the production and conservation of natural gas produced in this state pursuant to the provisions of Chapter 55, Article 7 of the Kansas Statutes Annotated.

1. The Commission issued a basic proration order for the Sullivan Stalnaker Gas Pool, Harper County, Kansas, in Docket No. 123,429-C (C-19,558) effective July 1, 1980.

2. The Commission is authorized to regulate the taking of natural gas from any common source of supply to prevent the inequitable or unfair taking of gas.

2. In keeping with the provision of the basic order all wells producing from the field are tested and assigned allowables according to the formula established for the field. A monthly proration report is issued by the Conservation Division to inform the operators in the field of the status of their wells.

3. The 1983 Legislature amended K.S.A. 55-703, effective July 1983, to delete the statutory limitation on production of gas from wells in unprorated gas pools of 25% of open flow. (S.B. 125)

3. Due to various problems encountered by the Conservation Division staff the monthly proration report for the subject field, beginning with the January 1983 report, does not accurately reflect the status of the wells in the field. In order to determine the most equitable manner in which to amend the reports and to insure that each well is properly assigned an allowable, the Commission finds that a hearing should be held to allow all parties an opportunity to offer testimony on the best method for correcting the report.

4. The Commission finds that a hearing should be held to determine the maximum daily production of gas that should be permitted from unprorated gas wells.

It is therefore by the Commission ordered that a hearing be held June 17, 1983, at the Wichita Royale, 125 N. Market, Wichita, Kansas, at 10:30 a.m. or as soon thereafter as it may be reached, for the purpose of receiving testimony concerning the manner by which the Commission should amend the monthly proration report for the Sullivan Stalnaker Gas Pool, Harper County, Kansas.

It is therefore, by the Commission ordered, that a hearing be held to determine the allowed maximum daily production from gas wells in unprorated pools. The hearing shall be held on June 17, 1983, at 9:00 o'clock at the Wichita Royale, 125 N. Market, Wichita, Kansas.

It is so ordered.
Lennen, Chmn.; Loux, Com.; Dick, Com.
Dated May 23, 1983.

It is so ordered.
Lennen, Chmn.; Loux, Com.; Dick, Com.
Dated May 23, 1983.

JUDITH McCONNELL
Executive Secretary

JUDITH McCONNEL
Executive Secretary

Doc. No. 001261

Doc. No. 001262

State of Kansas

STATE CORPORATION COMMISSION**NOTICE PERTAINING TO
MOTOR CARRIER HEARINGS
BEFORE THE
STATE CORPORATION COMMISSION**

Applications set for hearing are to be heard before the State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas, 66612, or telephone (913) 296-3352 or 296-2110.

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

**Applications set for July 13, 1983—
TOPEKA, KANSAS****Application for Certificate of Convenience
and Necessity:**

John Shaffer & Rick Mills, dba) Docket No. 137,841 M
Shaffer & Mills Water Service, Inc.)
P.O. Box 156)
Walsh, CO 81090)

Applicant's Attorney: None

To transport salt water,

Between all points & places in the following counties in the state of Kansas: Morton, Stevens, Seward, Meade, Clark, Stanton, Grant, Haskell, Gray, Ford, Hamilton, Kearney, Finney & Hodgeman.

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

Jim Shupp) Docket No. 137,842 M
728 9th St.)
Humboldt, NE 68376)

Applicant's Attorney: None

To transport livestock,

Between all points & places in KS, on & east of U.S. Hwy 77.

Application for Amended Contract Carrier Permit:

Brink's, Inc.) Docket No. 72,595 M
P.O. Box 1225)
Darien, CT 06820) Permit No. CF 6859

Applicant's Attorney: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

**Currency, coins, stocks, bonds, securities, negotiable
and non-negotiable instruments,**

Between points and places in the state of KS, under contract with Citizens State Bank of Osage City, KS, & First State Bank of Burlingame, Burlingame, KS.

**Applications set for July 14, 1983—
TOPEKA, KANSAS****Application for Extension of Certificate of
Convenience and Necessity:**

Herman Bros., Inc.) Docket No. 90,083 M
2565 St. Marys Ave.)
Omaha, NE 68101) Route No. 8515

Applicant's Attorney: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Dry bulk commodities, and dry bagged commodities,

Between facilities of Lone Star Cement Company in Wyandotte County, KS, on the one hand, & on the other, points & places in KS.

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

Magill Truck Lines, Inc.) Docket No. 26,601 M
1541 W. 23rd St. N.)
Wichita, KS 67214) Route No. 1994

TO:

Donna Rae Schueman, dba
Schueman Transfer
108 Freeman St.
Oakland, IA 51560

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

Livestock, ordinary, show and purebred,

Between points & places in Smith, Jewell, Mitchell, & Osborne Counties, & that part of Phillips County east of U.S. Hwy 183.

Also,

Between all points & places in KS within the above described territory on the one hand, & all points & places in the state of KS on the other hand.

New and used farm machinery, knocked-down and set-up, and parts, emigrant farm movables, building materials, fencing and posts, binding twine, hardware, cement, cement blocks, salt and gravel, fertilizer, and hides and bones,

Between all points & places in Smith, Jewell, Mitchell & Osborne Counties, & that portion of Phillips County east of U.S. Hwy 183.

Also,

Between points & places in the above described territory on the one hand, & all points & places in the state of KS on the other hand.

Unprocessed farm products, hay and grain and coal,

Between all points & places in Smith, Jewell,

(continued)

Mitchell, & Osborne Counties, & that portion of Phillips County east of U.S. Hwy 183.

Household goods,

Between all points & places in Smith, Jewell, Mitchell, & Osborne Counties, & that portion of Phillips County east of U.S. Hwy 183.

Also,

Between all points and places in the above described territory on the one hand, & all points & places in the state of KS on the other hand.

Salt,

Between all points & places in Smith, Jewell, Mitchell & Osborne Counties, & that portion of Phillips County east of U.S. Hwy 183.

Also,

Between all points & places in the above described territory on the one hand, & Lyons in Rice County, Hutchinson in Reno County & Kanopolis in Ellsworth County, KS, on the other hand.

Application for Certificate of Convenience and Necessity:

Larry D. Pettit, dba) Docket No. 137,843 M
L. P. Enterprises Wrecker)
Service)
108 So. Webster St.)
Spring Hill, KS 66083)

Applicant's Attorney: None

Wrecked and disabled motor vehicles,

Between all points & places in Johnson County, KS.

Also,

Between all points & places in Johnson County, KS, on the one hand, & all points & places in the following KS counties on the other: Miami, Franklin, Douglas, Leavenworth, and Wyandotte.

Application for Certificate of Convenience and Necessity:

William L. Kane, dba) Docket No. 137,846 M
Bill Kane)
Rt. 2)
Atwood, KS 67730)

Applicant's Attorney: R. J. Lewis, Jr., 509 Main, P.O. Box 449, Atwood, KS 67730

To transport grain, livestock and unmanufactured agricultural commodities,

Between all points & places in KS, on & west of U.S. Hwy 81.

Also, between all points & places on & west of U.S. Hwy 81, on the one hand, & all points and places in KS on the other.

**Applications set for July 19, 1983—
TOPEKA, KANSAS**

Application for Extension of Certificate of Convenience and Necessity:

Jim Huffman) Docket No. 26,807 M
Rt. 3)
Beloit, KS 67420) Route No. 2037

Applicant's Attorney: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Food and related products,

Between points in Jewell County, Mitchell County, Republic County on & west of U.S. 81, Cloud County on & west of U.S. 81, Ottawa County on & west of U.S. 81, Lincoln County on & north of K-18, Osborne County on & east of U.S. 281, & Smith County on & east of U.S. 181, on the one hand, & on the other, all points in KS.

Application for Extension of Certificate of Convenience and Necessity:

Alfred Meiar) Docket No. 122,563 M
233 S. 10th)
Wakeeney, KS 67672) Route No. 16512

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

Grain, dry feed and dry feed ingredients,

Between points & places in Shawnee, Lyon, Sedgwick, Reno & Dickinson Counties, KS, on the one hand, & points & places in the state of KS on the other hand.

Application for Certificate of Convenience and Necessity:

Robert Smith) Docket No. 137,844 M
500 Cherry)
Dodge City, KS 67801)

Applicant's Attorney: None

To transport grain,

Between all points & places in KS west of U.S. Hwy 81.

Also, between all points & places in KS west of U.S. Hwy 81 on the one hand, & all points & places in KS on the other.

**Applications set for July 20, 1983—
TOPEKA, KANSAS**

Application for Certificate of Convenience and Necessity:

Alvin P. Arens, dba) Docket No. 137,845 M
Pete's Taxi Service)
1-1½ N. Main)
Fort Scott, KS 66701)

(continued)

Applicant's Attorney: Larry Gregg, 641 Harrison, P.O.
Box 1979, Topeka, KS 66601

357-398
399-440

1997
1998

210,000
210,000
\$2,200,000

Passengers and their baggage,

Between points in Bourbon & Crawford Counties, KS, on the one hand, & on the other, points & places in KS.

Application for Contract Carrier Permit:

R. W. Hunsberger) Docket No. 137,718 M
2115 Antler Ridge Dr.)
Garden City, KS 67846)

Applicant's Attorney: None

Alfalfa pellets,

From Peterson Plant, Finney County, to Holcomb, KS. Under contract with Western Alfalfa, Inc., of Kansas City, KS.

From Lowe Plant, Finney County, to Holcomb, KS. Under contract with Western Alfalfa, Inc., of Kansas City, KS.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 001267

(Published in the KANSAS REGISTER, June 2 1983.)

NOTICE OF BOND SALE
\$2,200,000.00 Street Improvement Bonds,
Series 1-1983
of the City of Merriam, Kansas
(General Obligations, Payable from
Unlimited Ad Valorem Taxes)

Sealed bids will be received by the Governing Body of the City of Merriam, Kansas, in the Council Chambers of City Hall, 9000 West 62nd Terrace, Merriam, Kansas 66202, at 7:30 P.M. C.D.T. on **TUESDAY, JUNE 14, 1983**

at which time said bids will be publicly opened for the purchase of an issue of negotiable coupon bonds of the City of Merriam, in the principal amount of \$2,200,000.00. All of said bonds will be dated June 1, 1983, and will be in the denomination of \$5,000 each.

Said bonds will be issued and will mature on June 1 annually as follows:

Bonds Numbered	Maturity June 1	Total Amount
1-18	1984	\$ 90,000
19-37	1985	95,000
38-56	1986	95,000
57-79	1987	115,000
80-102	1988	115,000
103-125	1989	115,000
126-153	1990	140,000
154-181	1991	140,000
182-209	1992	140,000
210-244	1993	175,000
245-279	1994	175,000
280-314	1995	175,000
315-356	1996	210,000

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions: Not more than five different rates shall be specified, provided, however, the same rate will apply to all bonds of the same maturity of each of said series, and the difference between the highest coupon specified and the lowest coupon specified shall not exceed 2%. Interest rates shall be specified in multiples of 1/8 of 1% or 1/20 of 1% and no supplemental coupons will be permitted.

No bid of less than par and accrued interest will be considered. Each bid shall specify the total interest cost to the City during the life of the bond issue at the rate specified, the premium, if any, offered by the bidders, the net interest cost to the City on the basis of such bid, and the average annual net interest rate to the City 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 on such dollar amount, as stated in the bid, as the basis of 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.

Interest on all of said bonds will be payable beginning on December 1, 1983, and semi-annually thereafter on June 1 and December 1 in each year. The first principal payment on the Bonds will be due on June 1, 1984 and annually thereafter. Both principal 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 the City of Topeka, Kansas.

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

The Street Improvement Bonds, Series 1-1983, are being issued for the purpose of providing funds to pay the cost of improving Merriam Drive (K-10) from 62nd Terrace northeasterly to Antioch Road (1.75 miles) to major trafficway standards.

It is anticipated that CUSIP identification numbers will be printed on said bonds but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery thereof and payment for said bonds in accordance with the terms of the purchase contract. All expense in relation to the printing of CUSIP numbers on said bonds will be paid for by the City. The CUSIP Service Bureau Charge for the assignment of said numbers will be the responsibility of, and must be paid for, by the purchaser.

Said bonds will be printed at the expense of the City of Merriam, Kansas, and will be sold subject to the

(continued)

legal opinion of Gaar and Bell, Bond Counselors, Overland Park, Kansas, whose unqualified approving opinion will be furnished to the successful bidder and will be printed on the bonds, all at the expense of the City of Merriam, Kansas. The successful bidder will be furnished said opinion together with a certified transcript of proceedings evidencing the authorization and issuance of said bonds and the usual closing proofs which will include a certificate that there is no litigation pending or, to the knowledge of the signers thereof, threatened at the time of delivery of the issue affecting the validity of the bonds. Said bonds duly printed, executed, and registered will be delivered on or before June 30, 1983 to such bank located within Kansas City, Missouri, Topeka, Kansas or Wichita, Kansas, as the purchaser may specify at the expense of the City. The purchaser will not be required to pay the expense of any legal services rendered to the City on said bonds.

Each bid shall be accompanied by a certified or cashier's check of \$44,000. The check will be held uncashed by the City to insure compliance with the terms of the purchase contract and no interest will be paid thereon. In case any purchaser whose bid is accepted shall fail to carry out his contract, said deposit shall be paid to the City as liquidated damages. The checks of the unsuccessful bidders will be returned promptly.

Such sealed bids will be opened publicly and only at the time and place specified in this notice, and will be sold to the best bidder; however, the City reserves the right to waive errors in the bid and any or all bids may be rejected. The assessed valuation of the City of Merriam, Kansas, for Budget Year 1983 is \$42,237,009.00 not including Equalized Tangible Valuation of Motor Vehicles for Budget Year 1983 in the amount of \$9,526,337.00. The aggregate of such valuation is used in determining debt limitation. The total outstanding bonded indebtedness of the City in bonds and Temporary Notes as of the date of the bonds being sold, including such bonds submitted for bid is \$5,719,480.00*

All bids must be made on forms which may be procured from the undersigned and no additions or deletions in said form shall be made. Proposals should be addressed to Barbara A. Young, City Clerk of the City of Merriam, Kansas, City Hall, 9000 West 62nd Terrace, Merriam, Kansas 66202, and marked "Proposal for Purchase of Bonds, Series 1-1983." Bids may also be delivered to said officer at said address at or immediately prior to 7:30 P.M. C.D.T. on the 14th of June, 1983.

DATED this 26th day of May, 1983.

* The City does not have any Temporary Notes outstanding for this improvement or any other improvement made by the City.

BARBARA A. YOUNG, City Clerk
Merriam, Kansas

Doc. No. 001272

(Published in the KANSAS REGISTER, June 2, 1983.)

NOTICE OF BOND SALE
\$427,910.77
GENERAL OBLIGATION STREET AND
SEWER IMPROVEMENT BONDS
SERIES "A" 1983
OF THE
CITY OF OTTAWA, KANSAS
(Payable from Unlimited Ad Valorem Taxes)

Sealed bids will be received by the City Commission of the City of Ottawa, Kansas (the "City"), at the office of the City Clerk, City Hall, Ottawa, Kansas 66067, until 3:00 o'clock p.m., Central Daylight Time, on

MONDAY, JUNE 6, 1983

at which time and place said bids will be publicly opened for the purchase of \$427,910.77, principal amount of General Obligation Street and Sewer Improvement Bonds, Series "A" 1983 (the "Bonds"), of the City hereinafter described. The City Commission of the City will review the bonds and act on the acceptance of the best bid at a meeting of the City Commission to be held at said time and place.

Said issue will consist of negotiable coupon bonds in the denomination of \$5,000 each, except bond numbered 1, which will be in the denomination of \$7,910.77, dated June 1, 1983 and becoming due serially on June 1 in the years, without option of prior payment, as follows:

Year	Principal
1984	\$22,910.77
1985	25,000.00
1986	30,000.00
1987	35,000.00
1988	40,000.00
1989	45,000.00
1990	50,000.00
1991	55,000.00
1992	60,000.00
1993	65,000.00

The Bonds will bear interest from the date thereof at the rates to be determined when said Bonds are sold, as hereinafter provided, and said interest will be payable semiannually on June 1, and December 1 in each year, beginning June 1, 1984. 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 of Kansas, in the City of Topeka, Kansas.

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: Not more than four different interest rates shall be specified and the same rate shall apply to all Bonds of the same maturity. The repetition of an interest rate shall not constitute one of said four rates. Each interest rate specified shall be a multiple of 1/8th or 1/20th of 1 percent. No interest rate shall exceed the "20 Bond Index of Tax Exempt Municipal Bonds," published in the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the date of the sale of the Bonds, plus 2 percent. The difference between the

(continued)

highest rate specified and the lowest rate specified in any bid shall not exceed 2 percent. No bid providing for supplemental interest coupons will be considered.

The Bonds are being issued pursuant to K.S.A. 12-6a01 to 12-6a17 for the purpose of paying the costs of certain street improvements and pursuant to K.S.A. 12-618 to pay the cost of main sewer improvements.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from special assessments levied on the property so benefited and if not so paid, then from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City, the balance payable from ad valorem taxes which may be levied without limitation upon all the taxable tangible property real and personal, within the territorial limits of the City.

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 to the City on the basis of such bid. The award of the Bonds will be made on the basis of the lowest net interest cost to the City, which shall be determined by subtracting the amount of the premium, if any, from the total interest cost to the City and shall be specified 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.

The City will pay for printing and registering the Bonds and will deliver the same, properly executed and registered, to the successful bidder within 24 days from the date of the sale at such bank or trust company located in the United States of America, as may be specified by the successful bidder, without cost to the successful bidder. Payment for the bonds shall be made in federal funds or other funds which shall be available to the City on the same day as delivery of the Bonds. The Bonds will be sold subject to the legal opinion of GAAR & BELL, Bond Counsel, of Overland Park, Kansas, which will be furnished and paid for by the City.

The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing certificates, which will include a certificate stating that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

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 relating 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.

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$8,600.00 payable to the order of the Treasurer of the City of Ottawa, 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 a bidder whose bid is accepted shall fail to carry out the contract of purchase, the amount of said deposit will be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid 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.

All bids will be opened and read at a meeting of the City Commission to be held as aforesaid at which time the City Commission will act on the bids received.

Mailed bids should be addressed to the undersigned City Clerk, City Hall, Ottawa, Kansas 66067, and marked "Proposal for the Purchase of Street and Sewer Improvement Bonds." Bids may also be delivered to the undersigned at the office of the City Clerk in the City Hall until 3:00 p.m., C.D.T., on Monday June 6, 1983.

The total assessed valuation of the taxable tangible property within the City for the year 1982 is \$22,009,510. The total general obligation bonded indebtedness of the City as of the date of the Bonds being sold, including the Bonds being sold, is \$2,801,161.47. The City also has outstanding as of June 1, 1983, temporary notes in the amount of \$1,037,156.21 and No Fund Warrants in the amount of \$203,000.

DATED this 18th day of May 1983.

ORLIN W. SMITH
City Clerk
City Hall
4th & Walnut
Ottawa, Kansas 66067
(913)242-2190

Doc. No. 001258

(Published in the KANSAS REGISTER, June 2, 1983.)

**NOTICE OF BOND SALE
\$1,780,277.16
GENERAL OBLIGATION BONDS
OF THE
CITY OF JUNCTION CITY, KANSAS**

The City of Junction City, Kansas will receive and consider separate sealed bids for the sale of General Obligation Bonds, Series "CS," in the amount of \$1,780,277.16, dated June 1, 1983. Bids will be opened at the meeting of the City Commission in the Municipal Building at 7:05 P.M., C.D.S.T., Tuesday, June 7, 1983.

Bonds will be in the denomination of \$5,000.00 each, except Bond Number 1 of the Series CS Bonds, which will be in the denomination of \$5,277.16, and mature as follows:

Number	SERIES CS Maturity	Amount
1-17	June 1, 1984	\$85,277.16
18-34	June 1, 1985	85,000.00
35-51	June 1, 1986	85,000.00
52-68	June 1, 1987	85,000.00
69-86	June 1, 1988	90,000.00
87-104	June 1, 1989	90,000.00
105-122	June 1, 1990	90,000.00
123-140	June 1, 1991	90,000.00
141-158	June 1, 1992	90,000.00
159-176	June 1, 1993	90,000.00
177-194	June 1, 1994	90,000.00
195-212	June 1, 1995	90,000.00
213-230	June 1, 1996	90,000.00
231-248	June 1, 1997	90,000.00
249-266	June 1, 1998	90,000.00
267-284	June 1, 1999	90,000.00
285-302	June 1, 2000	90,000.00
303-320	June 1, 2001	90,000.00
321-338	June 1, 2002	90,000.00
339-356	June 1, 2003	90,000.00

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 June 1, 1984, and semiannually thereafter on December 1 and June 1 of each year. 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, Topeka, Kansas.

Bids will be received on bonds bearing such rates of interest as may be specified. Interest rates shall be in a multiple of one-eighth (1/8) of one percent (1%) or one-twentieth (1/20) of one percent (1%). No interest rate shall exceed the Kansas legal rate. No bids less than par and accrued interest will be considered.

All of said bonds will constitute general obligations of Junction City, Kansas, payable as principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property within the territorial limits of said City. The bond issue in the Notice of Bond Sale does not contain a callable clause.

The award will be made on the basis of the lowest net interest cost to the City.

The City of Junction City reserves the right to reject any and all bids.

All bids must be on forms furnished by the City

Clerk and executed by a duly authorized officer of the bidding firm or corporation; otherwise, they will not be considered.

Bids shall be sealed, accompanied by a cashier's or certified check on a bank located in the United States of America in the amount of two percent of the amount bid, and payable to the order of the City of Junction City, Kansas. Each bidder must certify to the correctness of computations by signing the bid sheet. Any alteration, changes or conditioned bids will be subject to rejection.

The City of Junction City will have the bonds properly printed without cost to the successful bidder.

The City of Junction City is requesting CUSIP identification number be printed on the 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 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 City; 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.

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.

The net interest cost to the City placed on the bidding sheet for the purchase of bonds to the City of Junction City, Kansas, shall be the binding bid.

The bonds will be subject to the approving opinion of Nichols and Wolfe Chartered, Bond Attorneys, Topeka, Kansas, and the City of Junction City shall pay for such opinion.

Bonds will be delivered to the successful bidder at any bank in Topeka or Wichita, Kansas or Kansas City, Missouri, on or before June 30, 1983.

The assessed valuation of Junction City is \$39,763,800.00.

The bonded indebtedness as of June 1, 1983, is as follows:

General Obligation Bonds	\$6,212,695.40
Revenue Bonds	\$5,355,000.00
Temporary Notes	\$1,764,926.54

\$1,764,926.54 of Temporary Notes will be retired from the proceeds of this issue.

F. R. GALLIHER
City Clerk

Doc. No. 001269

(Published in the KANSAS REGISTER, June 2, 1983.)

**(NOTICE OF SALE)
CITY OF PARK CITY
SEDGWICK COUNTY, KANSAS
NOTICE OF BOND SALE
INTERNAL IMPROVEMENT BONDS
(WATER AND SEWER)
(SERIES A 1983)**

Sealed bids will be received by the Governing Body in the city of Park City, Kansas, at the City Clerk's Office in the City Building, Park City, Kansas, 6125 North Hydraulic, Wichita, Kansas 67219, on Tuesday, June 7, 1983, at 8:00 p.m., Daylight Savings Time, at which time bids shall be publicly opened for the purchase of \$127,334.74 Internal Improvement Bonds. Said bonds will be dated June 1, 1983, and will be in the denomination of \$5,000.00 each, except No. 1, which will be in the denomination of \$2,334.74, and will become due as follows:

Number	Amount	Maturity
1	\$ 2,334.74	September 1, 1984
2	5,000.00	September 1, 1984
3-4	10,000.00	September 1, 1985
5-6	10,000.00	September 1, 1986
7-8	10,000.00	September 1, 1987
9-11	15,000.00	September 1, 1988
12-14	15,000.00	September 1, 1989
15-17	15,000.00	September 1, 1990
18-20	15,000.00	September 1, 1991
21-23	15,000.00	September 1, 1992
24-26	15,000.00	September 1, 1993

Said bonds are payable primarily from special assessments; however, the entire tangible property in said City can be levied on to pay said bonds. Said bonds are not callable.

Interest on said bonds will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1984. Both principal and interest will be payable at the office of the State Treasurer, Topeka, Kansas.

Said bonds are being issued for the purpose of certain Water and Sewer Improvements in said City.

DELIVERY AND LEGAL OPINION

Said bonds, properly printed, are to be furnished by the City without cost to the successful bidder, and said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas, phone (316) 685-7212, whose final, unqualified, approving opinion will be furnished and paid for by the City and delivered to the successful bidder as and when the bonds are delivered. The successful bidder will also be furnished with a certified transcript of proceedings evidencing the authorization and issuance of said bonds, and the usual closing proofs, including a non-litigation certificate.

Said bonds will be delivered to the successful bidder through any bank, on or before June 30, 1983, in Kansas City, Missouri; Topeka, Kansas; Wichita, Kansas; or Park City, Kansas, as may be specified by the bidder.

The assessed valuation of all tangible taxable prop-

erty situated in the city of Park City, Sedgwick County, Kansas, is \$7,873,574.00, for the year 1982. (This includes motor vehicles.)

The total bonded indebtedness of the City is as follows, to-wit:

G.O. Bonds, \$1,157,000.00—including this issue.
Notes: \$109,250.00 of which \$109,250.00 will be picked up by this bond issue and from money on hand.

Utility Revenue Bonds: \$877,000.00.

Warrants: None.

Overlapping debt: U.S.D. #259 \$22,600.00, of which .668% is applicable to Park City and U.S.D. #262 \$869,000.00, of which 3.5% is applicable to the city of Park City.

Population of Park City, Kansas: 4,138—Third Class City

COUPON RATE

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder; provided, however, that each rate specified shall apply to all bonds of the same maturity. Each rate specified shall be an even multiple of *one-tenth of one percent (1/10th of 1%)* OR *one-eighth of one percent (1/8th of 1%)*. There shall be no more than five (5) rates.

CONDITIONS FOR BIDDERS

Bids shall be submitted on a contract form with the usual information thereon, and should be addressed to the City Clerk of Park City, Kansas, plainly marked, "Bond Bid." All bids must state the gross interest cost of the bid and the average annual interest rate and premium, if any, all certified by the bidder to be correct, and the City will be entitled to rely upon such representations. Each bid must be accompanied by a certified check, cashier's check or bank draft equal to two percent (2%) (\$2,546.69) of the amount of such bid, to the City of Park City, 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. The awards will be made on the basis of the lowest net interest cost to the City. In the event an error should occur in computing the coupon rates, the net interest cost will govern.

The right is reserved to reject any or all bids.

RAYMOND REISS
Mayor

ATTEST: JERRIE MOLINA
City Clerk

(SEAL)

Doc. No. 001259

(Published in the KANSAS REGISTER, June 2, 1983.)

NOTICE OF BOND SALE
\$237,000.00
GENERAL OBLIGATION BONDS
OF THE
CITY OF FORT SCOTT, KANSAS

The CITY OF FORT SCOTT, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, FORT SCOTT, KANSAS, until 10:00 o'clock A.M., C.D.T., on

TUESDAY, JUNE 7, 1983

for \$237,000.00 par value GENERAL OBLIGATION 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, except No. 1 in denomination of \$2,000.00, and the Bonds will be dated June 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$ 7,000.00	December 1, 1984
15,000.00	December 1, 1985
20,000.00	December 1, 1986
20,000.00	December 1, 1987
20,000.00	December 1, 1988
25,000.00	December 1, 1989
30,000.00	December 1, 1990
30,000.00	December 1, 1991
35,000.00	December 1, 1992
35,000.00	December 1, 1993

Interest on the Bonds will first be payable on December 1, 1984, and thereafter semiannually on the first days of June and December 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, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall 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 the Monday next preceding the date on which the Bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, FORT SCOTT, KANSAS 66701, ATTENTION: WILDA INSLEY, CITY CLERK, and shall be plainly marked BOND BID. All

bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF FORT SCOTT, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

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 constructing Airport and Marmaton River Bridge Improvements in the City of Fort Scott, Kansas.

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

Assessed valuation figures for the City of Fort Scott, Kansas, for the year 1982, are as follows:

(continued)

Equalized Assessed Valuation of Taxable Tangible Property	\$19,085,095.00
Tangible Valuation of Motor Vehicles	\$ 2,822,360.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$21,907,455.00

The total general obligation bonded indebtedness of the City of Fort Scott, Kansas, at the date hereof, including this \$237,000.00 proposed issue of Bonds and including temporary notes in the amount of \$284,485.57, is the amount of \$1,291,883.81. The City will retire \$138,510.03 of outstanding Temporary Notes from the proceeds of the Bonds and other available funds.

DATED May 26, 1983.

WILDA INSLEY, City Clerk
City of Fort Scott, Kansas

Doc. No. 001254

(Published in the KANSAS REGISTER, June 2, 1983.)

**NOTICE OF BOND SALE
\$157,569.35
GENERAL OBLIGATION BONDS
OF THE
CITY OF PEABODY, KANSAS**

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

TUESDAY, JUNE 7, 1983

for \$157,569.35 par value GENERAL OBLIGATION 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, except No. 1 in denomination of \$7,569.35, and the Bonds will be dated June 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$ 7,569.35	December 1, 1984
5,000.00	December 1, 1985
5,000.00	December 1, 1986
5,000.00	December 1, 1987
5,000.00	December 1, 1988
5,000.00	December 1, 1989
5,000.00	December 1, 1990
5,000.00	December 1, 1991
5,000.00	December 1, 1992
10,000.00	December 1, 1993
10,000.00	December 1, 1994
10,000.00	December 1, 1995
10,000.00	December 1, 1996
10,000.00	December 1, 1997
10,000.00	December 1, 1998
10,000.00	December 1, 1999
10,000.00	December 1, 2000
10,000.00	December 1, 2001
10,000.00	December 1, 2002
10,000.00	December 1, 2003

Interest on the Bonds will first be payable on June 1, 1984, and thereafter semiannually on the first days of December and June 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 six (6) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three percent (3%). No interest rate shall 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, June 6, 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 at CITY HALL, PEABODY, KANSAS 66866, ATTENTION: MARJORIE GRAHAM, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF PEABODY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract

(continued)

and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without 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 constructing various sewer improvements in the City.

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

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the City of Peabody, Kansas, for the year 1982 is \$1,782,590.

The total bonded indebtedness of the City of Peabody, Kansas, at the date hereof, including this \$157,569.35 proposed issue of Bonds, is in the amount of \$512,169.35. The City will retire \$282,600.00 of outstanding Temporary Notes from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

DATED May 26, 1983.

MARJORIE GRAHAM, City Clerk
City of Peabody, Kansas

Doc. No. 001255

(Published in the KANSAS REGISTER, June 2, 1983.)

NOTICE OF BOND SALE
\$200,755.00
GENERAL OBLIGATION INTERNAL
IMPROVEMENT BONDS
OF THE
CITY OF GIRARD, KANSAS

The CITY OF GIRARD, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, GIRARD, KANSAS, until 4:30 o'clock P.M., C.D.T., on

MONDAY, JUNE 13, 1983

for \$200,755.00 par value GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, except No. 1 in denomination of \$5,755.00, and the Bonds will be dated June 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$20,755.00	October 1, 1984
20,000.00	October 1, 1985
20,000.00	October 1, 1986
20,000.00	October 1, 1987
20,000.00	October 1, 1988
20,000.00	October 1, 1989
20,000.00	October 1, 1990
20,000.00	October 1, 1991
20,000.00	October 1, 1992
20,000.00	October 1, 1993

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, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed one and one-half percent (1 1/2%). No interest rate shall 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, June 6, 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 at CITY HALL, GIRARD, KANSAS 66743,

(continued)

ATTENTION: JEAN M. BOLIN, CITY CLERK, and shall be plainly marked "BOND BID." All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF GIRARD, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

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 constructing sewage disposal improvements in the City.

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

Assessed valuation figures for the City of Girard, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable Tangible Property	\$5,576,034
Tangible Valuation of Motor Vehicles	1,392,145
Tangible Valuation of Motor Vehicle Dealers Inventory	\$37,790
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$7,005,969

The total bonded indebtedness of the City of Girard, Kansas, at the date hereof, including this \$200,755.00 proposed issue of Bonds, is in the amount of \$350,755. The City will retire \$200,000.00 of outstanding Temporary Notes from the proceeds of the Bonds and other available funds.

DATED May 31, 1983.

JEAN M. BOLIN, City Clerk
City of Girard, Kansas

Doc. No. 001271

(Published in the KANSAS REGISTER, June 2, 1983.)

**NOTICE OF BOND SALE
\$200,000.00
GENERAL OBLIGATION BONDS
OF THE
CITY OF VALLEY CENTER, KANSAS**

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

TUESDAY, JUNE 7, 1983

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

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated June 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$15,000.00	December 1, 1984
15,000.00	December 1, 1985
15,000.00	December 1, 1986
15,000.00	December 1, 1987
20,000.00	December 1, 1988
20,000.00	December 1, 1989
20,000.00	December 1, 1990
25,000.00	December 1, 1991
25,000.00	December 1, 1992
30,000.00	December 1, 1993

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

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding four (4) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest

(continued)

rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent (2-1/2%). No interest rate shall 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, JUNE 6, 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 at CITY HALL, VALLEY CENTER, KANSAS 67147, ATTENTION: CAROL A. REFFNER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF VALLEY CENTER, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

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 constructing, furnishing and equipping two public buildings, on existing sites of land in the City, one for use as a City Hall and the second for use as a Community Building.

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

Assessed valuation figures for the City of Valley Center, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable Tangible Property	\$7,065,604
Tangible Valuation of Motor Vehicles ..	\$2,286,823
Tangible Valuation of Motor Vehicle Dealers Inventory	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$9,352,427

The total bonded indebtedness of the City of Valley Center, Kansas, at the date hereof, including this \$200,000.00 proposed issue of Bonds, is in the amount of \$1,991,000.00.

DATED June 7, 1983.

CAROL A. REFFNER, City Clerk
City of Valley Center, Kansas

Doc. No. 001256

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Topeka, Kansas 66612

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