

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 2, No. 31

August 4, 1983

Pages 989-1014

IN THIS ISSUE . . .

	<i>Page</i>
<i>Children and Youth Advisory Committee</i>	
Notice of Meeting	990
<i>Secretary of State</i>	
Usury Rate for August	990
<i>Department of Health and Environment</i>	
Public Notice	990
Notice of Hearing	990
Notice of Hearing on Proposed Administrative Regulations	991
<i>Animal Health Department</i>	
Notice of Hearing on Proposed Administrative Regulations	991
<i>Department of Corrections</i>	
Notice of Commencement of Negotiations (Technical Services)	992
<i>Governor's Executive Order No. 83-64</i>	992
<i>Notice to Bidders for State Purchases</i>	992
<i>Department of Transportation</i>	
Notice to Contractors	994
<i>Attorney General's Opinions</i>	
Opinions No. 83-111 through 83-114	994
<i>Court of Appeals Docket</i>	995
<i>Legislative Interim Committee Schedule</i>	999
<i>Secretary of State</i>	
Public Disclosure Commission Opinions No. 83-16 through 83-22	1000
<i>State Corporation Commission</i>	
Notice of Motor Carrier Hearings	1004
<i>Notices of Bond Sales</i>	
Wichita Public Building Commission	1008
City of Hutchinson	1011

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 August 8, 1983, at 1:30 p.m. at the Judicial Center, Judicial Administrator's Conference Room (337), 301 W. 10th Street, Topeka, Kansas.

GEORGENE WADE
 Chairperson

Doc. No. 001378

State of Kansas

DEPARTMENT OF
HEALTH AND ENVIRONMENT
PUBLIC NOTICE

A Certificate of Need Application from the Bob Wilson Memorial Grant County Hospital for the replacement of the facility was filed on July 25, 1983, by the Kansas Department of Health and Environment for initiation of the 90 day review cycle. This application will be available for public examination at the Office of Health Planning, Forbes Field, Topeka, Kansas.

BARBARA J. SABOL
 Secretary

Doc. No. 001390

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 August 1, 1983 through August 31, 1983 shall be 15.430%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 29th day of July, A.D. 1983.

JACK H. BRIER
 Secretary of State

Doc. No. 001391

State of Kansas

DEPARTMENT OF
HEALTH AND ENVIRONMENT

NOTICE OF PUBLIC HEARING

A public hearing to discuss the proposed Federal Fiscal Year 1984 Priority System and List will be held Friday, August 26, 1983, at 10:00 a.m. at the Topeka-Shawnee County Health Department, 1615 W. 8th Street in Topeka.

The Bureau of Water Quality has developed a new Priority System and resultant list for ranking and Federal funding of wastewater system projects. Copies of the proposed Priority System were previously mailed and comments have been received. Comments on the system and list can still be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Mr. Robert Nicholson, Bureau of Water Quality, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas 66620.

BARBARA J. SABOL
 Secretary

Doc. No. 001385

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.

ISSN No. 0744-2254.

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

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

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



PHONE: 913/296-2236

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on August 22, 1983, commencing at 9:00 a.m. in the conference room, first floor, Department of Health and Environment, Building 740, Forbes Field, Topeka, Kansas, to consider the adoption of proposed temporary rules and regulations of the department to be cited as:

K.A.R. 28-39-79 and 28-39-80 (under the provisions of K.S.A. 39-932, L. 1983, Ch. 286, Sec. 10; implementing L. 1983, Ch. 286, Sec. 10)—to require 40 hours of training for unlicensed nursing personnel before providing direct, individual care for residents in adult care homes and to establish a fee for the nurse aide examination.

K.A.R. 28-39-87 (under the provisions of K.S.A. 39-932)—to require that nursing personnel wear identification badges to identify various levels of staffing.

All interested parties may submit written comments by addressing them to the Office of Health Facilities, Department of Health and Environment, Forbes Field, Topeka, Kansas 66620. Reasonable opportunity will be given at the hearing to all interested persons to present their views regarding the adoption of the proposed rules and regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit presentation to not more than five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as a basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing to the above address.

BARBARA J. SABOL
Secretary

Doc. No. 001388

State of Kansas

ANIMAL HEALTH DEPARTMENT**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Thursday, August 25, 1983, commencing at 10:00 a.m., in the office of the Animal Health Department, 535 Kansas Avenue, 7th Floor, Topeka, Kansas, to consider the adoption of proposed temporary and permanent rules and regulations of the Animal Health Department.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Livestock Commissioner, Kansas Animal Health Department, 535 Kansas Avenue, 7th Floor, Topeka, Kansas 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Copies of the full text of the regulations and the fiscal impact statement may be obtained from the Animal Health Department, 535 Kansas Avenue, 7th Floor, Topeka, Kansas 66603, phone (913) 296-2326. The following is a brief summary of the proposed regulations:

K.A.R. 9-2-1, 9-2-3 through 9-2-5, 9-2-7 through 9-2-21, 9-2-23 through 9-2-26 and 9-2-28 through 9-2-31 are outdated regulations pertaining to bovine brucellosis and are being revoked.

K.A.R. 9-2-2 concerning identification of calfhood vaccinates is being updated. Part I-R, Page 16 of the Uniform Methods and Rules, covering "Identification of Vaccinates," is expected in **K.A.R. 9-2-32**; therefore, this revision is necessary to cover identification of calfhood vaccinates.

K.A.R. 9-2-32 is a new regulation adopting by reference the provisions of the Brucellosis Eradication Uniform Methods and Rules, effective April 1, 1981, and the amendments to the Brucellosis Eradication Uniform Methods and Rules, effective May 1, 1982. This will replace the provisions of the bovine brucellosis regulations that are being revoked.

K.A.R. 9-2-33 is a new regulation concerning testing requirements for intrastate movement when there is a change of ownership. This regulation replaces **K.A.R. 9-2-31** in order to clarify testing procedures to conform with the Uniform Methods and Rules.

K.A.R. 9-14-1 through 9-14-3 are proposed new regulations which establish provisions for livestock dealers registration. These regulations are necessitated by requirements in the new Uniform Methods and Rules for Brucellosis Eradication and Title 9, Code of Federal Regulations, Part 78.

DR. GERALD D. GURSS
Livestock Commissioner

Doc. No. 001387

**State of Kansas
DEPARTMENT OF CORRECTIONS**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for surveying services for the following project:

96-Man Modular Facility; K.S.I.R.,
Hutchinson, Ks.

Interested individuals must be licensed to provide surveying services in the state of Kansas.

Any additional information, questions or expressions of interest should be directed to Mr. Jack Roberts Nelson, Division of Architectural Services, 625 Polk, Topeka, Kansas 66603, (913) 233-9367, prior to August 22, 1983.

MICHAEL A. BARBARA
Secretary

Doc. No. 001376

**State of Kansas
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER NO. 83-64

OFFER OF REWARD

WHEREAS, Edward A. Burton, age 67, and Hazel M. Burton, age 58, both of Easton, Leavenworth County, Kansas, were brutally and viciously killed on or about July 22, 1983; and

WHEREAS, said killings appear to have been heinous crimes and homicides in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, John Carlin, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and conviction of the perpetrators of these crimes.

This document shall be filed with the Secretary of State as Executive Order No. 83-64, and shall become effective immediately.

Dated July 27, 1983.

JOHN CARLIN
Governor
Attest: JACK H. BRIER
Secretary of State

Doc. No. 001379

**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, AUGUST 15, 1983

#54774
Department of Administration, Topeka—FURNISH AND INSTALL VAULT DOOR, STATE TREASURER

#54775
Fort Hays State University, Hays—COMPUTER SYSTEM

#54805
University of Kansas, Lawrence—CIRCUIT BREAKER PANELBOARDS

#54806
University of Kansas Medical Center, Kansas City—UPGRADE EXISTING CT8800 TO CT9800

#54807
Kansas Bureau of Investigation, Topeka—PLAIN PAPER COPIER

#54808
Emporia State University, Emporia—STORM/SCREEN DOORS

#54809
Department of Administration, Division of Printing, Topeka—ENVELOPES-WHITE WOVE WINDOW #OS200-A

#54810
Department of Transportation, Salina—LUBRICATING OIL

#54811
Kansas State Penitentiary, Lansing—ACCESSORIES AND PANELS FOR METAL BUILDING

#54814
Kansas Highway Patrol, Topeka—SCANNING MONITOR RADIOS

#54815
Department of Social and Rehabilitation Services, Topeka—JANITORIAL SUPPLIES (BRUSHES), KANSAS INDUSTRIES FOR THE BLIND, TOPEKA

#54818
Pittsburg State University, Pittsburg—LABOR, MATERIALS AND INSTALL BOOKCASES AND RELATED WORK, KELCE CENTER

#54837
Kansas State University, Manhattan—FERTILIZER

#54845
Department of Transportation, Hutchinson—LUMINAIRES, WICHITA

TUESDAY, AUGUST 16, 1983

#A-4616
Kansas State Historical Society, Topeka—REROOF CURATOR'S HOME AND PORCH, PONY EXPRESS STATION, HANOVER

#A-4652
Department of Human Resources—ROOF REPLACEMENT FOR EAST DECK, JOB SERVICE CENTER, WICHITA

(continued)

#25698
University of Kansas Medical Center, Kansas City—
I.V. PUMPS AND SETS

#54788
University of Kansas Medical Center, Kansas City—
NEONATAL TRANSPORT INCUBATOR

#54792
Pittsburg State University, Pittsburg—LOUNGE
FURNITURE

#54795
Kansas State Penitentiary, Lansing—ELECTRICAL
SUPPLIES

#54816
Department of Social and Rehabilitation Services, Topeka—
JANITORIAL SUPPLIES (BROOMS), KANSAS
INDUSTRIES FOR THE BLIND, TOPEKA

#54819
Kansas Highway Patrol, Topeka—TRAFFIC RADAR
UNITS

#54820
Department of Administration, Topeka—REFUR-
BISHING AIRCRAFT

#54821
Topeka State Hospital, Topeka—CLINICAL CHEM-
ISTRY ANALYZER

#54823
Kansas State University, Manhattan—LAB BAL-
ANCES

#54838
Kansas State University, Manhattan—COOLING
TOWER

#54840
University of Kansas Medical Center, Kansas City—
PORTABLE COLOR VIDEO CAMERA

#54843
University of Kansas Medical Center, Kansas City—
ICE MELT, 94-97% CALCIUM CHLORIDE

#54844
Kansas Fish and Game Commission, Pratt—NEW
BOATS, VARIOUS LOCATIONS

WEDNESDAY, AUGUST 17, 1983

#A-4659
Department of Human Resources—FENCING
AROUND PARKING LOT, JOB SERVICE CENTER,
KANSAS CITY

#54793
University of Kansas, Lawrence—RECORDING
METERS AND FLOW TOTALIZERS

#54803
Kansas State University, Manhattan—CHAIRS

#54804
Department of Transportation, various locations—
MRA AGGREGATE FOR VARIOUS LOCATIONS

#54812
Adjutant General's Department, Topeka—LABOR
AND MATERIALS TO REPLACE OVERHEAD
DOORS, WICHITA

#54813
Kansas Highway Patrol, Topeka—CAMERA AND
FLASH UNITS

#54824
Department of Transportation, Salina—HERBICIDE

#54825
Kansas State University, Manhattan—
LEASE/PURCHASE—TWO-COLOR PRESS

#54827
Kansas State University, Manhattan—SHORTENING

#54833
Department of Health and Environment, Topeka—
LABORATORY SUPPLIES

#54842
Winfield State Hospital and Training Center, Win-
field—LAUNDRY EQUIPMENT

THURSDAY, AUGUST 18, 1983

#54817
University of Kansas, Lawrence—WIRELESS MI-
CROPHONE SYSTEM

#54822
Department of Human Resources, Topeka—AUDIT-
ING SERVICE, CETA, TOPEKA

#54826
Emporia State University, Emporia—DATA PROC-
ESSING UPGRADE

#54828
Emporia State University, Emporia—STEEL

#54829
Kansas Correctional Industries, Lansing—DETER-
GENT

#54830
Kansas State Penitentiary, Lansing—PORTABLE
TWO-WAY RADIO EQUIPMENT

#54831
University of Kansas Medical Center, Kansas City—
MEAT PRODUCTS

#54832
Kansas State Penitentiary, Lansing—BUILDING MA-
TERIALS

#54834
Kansas State University, Manhattan—LABORATORY
ANALYZER SUPPLIES

#54835
Kansas State University, Manhattan—SPECTRO-
GRAPH

#54836
Kansas State University, Manhattan—GRAIN BIN

#54839
Kansas Highway Patrol, Topeka—TWO-WAY AIR-
CRAFT RADIO EQUIPMENT, KANSAS CITY

#54846
Department of Transportation, Hutchinson—READY
MIX CLASS "A" CONCRETE, WICHITA AREA

FRIDAY, AUGUST 19, 1983

#25701
Kansas State University, Manhattan—GRAPHIC ARTS
SUPPLIES

#54841
Winfield State Hospital and Training Center, Win-
field—LAUNDRY EQUIPMENT

NICHOLAS B. ROACH

Director of Purchases

Doc. No. 001384

(Published in the KANSAS REGISTER, August 4, 1983.)

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., August 18, 1983 and then publicly opened:

DISTRICT FIVE

Montgomery—166-63 M 1314-01—Slide Repair, beginning approx. 0.13 mile west of the north jct. of US-166 & US-75; thence east on US-166. Bids for Slide Repair on this project will be received only from Small Business Enterprises (State Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

BY ORDER OF THE KANSAS
DEPARTMENT OF TRANSPORTATION

JOHN B. KEMP
Secretary

Doc. No. 001381

State of Kansas
ATTORNEY GENERAL

OPINION NO. 83-111

Automobiles and Other Vehicles—Registration of Vehicles—Place for Registering Antique Motor Vehicles. Philip M. Durr, Rice County Attorney, Lyons, July 25, 1983.

Pursuant to K.S.A. 8-168, each antique motor vehicle must be registered in the county in which the owner thereof resides. Cited herein: K.S.A. 8-129, 8-168. RJB

OPINION NO. 83-112

Banks and Banking—Banking Code; Supervision—Confidential Nature of Examination Records. Eugene C. Hegarty, State Bank Commissioner, Topeka, July 25, 1983.

K.S.A. 9-1712 provides that all information gathered or recorded by the bank commissioner in the investigation or examination of any bank shall be confidential, and not disclosed except under certain limited circumstances. Under K.S.A. 9-1714, the commis-

sioner may appoint a special deputy to take charge of a bank which is being conducted in an unsound manner, and any records, memoranda or correspondence by or to such a deputy are part of an on-going investigation, and so come under the terms of K.S.A. 9-1712. The Kansas *Open Records Act*, K.S.A. 45-201 *et seq.*, accordingly does not apply, since such material is specifically closed by law and so excluded from the Act [K.S.A. 1982 Supp. 45-201(b)(5)]. Cited herein: K.S.A. 9-1701, 9-1712, 9-1714, 9-1903, K.S.A. 1982 Supp. 45-201, 1983 House Bill No. 2327. JSS

OPINION NO. 83-113

Corporations—Savings and Loan Association Code—Examinations; Acceptance of Examinations Made by Federal Savings and Loan Insurance Corporation. Marvin S. Steinert, Savings and Loan Commissioner, Topeka, July 27, 1983.

Pursuant to K.S.A. 17-5612, the savings and loan commissioner or a deputy commissioner is required to examine, without prior notice, each savings and loan association organized under the law of this state at least once every 18 months. In lieu of such examinations, the commissioner may accept examinations made by the Federal Savings and Loan Insurance Corporation, even though federal examinations may be made only every 20 months. In that the Legislature has expressly permitted the commissioner to adopt the federal report as a substitute for his own, the 18 month period must be construed as being directory, rather than mandatory. Cited herein: K.S.A. 17-5612. JSS

OPINION NO. 83-114

Taxation—Income Tax—Due Process; Retroactive Application. Representative James E. Lowther, Sixteenth District, Emporia, July 27, 1983.

The 1983 changes in K.S.A. 1982 Supp. 79-32,120, concerning the amount of federal tax liability that may be deducted in calculating state income tax liability, effective as of the beginning of the 1983 tax year, do not violate the principle of due process of law. Cited herein: K.S.A. 1982 Supp. 79-32,120, as amended by L. 1983, ch. 327, § 1, U.S. Const., Amend. XIV. RJB

ROBERT T. STEPHAN
Attorney General

Doc. No. 001380

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION**COURT OF APPEALS DOCKET**

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

KANSAS COURT OF APPEALS**COURT OF APPEALS COURTROOM, 3rd FLOOR****OLD SEDGWICK COUNTY COURTHOUSE****541 NORTH MAIN, WICHITA, KANSAS****Before FOTH, C.J., SWINEHART and MEYER, JJ.****Tuesday, August 30, 1983**

Case No.	Case Name	Attorney	County
		9:00 a.m.	
54,795	State of Kansas, appellee, v. Donald W. Howard, appellant.	Atty. Gen.; Sedgwick Co. Dist. Atty. Barry Arbuckle.	Sedgwick
55,058	Doneta F. Tipton, appellant, v. J. C. Tipton, Jr., appellee.	Edgar Wm. Dwire.	Sedgwick
54,922	M & B Investment, Inc., appellant, v. Craig Smith and Karen J. Smith, et al., appellees.	Stephen J. Blaylock. David J. Wood.	Sedgwick
54,582	Natural Log Homes, Inc., appellant, v. Randy Hazen, dba R. C. Hazen Construction, appellee.	James T. Wiglesworth; Michael R. Santos. Roger Sherwood.	Sedgwick
54,456	Ruby L. Klinzmann, appellee, v. Terry L. Beale, et al., appellants, and Linda K. McDowell, appellee, v. Terry L. Beale, et al., appellants.	Lee Turner; Steven C. Day.	Sedgwick
54,878	State of Kansas, appellee, v. Thomas O. Arnold, appellant.	Alan L. Rupe. Atty. Gen.; James W. Modrall, Co. Atty. John F. Jones, II.	Harvey
		1:30 p.m.	
55,180	G. Bryant Boyd, appellee, v. Medical Center, P.A., appellant.	Larry Bolton.	Reno
55,204	Ellen Vap, appellee, v. Diamond Oil Producers, Inc., appellant.	Patricia Rose Myers. Dennis Keenan.	Barton
55,037	State of Kansas, appellant, v. Chester Newman, appellee.	Glenn E. Casebeer II. William H. Pringle, Co. Atty.; Atty. Gen. Jerry M. Ward.	Barton

(continued)

Wednesday, August 31, 1983

9:00 a.m.

55,433	Donna Murdock, appellant, v. MBPXL, appellee.	Randy S. Stalcup.	Sedgwick
54,808	National Education Association-Wichita, appellee, v. Unified School District No. 259, appellant.	Frederick L. Haag. David M. Schauner; Morris D. Birch.	Sedgwick
54,875	Capital Leasing Co., Inc., appellee, v. Kightlinger's, a division of Investment, Inc., appellant.	William H. Dye; Patricia E. Baker. Ronald D. DeMoss.	Sedgwick
54,788	State of Kansas ex rel. Ludwick, Secretary of Human Resources, appellant, v. City of Peabody, et al., appellees.	Arnold Berman.	Marion
54,852	Daniel's Landing, et al., appellees, v. LaVerne N. Lambertz, et al., appellants.	Gaylord I. Maples. James W. Sargent.	Sedgwick
54,460	State of Kansas, appellee, v. Bobby R. Trotter, appellant.	Charles S. Fisher, Jr.; Jerry G. Elliott.	Reno
54,396	Leslie H. Angel, Jr., appellee, v. Leslie H. Angel, Jr., dba Angel Construction Company, et al., appellant.	Atty. Gen.; Francis Meisenheimer, Asst. Co. Atty. Richard Rome. Herbert R. Hess, Jr. Michael R. O'Neal.	Reno

**KANSAS COURT OF APPEALS
DISTRICT COURTROOM, 3rd FLOOR, MEMORIAL BUILDING
CHANUTE, KANSAS**

Before FOTH, C.J., SWINEHART and MEYER, JJ.

Wednesday, September 7, 1983

9:00 a.m.

54,727	State of Kansas, appellee, v. Roger D. Davis, et al., appellants.	Atty. Gen.; Edwin H. Bideau, Co. Atty.	Neosho
55,377	State of Kansas, appellee, v. Charles Newkirk, appellant.	Ronald P. Wood. Atty. Gen.; Charles S. Gray.	Labette
consolidated with 55,378	State of Kansas, appellee, v. Charles Newkirk, appellant.	David K. Markham.	Labette
55,075	In the Interest of Melissa Jean Pease, a minor girl under the age of 18 years.	Atty. Gen.; Charles S. Gray. David K. Markham.	Labette
54,966	Russell A. Powell, et al., appellees, v. James L. Hardin, appellant.	John D. Sherwood; Charles S. Gray; Edward W. Dosh; L. Stephen Garlow.	Montgomery
54,771	In the Matter of the Estate of Pearl W. Baumgardner, deceased.	Clement H. Hall. John M. Wall. Jack L. Lively; M. Doug Bell.	Montgomery

(continued)

1:00 p.m.

54,941	State of Kansas, appellee,	Atty. Gen.; Frank E. White, Jr., Co. Atty.	Chautauqua
	v. Lewis Landsaw, appellant.	John M. Wall.	
54,888	State of Kansas, appellee,	Atty. Gen.; Frank White, Co. Atty.	Chautauqua
	v. Raymond E. Smith, appellant.	John R. Horst.	
54,413	State of Kansas, appellee,	Atty. Gen.; Donald H. Shoop, Co. Atty.	Greenwood
	v. Allen Ross, appellant.	Carl W. Shewmaker.	

KANSAS COURT OF APPEALS

WYANDOTTE COUNTY COURTHOUSE, DIV. #5 COURTROOM
KANSAS CITY, KANSAS

Before REES, P.J., ABBOTT, J., and HARRY G. MILLER, District Judge Retired, assigned.

Wednesday, September 7, 1983

9:00 a.m.

55,341 S.C.	State of Kansas, appellee,	Atty. Gen.; Jerry Gorman, Asst. Dist. Atty.	Wyandotte
	v. Randy L. Stanard, appellant.	John H. Fields.	
55,187	State of Kansas, appellee,	Atty. Gen.; Jerry Gorman, Asst. Dist. Atty.	Wyandotte
	v. William E. Howse, appellant.	Mark T. Jeffers.	
55,203	State of Kansas, appellee,	Atty. Gen.; Nick Tomasic, Dist. Atty.	Wyandotte
	v. Arthur Wright, appellant.	Donald E. Bucher.	
54,974	Barbara Jean Cummings, appellant,	Michael E. Callen	Wyandotte
	v. Julie A. Winters, et al., appellees.	Michael M. Moran; Daniel B. Denk.	
55,249	Sherman R. Yunghans, appellee,	Leonard O. Thomas.	Leavenworth
	v. David W. Carson, appellee, and Farm Bureau Mut. Ins. Co. Inc., appellant.	Kenneth J. Reilly. Paul Hasty, Jr.	

1:00 p.m.

55,077	State of Kansas, appellee,	Atty. Gen.; Robert E. Davis, Co. Atty.	Leavenworth
	v. Clifford Eugene Conley, appellant.	E. Roger Horsky.	
54,447	Patrick Cline, a minor, by Joan L. Forbes, his mother and next friend, appellee,	Thomas M. Dawson.	Leavenworth
	v. Joyce M. Jordan, appellant.	John C. Tillotson.	
55,406	Myron McConnell, appellant,	Michael D. Pepoon.	Miami
	v. State of Kansas, appellee.	Atty. Gen.; David Belling, Co. Atty.	

(continued)

55,124	Louis A. Seever, appellee, v. Clearview City, respondent, and Aetna Life & Casualty Co., insurance carrier, and Rebel Drywall Company, et al., appellants.	Dennis L. Horner. J. Eugene Balloun. James E. Martin.	Johnson
--------	--	---	---------

Thursday, September 8, 1983
9:00 a.m.

55,186 S.C.	Raymond J. Hickman, appellant, v. Graves Truck Lines, Inc., appellee.	Gerald N. Jeserich. Wade A. Dorothy.	Wyandotte
54,991	In the Interest of Teresa Murray.	James D. Uhlig. David McLain. Kathleen Stannard.	Wyandotte
55,226	State of Kansas, appellee, v. Nathaniel Mosley, appellant.	Atty. Gen.; Wesley K. Griffin; Asst. Dist. Atty. Michael Sexton.	Wyandotte
55,132	In re guardianship & conservatorship of Michelle Deanne Jenkins and Stephen Michael. David K. Holdsworth, petitioner, v. Linda S. Jenkins, et al., respondents.	David K. Holdsworth. Mark R. Singer.	Wyandotte
54,634	Melvin D. Jewett, appellee, v. Mildred Ruth Jewett, appellant.	Keith Witten; Mary Beth Balke. Thad E. Nugent. Kenneth P. Soden.	Johnson

1:00 p.m.

54,620	State of Kansas, appellee, v. Alvin N. Arnett, appellant.	Atty. Gen.; Michael J. Malone, Dist. Atty. Michael E. Riling.	Douglas
55,370	State of Kansas, appellant, v. Sherman L. Galloway, appellee,	Atty. Gen.; Mary D. Perwitt, Asst. Dist. Atty. Jeffrey O. Heeb.	Douglas
54,424	Vanessa F. Botham, et al., appellees, v. Elizabeth Beard, appellant.	Jerry L. Harper; David J. Berkowitz. Gerald F. Powers.	Douglas
54,766	United Cab Co., Inc., appellee, v. Ules J. Dugas, appellant.	John H. Fields. James F. Ralls, Jr.; Mark R. Singer.	Wyandotte

Friday, September 9, 1983
9:00 a.m.

55,133 S.C.	Marlowe King, petitioner, v. State of Kansas, respondent.	Paul M. Dent. Atty. Gen.; Nick A. Tomasic, Co. Atty.	Wyandotte
55,605	Anthony R. Love, appellant, v. State of Kansas, appellee.	Karen L. Shelor. Atty. Gen.; John McNally, Asst. Dist. Atty.	Wyandotte

(continued)

54,873	State of Kansas, appellee,	Atty. Gen.; Michael B. Buser, Asst. Dist. Atty.	Johnson
	v. William C. Wiswell, appellant.	Thomas Brooks.	
55,076	Lewis G. Allen, M.D., appellant,	Mark L. Bennett, Jr.	Johnson
	v. Willard B. Snyder, et al., appellees.	N. Jack Brown; A. C. Cooke; Darrell Havener.	
54,670	Rita A. Simmons, appellee,	Ernest Ballweg.	Johnson
	v. Rodger C. Simmons, appellant.	Lou Bjorgaard.	
55,027	Herbert C. Hodes, M.D., appellant,	Douglas Lancaster.	Johnson
	v. Comprehensive Health Associates, P.A., appellee.	C. Maxwell Logan.	

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 001373

State of Kansas

LEGISLATURE

INTERIM AGENDA

Notice is hereby given to all interested parties that the following legislative committee meetings have been scheduled during the period of August 8 through August 19, 1983.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Aug. 8	519-S	10:00 A.M.	Special Committee on	Hearings on Proposals 27, 28,
Aug. 9	519-S	9:00 A.M.	Judiciary	29 and 31.
Aug. 8	526-S	10:00 A.M.	Special Committee on	Hearings on Proposal 44.
Aug. 9	526-S	9:00 A.M.	Transportation	Hearings on Proposals 41 and 43.
Aug. 15	Pratt	10:00 A.M.	Special Committee on	Presentations on Proposal
Aug. 16	Pratt	9:00 A.M.	Energy and Natural Resources	22—Fish and Game Commission's funding and Proposal 23—Wildlife Habitat Stamp. Tour of Fish and Game facilities and public hearing on the proposals at 10:00 a.m. on August 16.
Aug. 15	527-S	10:00 A.M.	Subcommittee No. 3 of	Hearings on Proposal 26.
Aug. 16	527-S	9:00 A.M.	Special Committee on Infrastructure	
Aug. 17	527-S	9:30 A.M.	Special Committee on	Agenda unavailable.
Aug. 18	527-S	9:00 A.M.	Commercial and Financial Institutions	
Aug. 18		9:00 A.M.	Special Committee on	Proposal 38. (Will be meeting out of town—place not yet determined.)
Aug. 19		9:00 A.M.	Special Care Services	
Aug. 18	519-S	10:00 A.M.	Special Committee on	Agenda to be determined.
Aug. 19	519-S	9:00 A.M.	Communications, Computers and Technology	

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 001386

State of Kansas

SECRETARY OF STATE**KANSAS PUBLIC
DISCLOSURE COMMISSION****Advisory Opinion No. 83-16**

Written July 20, 1983 to Chester C. Owens, Jr., 1150 Washington Blvd., Kansas City, Kansas 66101.

This opinion is in response to your letter of June 14, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

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

We understand you ask for this opinion in your capacity as a member of the City Council for the City of Kansas City, Kansas. You advise us that you are a licensed insurance agent for the state of Kansas and also a member of the Independent Insurance Agents of Kansas City, Kansas. You were chairman of the committee that handled the insurance for the Kansas City, Kansas, Wyandotte County Health Department.

You indicate that you resigned that position immediately after election as a city councilman. The insurance for the Health Department is written through H. W. Sewing & Co., Inc., of which you are president, and a portion of the commission is retained by this agency.

Since your resignation, a new chairman has been appointed by the Insurance Association and all contracts are made by that person. You state that when the current policies expire, if new ones are written through H. W. Sewing & Co., Inc., you will indirectly receive some monetary benefit from the commission gained from these policies. The Health Board does not get approval from the city council to place their insurance. One member of the city council does sit on the Kansas City, Kansas, Wyandotte County joint Board of Health.

You also advise us that you presently serve as a member of the executive committee of the Kansas City, Kansas, Association of Insurance Agents. We understand that Association may bid on writing insurance for the City itself and you could receive some indirect monetary benefit if the Association is successful.

Based on these factual situations, we understand you to ask whether it would constitute a conflict of interest for you to receive commissions either for the sale of insurance to the Wyandotte County Health Department of the City of Kansas City, Kansas, itself, from entities in which you hold a substantial interest during your service as a city councilman if you abstain from any action as a public official regarding such contracts.

K.S.A. 75-4304 and 75-4305 apply to your questions. From a review of those sections, it is our opinion, so long as you abstain in your capacity as a public official

from participation in the making of the contracts, that it is permissible for you to receive the commissions you have described.

Advisory Opinion No. 83-17

Written July 20, 1983 to William W. Sneed, Chief Attorney, Kansas Insurance Department, 420 S.W. 9th, Topeka, Kansas 66612.

This opinion is in response to your letter of July 5, 1983, in which you request an opinion from the Kansas Public Disclosure Commission concerning S.B. 379.

We understand you request this opinion in your capacity as Chief Attorney for the Kansas Insurance Department. You ask three questions which will be handled separately below.

Your first question deals with S.B. 379, Section 10. That section states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

You ask whether this section prohibits a state employee from accepting future outside employment with a regulated, licensed or inspected entity while on the state payroll even if the two terms of employment never overlap.

It is our opinion that this section of the Act was not intended to apply to the situation you have described. Specifically, K.S.A. 46-233 sets forth clear and precise guidelines for these circumstances when a state employee may not accept employment with outside entities upon termination of state employment. Thus, we do not believe this language prohibits a state employee from accepting a position with an outside regulated industry during tenure as a state employee so long as the two terms of employment do not overlap.

Your second question deals with Section 11 of S.B. 379. That section states:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor,

(continued)

hospitality or service having an aggregate value of \$100 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year to that agency.

(d) Hospitality in the form of food and beverages are presumed not to be given to influence a state officer or employee in the performance of such officer's or employee's official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

You ask under subsection (c) whether gifts to individual employees of an agency are aggregated to determine the applicability of the \$100 threshold. For example, would a person be in violation of this subsection if he provided fifty dollars in food and beverages in the form of hospitality to two employees of the same agency.

It is our opinion as a general rule that subsection (c) does not apply to the situation you have described. Rather, subsections (a) and (b) apply to gifts to individual employees of an agency. This section was intended, in our opinion, to prohibit licensed, inspected and regulated industries from giving gifts to the agency itself as an entity in a value of \$100 or more in a calendar year.

Your third question also relates to subsection (c) of Section 11 of S.B. 379. You ask whether that subsection prohibits gifts to the state agency of a value of \$100 or more in a calendar year, such as a piece of furniture, if the gift becomes state property and is properly reported on the agency's inventory.

It is our opinion that this situation is precisely what the language of this section is directed at. In other words, we believe it to be unlawful for a regulated, licensed or inspected entity to give a gift to the regulating state agency, such as furniture, if the value of said gift or the aggregate of the gifts to the agency in a calendar year are equal to or greater than \$100. This is true regardless of whether the property is listed on the agency's inventory.

Advisory Opinion No. 83-18

Written July 20, 1983 to Constance K. Rogers, County Appraiser, Chautauqua County Appraiser's Office, 215 North Chautauqua, Sedan, Kansas 67361.

This opinion is in response to your letter of July 8,

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 to K.S.A. 25-4142 *et seq.*, K.S.A. 46-215 *et seq.*, and K.S.A. 75-4301 *et seq.* Thus, whether some other common law or statutory system applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as Chautauqua County Appraiser. You ask whether it would be a conflict of interest for a person to serve as a precinct committeewoman at the same time as she serves as a county appraiser.

We have reviewed all of the laws enumerated above and none of them preclude the situation you have described. It is, therefore, our opinion, based on the laws within our jurisdiction, that a person may serve as a precinct committeewoman during her tenure as a county appraiser.

Advisory Opinion No. 83-19

Written July 20, 1983 to Curtis M. Irby, Deputy General Counsel, State Corporation Commission, Fourth Floor, State Office Bldg., Topeka, Kansas 66612.

This opinion is in response to your letter of June 16, 1983, in which you request an opinion from the Kansas Public Disclosure Commission concerning S.B. 379.

We understand you to request this opinion on behalf of R. C. (Pete) Loux, a Commissioner of the State Corporation Commission, in your capacity as Deputy General Counsel for the Corporation Commission.

You advise us that Mr. Loux has, for a number of years, been active with the Cerebral Palsy Research Foundation and currently serves on its Board of Directors. He is also on the Board of Center Industries, a non-profit corporation which we understand to employ severely handicapped and able-bodied individuals in an effort to provide to the handicapped a real work environment where they learn to share normal working experiences. While the corporation is non-profit, it does compete in the market place in the sale of goods and services. Mr. Loux serves without compensation.

Center Industries does some work by contract with the Kansas Commission. Normal procedure when contracting with parties on a competitive bid basis is handled through the State Negotiating Statute (K.S.A. 66-1513). Mr. Loux is not a member of that negotiating committee. On non-competitive bid situations, normal procedure is for the Executive Secretary to handle this matter in consultation with the Department of Administration, Director of Purchasing, and the Chairman of the Commission, Michael Lennen.

Based on this factual situation, you ask the following questions with the caveat that they are directed at situations not covered by the exceptions contained in Section 9(d)(1) & (2):

1. Is a non-profit corporation defined as a business under Section 1(d) of Senate Bill 379?
2. Is Section 1(d) applicable to a non-profit corporation for which Mr. Loux receives *no* compensation?

(continued)

3. Is Mr. Loux in compliance with Section 9(a), assuming he is covered by the substantial interest definition, if he is not a signatory or a participant in the making of contracts?
4. If Mr. Loux is either a non-participant or abstains from participation in any matters involving Center Industries, is he in compliance with the intent of this legislation?
5. Would Center Industries be in violation of Section 9(a) under the above-stated factual circumstances?

Turning to your first question, it is our opinion, under K.S.A. 46-230 which sets out the applicable definition of "business," that Center Industries, Inc., is a "business" as that term is defined therein and thus constitutes a "business" for the purposes of S.B. 379, Section 1(d).

It is further our opinion in response to your second question that Section 1(d) does apply to Mr. Loux as it relates to Center Industries, Inc., regardless of the fact that he receives no compensation for his services as a member of the Board.

In sum, as to your first two questions, it is our opinion that Mr. Loux does hold a substantial interest in Center Industries, Inc., by statute, and the interest should be disclosed on his substantial interest statement. We now turn to those questions which deal with the effect that holding a substantial interest plays in Mr. Loux's carrying out his state duties.

Section 9(a) of S.B. 379 applies to those questions. That subsection states:

(a) No state officer or employee shall in the capacity as such officer or employee participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest and no such person or business shall enter into any contract where any state 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.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

As may be seen from this language, it is not aimed at precluding state officers and employees from holding outside substantial interests and certainly not one of the nature of Center Industries, Inc. Rather, the language under certain circumstances is directed at requiring the state officer or employee to absent themselves from participation in their capacity as a state officer or employee in contractual situations involving the person or entity in which they hold a substantial interest. So long as the state officer or employee does not participate in the contractual setting, then the business may contract with the state employee's

agency and likewise the agency may contract with the business.

We believe what we have just said concerning our interpretation of the statutory language answers your three remaining questions. If you have any additional questions or request clarification, don't hesitate to contact our staff for guidance.

Advisory Opinion No. 83-20

Written July 20, 1983 to Sandra L. Westerman, LMSW, 500 West 3rd, Ellinwood, Kansas 67526.

This opinion is in response to your letter received in our offices on July 6, 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 situation to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not here applying. Thus, whether some other common law, statutory system or executive order applies to your question is not covered by this opinion.

We understand you to request this opinion in your capacity as a Social Worker III employed on a full-time basis at the Larned State Hospital. You advise us that your duties include general social services to the patients and their families on an adult psychiatric ward.

You also advise us that you hold private consultant contracts outside of your state employment. You serve as Coordinator of Community Education and Consultation at Iroquois Center for Human Development, the Mental Health Center servicing Kiowa, Edwards, Comanche and Clark Counties. Your primary responsibility is to fulfill a contract with Pratt Community College to provide, or present workshops for nurses, Nursing Home Administrators, Social Workers, etc., for Continuing Education credit. That agency also provides a number of public information workshops and inservices to the general public in your area.

An additional duty in your contract is in the provision of Social Work consultation to four nursing homes with whom Iroquois has contacts. This is in accordance with requirements of the Kansas Bureau of Nursing Homes. You provide no direct patient service, but deal with a Social Work Consultant only. You have been involved in this contract since October 1981.

You also provide private social work consultation to Hearthstone and Parkview Manor, nursing homes in Stafford County. Again, you provide no direct patient services but only social work expertise in dealing with patients to assist the social work designee in each home. You have held private contracts since 1976.

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

1. As you already held these contracts prior to July 1, 1983, would your continuation with them be a violation of S.B. 379, Sec. 10?
2. Since Larned State Hospital does not license, regulate or inspect any of the private contractors, are you exempt from S.B. 379, Sec. 10?

(continued)

S.B. 379, Section 10, which became effective on July 1, 1983, states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

Your first question deals with the definition of the word "accept" as used in the statute. It is our opinion that the word "accept" may be applied prospectively only, that is, it does not apply to positions existing prior to the effective date of the Act. Thus, the answer to your first question is that the above section allows you to continue in the positions already established prior to July 1, 1983. We do note, however, that whenever a new contract for any pre-existing positions is negotiated that the new contract would fall within the purview of the above section.

Turning to your second question, the issue is the definition to be applied to the term "agency." It is our opinion on this issue that "agency" means any entity of state government which has a separate agency number assigned to it by the Department of Administration. Applying this test to your situation, it is our understanding that Larned State Hospital has an independent agency number from that of S.R.S. Thus, since Larned State Hospital does not regulate, license or inspect any of your contractors, this section simply does not apply to the situation you have described.

In closing, we note that you have also raised a question concerning the interrelationship of your social work code of ethics and state law. We do not have jurisdiction to review your own professional code of ethics and therefore cannot respond to the specific question you have asked. We will say, however, that if your code of ethics permits one type of behavior and state law is more restrictive, you must abide by the state law.

Advisory Opinion No. 83-21

Written July 20, 1983 to Henry Marks, Ph.D., State Certified Psychologist, 211 Frontier, Mulvane, Kansas 67110.

This opinion is in response to your letter of July 13, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction in this matter is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not here applying.

You advise us you are employed full time at Winfield State Hospital and Training Center. As Chief Psychologist, your duties include training and supervising all staff psychologists and assisting staff mem-

bers in assessing and/or developing appropriate services for any resident.

You are also employed as a consultant at Directions Unlimited (a Title XIX funded Intermediate Care Facility for the Mentally Retarded) to provide annual psychological evaluations and assistance in developing programs to deal with problem behaviors. Directions Unlimited is not licensed, regulated, inspected or certified by Winfield State Hospital and Training Center nor by Mental Health and Retardation Services. However, Winfield State Hospital and Training Center is a part of S.R.S. and another component of S.R.S. does certify Directions Unlimited for Medicaid payments and inspects them with regard to payment purposes.

Based on this factual situation, you ask whether you may maintain your position with Directions Unlimited during your tenure as a state employee with Winfield State Hospital.

S.B. 379, Sec. 10, is the only section within our jurisdiction which might apply to the factual situation you have described. That section states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

The issue raised in your question is the definition of the term "agency" as used in the above section. It is our opinion that "agency" means an entity in state government having a separate identification number assigned to it by the Department of Administration. As we understand the situation, Winfield State has an independent number from S.R.S. and Winfield State does not regulate, license or inspect Directions Unlimited. It is, therefore, our opinion that you may continue your position with Directions Unlimited during your tenure at Winfield State.

Advisory Opinion No. 83-22

Written July 20, 1983 to Daniel E. Smith, Ph.D., Certified Psychologist, Rt. 4, Parsons, Kansas 67357

This opinion is in response to your letter of July 8, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

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

You advise us that you are a Certified Psychologist employed at the Parsons State Hospital and Training

(continued)

Center. You have been requested by the Living Skills Center at St. Paul, Kansas, to provide psychological evaluation of residents there and to provide other psychological services as a professional consultant for a fixed fee of \$600 to \$700 per month.

The Living Skills Center is an Intermediate Care Facility for Mentally Retarded persons and as such is regulated and inspected by the Kansas Department of Social and Rehabilitation and by the Kansas Department of Health and Environment. Your professional consultation services would be provided on weekends and evenings or holidays or when on vacation leave, and in no way would be allowed to infringe on your regular duty hours at the Parsons State Hospital and Training Center. Your services to the residents of the Living Skills Center would also be scheduled so that whenever employment at the Parsons State Hospital and Training Center required your attention or presence beyond your regular duty hours, you would give priority to the Parsons State Hospital and Training Center duties.

Based on this factual situation, we understand you to ask whether you may accept a position with the Living Skills Center during your tenure as a state employee with Parsons State Hospital.

S.B. 379, Sec. 10, is the only section of the statutes under our jurisdiction which might apply to the situation you have described. That section states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

The issue raised by your question is the definition to be applied to the term "agency" in the above section. It is our opinion that "agency" means any entity which has a separate number assigned to it by the Department of Administration. It is our understanding that Parsons State Hospital has a separate number from S.R.S. and since Parsons State is not involved in the licensing, regulating or investigating of the Living Skills Center, the above prohibitions do not apply.

In sum, it is our opinion that K.S.A. 46-215 *et seq.*, based on the factual situation provided to us, permits you to accept a position with the Living Skills Center during your tenure as a state employee.

RICHARD E. DIETZ, Chairman
By direction of the Commission

Filed with the Secretary of State July 22, 1983.

Doc. No. 001374

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."

Application set for September 13, 1983—
TOPEKA, KANSAS

Application for Certificate of Convenience
and Necessity:

William T. Carter) Docket No. 138,469 M
610 N. 1st St.)
Hiawatha, KS 66434)

Applicant's Attorney: None

To transport farm products, livestock, building materials and farm supplies,

Between Hiawatha, KS, on the one hand, & all points & places in KS east of U.S. Hwy 81; north of US Hwy 50 & Interstate 35; west of the KS-MO state line; and south of the KS-NE state line.

Applications set for September 15, 1983—
TOPEKA, KANSAS

Application for Extension of Certificate of
Convenience and Necessity:

Elliott Truck Line, Inc.) Docket No. 116,454 M
101 E. Excelsior)
Vinita, OK 74301) Route No. 14540

Applicant's Attorney: Tom Kretsinger, 20 E. Franklin, Liberty, MO 64068

Fertilizer, fertilizer ingredients, fertilizer materials and chemicals,

Between Douglas County, KS, on the one hand, & on the other hand, points & places in KS, and

Mud products, in bulk and in containers,
From Montgomery County, KS, to all points in KS.

(continued)

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

Flint Hills Trans. Co., Inc.) Docket No. 138,463 M
2825 Rio Vista)
Emporia, KS 66801)

Applicant's Attorney: Stanley R. Ausemus, 418 Com-
mercial, P. O. Box 1083, Emporia, KS 66801

*To transport livestock, grain, dry feed and dry feed
ingredients,*

Between all points & places within the following
described counties on the one hand, to-wit:

Allen, Anderson, Butler, Chase, Clay, Coffey,
Douglas, Dickinson, Elk, Franklin, Greenwood,
Geary, Harvey, Lyon, Marion, McPherson, Morris,
Osage, Pottawatomie, Sedgwick, Saline, Shawnee,
Wilson, Woodson, Wabaunsee & all point & places
within the state of KS on the other hand.

This permit is to offer or perform no services with
pneumatic trailers.

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

Thomas A. Krone, dba) Docket No. 138,464 M
Tom Krone Trucking)
503 Broadacres Rd.)
R.R. #1)
Hutchinson, KS 67501)

Applicant's Attorney: None

To transport grain, feed and feed ingredients,
Between all points & places in the state of KS.

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

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

M. Duane Oblander, dba) Docket No. 138,465 M
Goddard Wrecker Service)
705 N. Goddard Rd.)
Goddard, KS 67052)

Applicant's Attorney: John F. McGee, 7th Floor, 200
W. Douglas, Wichita, KS 67202

To transport wrecked and disabled motor vehicles,
Between all points & places in Sedgwick, Kingman,
Reno & Butler Counties, KS, on the one hand, & all
points & places in the state of KS on the other.

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

Western Kansas Express,) Docket No 99,579 M
Inc.)
3833 S. W. St.)
Wichita, KS 67217) Route No. 10127

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

*General commodities, except those of unusual value
and except dangerous explosives, livestock, household
goods, commodities in bulk, commodities requiring
special equipment and those injurious or contami-
nating to other lading,*

Between points in KS lying on & south of a line
beginning at the CO-KS state line, thence along KS
Hwy 96 to its intersection with U.S. Hwy 56, thence
along U.S. Hwy 56 to its intersection with I-35W,
thence along I-35W to its intersection with U.S. Hwy
54, thence along U.S. Hwy 54 to its intersection with
U.S. Hwy 281, thence along U.S. Hwy 281 to the
OK-KS state line, thence along the OK-KS state line to
the CO-KS state line, thence along the CO-KS state
line to the point of beginning.

Also,

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

**Application to Amend Intrastate Contract
Carrier Permit:**

Accord Services, Inc.) Docket No. 126,201 M
301 S. 5th St.)
P. O. Box 2346)
Kansas City, KS 66110) Permit No. C 1-975
Applicant's Attorney: Alex Lewandowski, Suite 600
Midland Bldg., 1221 Baltimore Ave., Kansas City,
MO 64105-1961

*General commodities (except classes A and B explo-
sives, household goods as defined by the Commission,
commodities in bulk and commodities which, because
of size and weight require the utilization
of special equipment),*

Between Johnson, Wyandotte & Leavenworth
Counties, KS, on the one hand, and, on the other, all
points & places in KS.

Under contract with Alpha Marketing, Inc., of Kan-
sas City, KS and Intermodal Marketing, Inc., of Kansas
City, KS.

**Applications set for September 22, 1983—
TOPEKA, KANSAS**

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

Farmers Feed & Supply) Docket No. 138,466 M
Trans. Co., Inc.)
Box 369)
Boyden, IA 51234)

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

To transport grain,

From points in KS to points in Reno & Sedgwick
Counties, KS.

and Salt,

From points in Reno, Rice, & Ellsworth Counties,

(continued)

KS, to points in Finney, Ford, Seward & Dickinson Counties, KS.

Application for Extension of Certificate of Convenience and Necessity:

Bray Transports, Division) Docket No. 23,369 M
of Bray Lines, Inc.)
P. O. Box 270)
Cushing, OK 74023) Route No. 1670

Applicant's Attorney: John Jandera, 641 Harrison St.,
P. O. Box 1979, Topeka, KS 66601

(1) To transport petroleum products,

Between points in Anderson, Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Coffey, Decatur, Dickinson, Doniphan, Douglas, Franklin, Geary, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Linn, Lyon, Marion, Marshall, Miami, Mitchell, Morris, Nemaha, Norton, Osborne, Osage, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Shawnee, Sheridan, Sherman, Smith, Thomas, Wabaunsee, Washington, & Wyandotte Counties, KS.

Also, between above counties on the one hand, & on the other, points in KS.

(2) Anhydrous ammonia, liquid fertilizers and liquid fertilizer ingredients,

Between points & places in KS.

Application for Transfer of Certificate of Convenience and Necessity:

Christopher J. Redmond,) Docket No. 82,750 M
Trustee of the Bank-)
ruptcy Estate of)
Cassell Truck Lines,)
Inc.)
Wichita, KS 67211) Route No. 8564

TO:
Flint Hills Express, Inc.
1515 N. Washington
Wichita, KS 67211

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

RESTRICTED, to traffic originating at or destined to Kansas City, KS to points now authorized under its interstate authority.

General commodities,

Between Kansas City, KS, & Wichita, KS, serving intermediate & off-route points of Emporia, Strong City, Florence, Peabody, Newton, Ottawa, Iola, Yates Center, Eureka, El Dorado, Augusta, & Waverly, KS.

From Kansas City, KS over Interstate Hwy 35 to Emporia, KS.

Thence, over U.S. Hwy 50 to Newton, KS, thence over Interstate Hwy 135 to Wichita, KS, & return over the same route.

From Kansas City, KS over Interstate Hwy 35 to its junction with U.S. Hwy 59, thence, over U.S. Hwy 59 to its junction with U.S. Hwy 54, thence, over U.S.

Hwy 54 to El Dorado, KS, thence, over U.S. Hwy 254 to Wichita, KS, & return over the same route.

Between Florence, KS & El Dorado, KS.

From Florence, KS over U.S. Hwy 77 to El Dorado, KS, & return over the same route.

Between Kansas City, KS & Wichita, KS, serving all intermediate points.

From Kansas City, KS, to the entrance of the KS turnpike, thence, over the KS turnpike to Wichita, KS, & return over the same route, serving intermediate points.

Serving intermediate & off-route in Leavenworth, Wyandotte & Johnson Counties, KS in connection with the Carrier's regular operations.

Between points & places in Leavenworth, Wyandotte & Johnson Counties, KS.

General commodities, over irregular routes, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),

Between all points & places in Sedgwick County, KS, & serving all points in Sedgwick County, KS, in connection with the Carrier's regular operations.

**Applications set for September 27, 1983—
TOPEKA, KANSAS**

Application for Certificate of Convenience and Necessity:

John E. Jones Oil Co., Inc.) Docket No. 138,467 M
206 S. Cedar St.)
Stockton, KS 67669)

Applicant's Attorney: Robert Tilton, 1324 Topeka Blvd., Topeka, KS 66612

To transport petroleum and petroleum by-products,
To, from & between all points & places in the state of KS.

Application for Transfer of Certificate of Convenience and Necessity:

Interstate Motor Freight) Docket No. 79,387 M
System)
Grand Rapids, MI 49501) Route No. 7386
TO:

Southwest Freight Lines, Inc.
Kansas City, KS 66105

Applicant's Attorney: D. S. Hulst, P. O. Box 225,
Lawrence National Bank Bldg., Lawrence, KS
66044

General commodities, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading,

Between Kansas City, KS, & points within 8 miles thereof on the one hand, & on the other, points in KS.

(continued)

Restricted, that all LTL shipments will originate at Kansas City and/or an 8-mile radius thereof & terminate at points & places in KS or originate at points & places in KS & terminate at Kansas City, KS, or an 8-mile radius thereof.

Meats, meat products, meat by-products, packing-house products, and articles and supplies distributed by meat packing-houses, except fats, oils, tallows and greases, in bulk, in tank vehicles,

From sites at Cudahy Packing Co.; Ex-Cel Packing Co., Inc.; Fred Dold & Sons Packing Co.; KS Cold Storage; Sunflower Packing Co., Inc.; & Wichita Ice & Cold Storage, Inc., all located in Wichita, KS, to Arkansas City, Ft. Riley, Hutchinson, Manhattan & Topeka, KS.

Also, from Emporia, KS, to points in KS.

Restricted, however, from transporting under this authority from Emporia, KS, to Kansas City, KS & 8 miles thereof.

Also, from Coffeyville, KS, to Topeka, & Wichita, KS.

Salt, salt products and related articles, pepper and mineral mixtures,

Between Hutchinson, Kanopolis & Lyons, KS, on the one hand, & points & places in KS, on the other.

Empty crates, baskets, containers, rejected or damaged shipments on return, carbon dioxide, solidified (dry ice),

From Military, KS, to Wichita, KS.

Meats, meat products, meat by-products and articles distributed by meat-packing houses, including equipment, materials and supplies used in the conduct of the business of such meat-packing houses or facilities thereof,

Between Arkansas City, KS, on the one hand, & on the other, all points in KS.

Gypsum and plaster products, including lime, gypsum lath, sheeting and wallboard, asbestos cement products, building materials (except lumber), roofing materials, insulating materials and materials and supplies used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles),

Between the plant site of the Bestwall Gypsum Division, Georgia-Pacific Corporation, near Blue Rapids, KS, on the one hand, & on the other, points in KS.

Application for Extension of Certificate of Convenience and Necessity:

Long Island Grain Co., Inc.) Docket No. 122,491 M
 P. O. Box 97)
 Long Island, KS 67647) Route No. 16474

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

To transport grain,

Between points in Saline County, KS, on the one hand, & on the other, all points in KS.

**Applications set for September 29, 1983—
 TOPEKA, KANSAS**

Application for Transfer of Certificate of Convenience and Necessity:

M & C Brothers Oilfield Tank Service, Inc.) Docket No. 56,578 M
 Box 186)
 Medicine Lodge, KS 67104) Route No. 5083
 TO:
 Dave Miller's Tank Service, Inc.
 P. O. Box 354
 Attica, KS 67009

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

Crude oil, used in and for production, processing, treating, salvage, construction and lease road purposes, in bulk, fresh water for drilling purposes and salt water for disposal purposes,

Between all points & places in the counties of Clark, Comanche, Barber, Harper, Kingman, Pratt, Stafford, Ford, Edwards, Pawnee, Rush, Barton, Sedgwick, Sumner & Kiowa.

Application for Certificate of Convenience and Necessity:

Retzlaff Bros., Inc.) Docket No. 138,468 M
 Box 7B)
 Walton, NE 68461)

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

Seed, and materials and supplies used in processing and distributing seed,

Between points in Wichita County, KS, on the one hand, & on the other, all points in KS.

RENOTICED Application for Certificate of Convenience and Necessity:

Ronald M. Smith) Docket No. 137,641 M
 Rt. 1)
 Yates Center, KS 66783)

Applicant's Attorney: None

To transport grain,

Between all points & places east of U.S. Hwy 81 and,

Between all points & places east of U.S. Hwy 81 on the one hand, & all points & places in KS on the other.

WILLIAM E. GREEN
 Administrator
 Transportation Division

Doc. No. 001383

(Published in the KANSAS REGISTER, August 4, 1983.)

**NOTICE OF BOND SALE
WICHITA PUBLIC BUILDING COMMISSION
WICHITA, KANSAS**

In the opinion of bond counsel, under existing law, including current rulings and official interpretations by the United States Internal Revenue Service, interest on the Bonds is exempt from Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

\$1,650,000.00

NEW ISSUE

**WICHITA PUBLIC BUILDING
COMMISSION REVENUE BONDS
(WICHITA STATE UNIVERSITY
RECITAL HALL PROJECT)
SERIES C, 1983**

Dated September 1, 1983

Sale Date: 10:00 a.m. C.D.T.

August 16, 1983

SEALED bids will be received by the Secretary of the Wichita Public Building Commission (the Commission) in the Office of the Department of Housing and Economic Development, 11th Floor, City Hall, 445 North Main, City of Wichita, Kansas 67202-1679, until 10:00 o'clock a.m., Central Daylight Time, on August 16, 1983, and will be considered by the Commission in the Conference Room, Department of Housing and Economic Development, 11th Floor, City Hall, 455 North Main Street, in the City of Wichita, Kansas, at 10:00 o'clock a.m., Central Daylight Time on August 16, 1983, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all, of the \$1,650,000.00 Wichita Public Building Commission Revenue Bonds, (Wichita State University Recital Hall Project), Series C, 1983. The Series C, 1983 Bonds will be dated as of September 1, 1983 and shall mature December 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered bonds, each in the denomination of \$5,000.00 or integral multiples thereof. Interest will be payable semiannually, commencing June 1, 1984, and each December 1 and June 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal office of Kansas State Bank and Trust Company, Wichita, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding November 15 and May 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the Commission.

Said bonds will mature serially in the principal amounts as follows:

<i>Date of Maturity</i>	<i>Principal Amount</i>
December 1, 1987	\$ 50,000.00
December 1, 1988	100,000.00
December 1, 1989	110,000.00
December 1, 1990	115,000.00
December 1, 1991	120,000.00
December 1, 1992	135,000.00
December 1, 1993	145,000.00
December 1, 1994	160,000.00
December 1, 1995	170,000.00
December 1, 1996	190,000.00
December 1, 1997	200,000.00
December 1, 1998	155,000.00

Bonds maturing December 1, 1995, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the Commission upon instructions from the Board of Trustees of Wichita State University, acting on behalf of the State Board of Regents on and/or after December 1, 1994, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at the redemption price set forth below, plus accrued interest to the redemption date:

<i>Redemption Period (Dates Inclusive)</i>	<i>Redemption Price</i>
12-1-94 through 11-30-95	102%
12-1-95 through 11-30-96	101½%
12-1-96 through 11-30-97	101%
12-1-97 through 11-30-98	101½%
12-1-98	100%

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

PURPOSE OF THE ISSUE

The proceeds from the sale of the Series C, 1983 Bonds will be used to finance the construction, equipping and furnishing of a building to be used as a recital hall on the campus of Wichita State University.

AUTHORITY TO ISSUE

The Wichita Public Building Commission is a municipal corporation created by the governing body of the City of Wichita, Kansas in accordance with the provisions of K.S.A. 12-1757 *et seq.* The Series C, 1983 Bonds are to be issued under and pursuant to resolutions adopted by the Wichita Public Building Commission, and pursuant to the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Statutes of the State of Kansas, including K.S.A. 12-1757 *et seq.*, as amended by Senate Bill No. 428, 1983 Kansas Legislature (the "Act"). On June 22, 1983, the Wichita Public Building Commission adopted a Resolution declaring it advis-

(continued)

able to proceed with the recital hall project and to issue the Series C, 1983 Bonds. The Act provides that such Resolution shall be published once a week for two consecutive weeks and if a written protest signed by not less than five percent (5%) of the qualified electors of the City of Wichita, Kansas is filed with the County Clerk of Sedgwick County, Kansas, within thirty (30) days of the last publication, the Bonds cannot be issued unless and until their issuance is approved by the electorate. The last day to file such written protest will be August 13, 1983. Should there be a proper protest filed, all bids will be returned unopened and the sale will be cancelled.

SECURITY

The Wichita Public Building Commission will, simultaneously with the issuance of the Series C, 1983 Bonds, enter into a Lease with the Board of Trustees of Wichita State University acting on behalf of the State Board of Regents (the Lease) for certain land to be acquired and a facility to be constructed, equipped and furnished from the proceeds of the Series C, 1983 Bonds. The rentals from the Lease shall be in an amount necessary to pay debt service requirements on the Series C, 1983 Bonds. The Lease payments are secured by a pledge of the surplus of an ad valorem tax levy required by K.S.A. 76-3a07 and Charter Ordinance No. 8 of the City of Wichita, Kansas in amounts sufficient to guarantee the rentals under the Lease. Such surplus consists of the proceeds of a one and one-half (1½) mill tax levy on all taxable tangible property within the City of Wichita, Kansas which is not needed either to pay principal of or interest on General Obligation Bonds of the University of Wichita issued prior to July 1, 1964, or to guarantee the rentals due under certain leases from the Wichita Public Building Commission to the Board of Trustees of Wichita State University dated as of June 1, 1967 and June 1, 1977, securing payment of certain Series A-1967 Bonds and certain Series B-1977 Bonds of the Wichita Public Building Commission.

The designation of such surplus shall continue only so long as the Series C, 1983 Bonds above described and any interest thereon remain outstanding and unpaid. The Series C, 1983 Bonds shall not constitute a general obligation of the Wichita Public Building Commission or the City of Wichita, Kansas, and no general unlimited ad valorem tax levy shall be made to repay the principal of or interest on the Series C, 1983 Bonds.

INTEREST RATES AND AWARD OF BONDS

Bidders are invited to name the rate or rates of interest which bonds are to bear expressed in multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one per centum (1%). No bidder may name more than six (6) different rates of interest for the bonds; and all bonds maturing in the same year shall bear the same rate of interest. No interest rate shall exceed the legal rate therefor as provided by the laws of the State of Kansas. The maximum stated rate, determined on the date the bonds are sold, shall not exceed the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York on the

Monday next preceding the day on which the bonds are sold (August 15, 1983), plus 2%. All bids must state the total interest cost of the bid, the premium bid, if any, and the net interest cost of the bid, as well as the average annual interest rate, all certified by the bidder to be correct; and the Commission may rely upon the correctness of such certificate. The repeating of a rate of interest after a different rate has been named will not constitute the naming of an additional rate. The difference between the highest rate bid and the lowest rate of interest bid shall not exceed four per centum (4%) per annum. A bid for the purchase of less than all of the bonds or a bid at a price less than par will not be considered. No bid will be considered if made on other than the "Official Bid Form" and no bid will be considered if such form is amended or modified, except that the Commission reserves the right to waive any irregularity or informality.

BID FORM AND GOOD FAITH DEPOSIT

Each bid submitted must be on the "Official Bid Form" furnished by the Commission and should be addressed to E. F. Mood, Secretary, Wichita Public Building Commission, Department of Economic Development, 11th Floor, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679, plainly marked "Bond Bid" and must be accompanied by a certified or cashier's check in the amount of two per centum (2%) of the total par value of the bonds payable to the Wichita Public Building Commission, on which no interest will be allowed.

The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the Commission as and for full liquidated damages.

The bonds will be sold to the best bidder or bidders. The Commission reserves the right to determine who is the successful bidder for the bonds and to reject any or all of the bids for such bonds. Determination of the best bid will be made by deducting the premium bid (if any) from the total interest cost and the bonds will be awarded to the bidder bidding the lowest total net interest cost to the Commission. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly. Unless all bids are rejected, the bonds will be awarded by the Commission on the day the bids are received, August 16, 1983.

TAX EXEMPT STATUS

In the event that prior to delivery of the bonds, the income received by private holders from bonds of the same type and character shall be taxable by the terms of any Federal income tax law, the successful bidder may, at its option, prior to the tender of said bonds by the Commission be relieved of its obligations under the contract to purchase the bonds, and in such case, the deposit accompanying its bid will be returned.

(continued)

DELIVERY OF THE BONDS

Delivery of the bonds will be made on or before September 15, 1983, at any bank or trust company in the State of Kansas; Kansas City, Missouri; New York City, San Francisco, Los Angeles, or Chicago, and place of delivery shall be specified by the bidder in writing to the Commission not later than August 24, 1983. Delivery at any other place shall be at the expense of the successful bidder. The number, denomination of bonds, and names of registered owners to be initially printed on the Bonds shall be submitted in writing to the Bond Registrar not later than September 6, 1983. Payment shall be made in immediately available Federal Reserve funds or their equivalent. The purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the bonds, as well as the usual closing certificates including one certifying that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity.

The final delivery certificate which will be executed and delivered to the successful bidder at the time and place of the delivery of and payment for the bonds and which will be signed by the President and Secretary of the Wichita Public Building Commission will contain a certificate to the effect that the Official Statement and Notice of Bond Sale dated as of August 1, 1983, as of its date, as of the date of the sale, August 16, 1983, and as of the date of delivery of the bonds does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made in the light of the circumstances in which they are made not misleading.

LEGAL OPINION

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the Wichita Public Building Commission. Said legal opinion will state in part substantially that the principal of and interest on said bonds is payable solely and only from rentals received by the Commission under a Lease entered into between the Commission and the Board of Trustees of Wichita State University acting on behalf of the State Board of Regents and not from any other fund or source; that said Lease payments are secured by a pledge of a portion of a special tax levy required to be made on all taxable tangible property within the corporate limits of the City of Wichita, Kansas under K.S.A. 76-3a07, as amended by Charter Ordinance No. 8 of the City of Wichita, Kansas and designated for such purpose by Ordinance No. 38-367 of said City; and that, under existing law, the interest on said bonds is exempt from present Federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

CUSIP IDENTIFICATION NUMBERS

CUSIP identification numbers will be printed on said bonds. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the Wichita Public Building Commission.

OTHER PENDING BOND ISSUES

The City of Wichita, does not contemplate the issuance of any General Obligation Bonds within the next thirty (30) days except an issue of advance refunding General Obligation Bonds in the amount of \$72,585,000.00, delivery of which is anticipated prior to September 1, 1983. The City is evaluating the issuance of a series of bonds in an approximate principal amount of between \$15 million and \$18 million, the proceeds of which are expected to be applied to refund certain outstanding bonds issued in connection with airport improvements and to pay the costs of certain proposed new improvements. Although such bonds will constitute general obligations of the City, it is anticipated that funds for the payment thereof will be derived from the revenues of the Wichita Airport Authority.

REDISTRIBUTION OF NOTICE AND OFFICIAL STATEMENT

Authorization is given to redistribute this Notice of Bond Sale and the Official Statement, but the entire Notice of Bond Sale and Official Statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with fifty (50) copies of the Notice of Bond Sale and Official Statement, without cost; additional copies will be furnished at a nominal charge.

ASSESSED VALUATION AND OUTSTANDING BONDED DEBT

The assessed valuation of all taxable tangible property within the City of Wichita, Kansas, for the year 1982, is as follows:

Equalized assessed valuation of taxable tangible property	\$ 921,792,542.00
Estimated tangible valuation of motor vehicles	\$ 137,785,752.00
Estimated tangible valuation of motor vehicle dealers' inventory	\$ 5,409,104.00
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$1,064,987,398.00

In addition to the Series C, 1983 Bonds, the Wichita Public Building Commission has outstanding two series of revenue bonds described as follows: Wichita Public Building Commission Land Acquisition Revenue Bonds, Series B-1977, dated June 1, 1977, in the original principal amount of \$1,750,000.00; \$1,375,000.00 of which is currently outstanding; and Wichita Public Building Commission Land and Facilities Acquisition Revenue Bonds, Series A-1967, dated June 1, 1967, in the original principal amount of \$1,650,000.00; \$625,000.00 of which is currently outstanding. The total bonded indebtedness of the City of Wichita, Kansas, as of June 1, 1983, is \$211,802,000,

(continued)

which amount excludes all revenue bonds, but includes temporary notes in the amount of \$13,345,000.

OFFICIAL STATEMENT

This Notice of Bond Sale and Official Statement has been prepared under the authority of the Wichita Public Building Commission. Additional copies of this Notice of Bond Sale, or copies of the Official Statement, or further information may be received from the office of the City Treasurer, City of Wichita, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679 (316-268-4109).

THE WICHITA PUBLIC
BUILDING COMMISSION
ROBERT DOOL, President
ATTEST: E. F. MOOD, Secretary

(SEAL)

Doc. No. 001377

(Published in the KANSAS REGISTER, August 4, 1983.)

NOTICE OF BOND SALE
\$1,955,000
INTERNAL IMPROVEMENT BONDS
SERIES A-96
OF THE
CITY OF HUTCHINSON, KANSAS
(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids. Sealed bids will be received by the undersigned, City Clerk of the City of Hutchinson, Kansas (the "City"), on behalf of the Commission at the City Hall, 125 E. Avenue "B," Hutchinson, Kansas, until 10:00 o'clock a.m., Central Daylight Time, on

Tuesday, August 16, 1983

for the purchase of \$1,955,000 principal amount of Internal Improvement Bonds, Series A-96 (the "Bonds"), of the City hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated September 1, 1983, and becoming due serially on September 1 in the years as follows:

Year	Principal Amount	Year	Principal Amount
1984	\$30,000	1994	\$100,000
1985	40,000	1995	100,000
1986	40,000	1996	100,000
1987	45,000	1997	125,000
1988	50,000	1998	125,000
1989	50,000	1999	175,000
1990	50,000	2000	175,000
1991	75,000	2001	175,000
1992	75,000	2002	175,000
1993	75,000	2003	175,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on

March 1 and September 1 in each year, beginning on March 1, 1984.

Place of Payment and Bond Registration. The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas, and, at the option of the successful purchaser, the Bonds may be registered as fully registered certificated bonds and/or uncertificated bonds.

The City will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the bondholders.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City by September 2, 1983.

Redemption of Bonds Prior to Maturity. At the option of the City, bonds maturing in the year 1995 and thereafter may be called for redemption and payment, in whole or in part, on September 1, 1994, or on any interest payment date thereafter, in inverse numerical order, at the redemption prices set forth below plus accrued interest to the date of redemption:

Redemption Dates	Redemption Price
September 1, 1994, and March 1, 1995	103%
September 1, 1995, and March 1, 1996	102%
September 1, 1996, and March 1, 1997	101%
September 1, 1997, and thereafter	100%

The City shall publish a notice of any such redemption once in a financial journal published in the City of New York, New York, not less than 30 days prior to the redemption date. Written notice of such redemption shall also be sent by United States certified mail not less than 30 days prior to the redemption date to the Treasurer of the State of Kansas, to the registered owners of the Bonds and to the manager or managers of the underwriting account making the successful bid. All bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such bonds at the price hereinbefore specified.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by *The Weekly*

(continued)

Bond Buyer in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 1/2%. No bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost to the City during the life of the Bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the City on the basis of such bid. Each bid shall also specify the average annual net interest rate to the City on the basis of such bid.

Basis of Award. The award of the Bonds will be made on the basis of the lowest net interest cost to the City, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the City. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authority, Purpose and Security. The Bonds are being issued pursuant to K.S.A. 12-6a01 to 12-6a17, inclusive, for the purpose of paying the cost of certain street improvements. The Bonds and the interest thereon will constitute general obligations of the City, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, 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, with the balance payable 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.

Legal Opinion. The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

Delivery and Payment. The City will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the 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 federal reserve funds, immediately subject to use by the City.

Good Faith Deposit. Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$39,100 payable to the order of the City to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be paid to or upon the order of the bidder. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the City as and for liquidated damages.

CUSIP Numbers. It is anticipated that CUSIP identification numbers will be printed on certificated Bonds or assigned to uncertificated Bonds, but neither the failure to print such number on or assign such number to 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 purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the City.

Bond Rating. The outstanding general obligation bonds of the City are rated "A1" by Moody's Investor Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

Bid Forms. All bids must be made on forms which may be procured from the City Clerk or the Financial Advisor. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids. Bids must be submitted in sealed envelopes addressed to the undersigned City Clerk, and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 10:00 o'clock a.m., Central Daylight Time, on August 16, 1983.

Official Statement. The City has prepared a Preliminary Official Statement dated July 26, 1983, copies of which may be obtained from the City Clerk or from the Financial Advisor. Upon the sale of the Bonds, the City will adopt the final Official Statement dated September 1, 1983, and, at the request of the successful bidder, will furnish the successful bidder with a

(continued)

reasonable number of copies thereof without additional cost. Additional copies may be ordered by the successful bidder at its expense.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the City for the year 1982 is \$114,309,190. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds being sold, is \$24,074,939. Temporary notes in the principal amount of \$1,930,000 will be retired out of proceeds of the Bonds and other available funds.

Additional Information. Additional information regarding the Bonds may be obtained from the City Clerk, or from the Financial Advisor, Shearson/American Express, Inc., 2345 Grand Avenue, Suite 1600, Kansas City, Missouri 64108, Attention: Mr. Dennis Mitchell (816/346-6114).

DATED this 26th day of July 1983.

CITY OF HUTCHINSON, KANSAS

VERNON STALLMAN

City Clerk

City Hall

P.O. Box 1567; 67504-1567

125 E. Avenue "B"

Hutchinson, Kansas 67501

(316/665-2614)

Doc. No. 001389

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

Second Class
postage paid
at
Topeka, Kansas

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

_____ One-year subscriptions @ \$47.50 ea.
TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

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

Zip code must be included

THIS SPACE FOR REGISTER OFFICE
USE ONLY, PLEASE

CODE _____ REC. NO. _____
EXPIRES _____ ENTERED BY _____

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

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

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

Indicate change or correction of name or address
here:

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