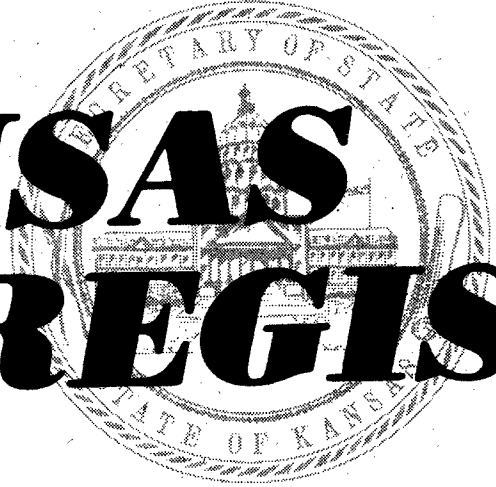


# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 47

November 24, 1983

Pages 1371-1388

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**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on December 6, 1983, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Adoption of proposed temporary and/or permanent administrative regulations.
- Solicitation of ideas related to 1984 legislative session.

Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER  
 Secretary

Doc. No. 001659

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**ADVISORY COMMISSION ON  
 JUVENILE OFFENDER PROGRAMS**

**NOTICE OF MEETING**

The Advisory Commission on Juvenile Offender Programs and the State Advisory Group will meet on Friday, December 2, 1983, in the Smith-Wilson Building Conference Room, Youth Services, 2700 West 6th Street, Topeka, Kansas, beginning at 10:00 a.m.

ROBERT C. BARNUM  
 Commissioner, Youth Services

Doc. No. 001660

**State of Kansas**

**BEHAVIORAL SCIENCES  
 REGULATORY BOARD**

**NOTICE OF CANCELLATION  
 OF HEARING ON  
 ADMINISTRATIVE REGULATIONS**

Due to circumstances beyond its control, the Behavioral Sciences Regulatory Board has cancelled the rules and regulations hearing scheduled for Monday, November 28, 1983, at 3:00 p.m.

The hearing will be rescheduled at a later date.

Dated this 11th day of November, 1983.

MARY ANN GABEL  
 Executive Secretary

Doc. No. 001654

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



PHONE: 913/296-2236

## 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 November 28 through December 9, 1983.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Nov. 28	519-S	9:00 A.M.	Special Committee on Assessment and Taxation	Proposal 55—Conferees and recommendations on Trending Factors.
Nov. 28	527-S	9:00 A.M.	Special Committee on Education	Proposals 17 and 18—Review of proposed legislation and material for committee report.
Nov. 28	Manhattan/Salina		Senate and House Ways and Means Committees Biennial Tour	Legislative business.
Nov. 29	Salina/Beloit/Hays			
Nov. 30	Hays/Great Bend			
Dec. 1	Great Bend/Hutchinson Wichita			
Dec. 2	Wichita/Winfield			
Nov. 29	531-N	10:30 A.M.	Health Planning Review Commission	Brief hearing and discussion.
Nov. 30	N.E. Johnson County Courthouse 6000 Lamar Mission, Kansas	7:30 P.M.	Johnson County Legislative Delegation	Local issues.
Nov. 30	531-N	10:00 A.M.	Special Committee on Special Care Services	Final action on proposals.
Dec. 2	527-S	9:30 A.M.	Legislative Coordinating Council	Legislative matters.
Dec. 2	Governor's Office 9:00—9:30 A.M.		State Finance Council	Agenda unavailable.
Dec. 5	514-S	10:00 A.M.	Joint Committee on Administrative Rules and Regulations	Agenda unavailable.
Dec. 6	514-S	9:00 A.M.		
Dec. 8	123-S	10:00 A.M.	Joint Committee on State Building Construction	Agenda unavailable.
Dec. 9	123-S	9:00 A.M.		
Dec. 9	Wichita Area Chamber of Commerce 350 W. Douglas Wichita, Kansas	9:00 A.M.	Sedgwick County Legislative Delegation	Local issues.

**WILLIAM R. BACHMAN**  
Director of Legislative  
Administrative Services

Doc. No. 001662

## 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, DECEMBER 5, 1983**

#25811

Kansas State University, Manhattan—DRY CLEANING OFFICERS UNIFORMS

#25817

Department of Social and Rehabilitation Services, Topeka—LEASED SECURITY ALARM SYSTEM, Kansas Industries for the Blind, Kansas City

#55899

University of Kansas Medical Center, Kansas City—STEAM WATER HEATER

#55900

Department of Transportation, Chanute—LUBRICATING OIL

#55901

Kansas State Penitentiary, Lansing—ELECTRONIC PLATFORM SCALE

#55936

Wichita State University, Wichita—OPTICAL SCANNING SYSTEM

**TUESDAY, DECEMBER 6, 1983**

#A-4705

Parsons State Hospital and Training Center, Parsons—OVERHAUL SEVENTY (70) TON TRANE CENTRA-VAC UNIT, ELM COTTAGE

#25813

University of Kansas, Lawrence—JANUARY (1984) MEAT PRODUCTS

#55904

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS FORMS—310-T "CASE STATUS," various locations

#55905

Winfield State Hospital and Training Center, Winfield—DIETARY PRODUCTS

#55906

Osawatomie State Hospital, Osawatomie; Winfield State Hospital and Training Center, Winfield; Kansas State Industrial Reformatory, Hutchinson—MEAT, MISCELLANEOUS FOOD

#55909

Larned State Hospital, Larned—LOUNGE FURNITURE

#55910

Department of Transportation, Garden City—GASOLINE PUMP

#55940

Kansas State University, Manhattan—COMPUTER SYSTEM

**WEDNESDAY, DECEMBER 7, 1983**

#A-4767

Fort Hays State University, Hays—FURNISH AND INSTALL NEW THEATER SEATING, FELTEN-START THEATER

#25809

Statewide—CANNED GOODS

#25820

Statewide—ASSORTED PLASTIC BAGS

#55894

Various State Agencies—USED VEHICLE SALE

#55902

University of Kansas Medical Center, Kansas City—MEMORY

#55919

Kansas State University, Manhattan—FLUORESCENCE PHOTOMICROSCOPE

#55925

Kansas State University, Manhattan—ACIDIZE, NEUTRALIZE TO INSPECT WATER CHILLER

#55926

Kansas State University, Manhattan—PLANT GROWTH CHAMBER

#55927

Department of Transportation, Topeka—VEHICLE BID, various locations

#55938

Kansas Fish and Game Commission, Pratt—CONSTRUCT ACCESS ROAD AND BUILD BOAT RAMPS, Cherokee and Linn Counties

#55943

University of Kansas, Lawrence—DISPLAY STATION

**THURSDAY, DECEMBER 8, 1983**

#A-4854(a)

Emporia State University, Emporia—CONSTRUCT INFORMATION STAND, MEMORIAL UNION FACILITY

#25814

Statewide—JANUARY (1984) MEAT PRODUCTS

#25818

Kansas Correctional Industries, Lansing—ONE-GALLON POLYETHYLENE JUGS

#25821

Statewide—BASIC CLOTHING

#55647

Kansas State University, Manhattan—METAL WALL AND SINK CABINETS

#55908

University of Kansas, Lawrence—PACKET SWITCHED NETWORK

#55930

Kansas State University, Manhattan—AIR COOLED CONDENSING UNIT

#55931

Department of Transportation, Topeka—CHAIN LINK FENCE, POSTS AND ACCESSORIES, Olathe

#55937

University of Kansas, Lawrence—LAB GLASSWARE WASHER

#55939

Department of Health and Environment, Topeka—TRUCK MOUNTED DRILL RIG

#55956

Kansas State Penitentiary, Lansing—ORGAN AND PIANO

**FRIDAY, DECEMBER 9, 1983**

#A-4004(e)

State Historical Society, Topeka—FURNISH AND INSTALL GRAPHICS AND SIGNAGE

#25822

Statewide—TOWELS AND WASHCLOTHS

#25823

Statewide—BEDDING

(continued)

#25824

University of Kansas, Lawrence—COMPUTER OUTPUT MICROFICHE

#55914

Wichita State University, Wichita—MICROCOMPUTERS AND PERIPHERALS

#55941

Department of Social and Rehabilitation Services, Topeka—GLASS FIBER BATTS, Kansas Industries for the Blind, Kansas City

#55942

Department of Social and Rehabilitation Services, Topeka—VINYL FILM, Kansas Industries for the Blind, Kansas City

#55948

University of Kansas Medical Center, Kansas City—PHYSIOLOGICAL RECORDING APPARATUS

#55951

Department of Social and Rehabilitation Services, Topeka—BOXES, Kansas Industries for the Blind, Kansas City

#55957

Kansas State University, Manhattan—LAB PROCESS/READER

#55958

Kansas State University, Manhattan—GAS CHROMATOGRAPH

**MONDAY, DECEMBER 12, 1983**

#55949

Department of Transportation, Topeka—LUBRICATING OIL

#55950

Department of Transportation, Topeka—VEHICLES, various locations

#55959

Kansas State University, Manhattan—VIDEO EQUIPMENT

#55960

Department of Administration, Division of Printing, Topeka—25% WHITE RAG BOND WITH STATE SEAL

#55969

University of Kansas, Lawrence—25% BOND—UNIVERSITY OF KANSAS SEAL

**WEDNESDAY, DECEMBER 14, 1983**

#25812

Department of Transportation, Topeka—ANTENNAS AND COMPONENT PARTS

**TUESDAY, DECEMBER 20, 1983**

#25815

State Historical Society, Topeka—MUSEUM COLLECTION PROPERTY INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001664

(Published in the KANSAS REGISTER, November 24, 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., December 15, 1983 and then publicly opened:

**DISTRICT I**

**Douglas**—23 C 1673-01—0.132 mile Grading & Bridge, beginning approx. 1.0 mile south & 1.4 miles east of Eudora; thence east (Bridge over Coleman Creek) (Federal Funds).

**Douglas**—23 C 1890-01—0.909 mile Bituminous Surfacing, beginning approx. at Stull; thence east on County Highway FAS-212 (Federal Funds).

**Johnson**—35-46 K 2392-01—Roadside Improvement on I-35 southeast of Gardner (Federal Funds).

**Johnson**—7-46 K 0447-02—5.174 miles Grading, Concrete Pavement & Seeding, beginning approx. 0.41 mile north of the south jct. of K-7 & K-10; thence north on K-7 (State Funds).

**Johnson**—7-46 K 0447-03—5.209 miles Highway Signing & Delineation, beginning approx. 0.417 mile north of the south jct. of K-7 & K-10; thence north on K-7 (State Funds).

**Johnson**—7-46 K 0449-02—2.602 miles Surfacing & Seeding, beginning approx. 1.06 miles north of the north jct. of K-7 & K-10; thence north on K-7. Bids for Seeding on this project will only be received from Small Business Enterprises (State funds).

**Johnson**—7-46 K 0449-03—2.631 miles Highway Signing & Delineation, beginning approx. 1.07 miles north of the north jct. of K-7 & K-10; thence northerly on K-7 (State Funds).

**Marshall**—58 C 1469-01—0.132 mile Grading, beginning approx. 7.5 miles east & 1.7 miles south of Marysville; thence south on County Highway FAS-1236 (Federal Funds).

**Shawnee**—89 C 0681-01—1.646 miles Grading & Bridge, beginning approx. 2.8 miles south & 2.0 miles east of Berryton; thence south (Bridge over Wakarusa River) (Federal Funds).

**Wyandotte**—70-105 K 1423-01—1.799 miles Grading, Concrete Pavement & 3 Bridges, beginning approx. 0.083 mile west of I-70 & 94th Street; thence east on I-70 (Federal Funds).

**Wyandotte**—132-105 U 0605-02—Grading, Concrete Pavement & East Approach Spans on K-132 over Kansas River in the City of Kansas City (Federal Funds).

**DISTRICT II**

**Cloud**—15 C 1611-01—Bridge, beginning approx. 2.0 miles south & 3.0 miles west of Glasco; thence west (Bridge over Second Creek) (Federal Funds).

**Dickinson**—21 C 1274-01—0.397 mile Grading & Bridge, beginning approx. 2.0 miles south & 0.8 mile

(continued)

east of Manchester; thence east (Bridge over Mud Creek) (Federal Funds).

**Dickinson**—21 C 1293-01—0.337 mile Grading & Bridge, beginning approx. 3.6 miles north of Abilene; thence west (Bridge over Mud Creek) (Federal Funds).

**McPherson**—59 K 2402-01—Highway Lighting at various locations on K-61 & US-81 Alt. (Federal Funds).

**McPherson**—59 C 1571-01—0.217 mile Grading & Bridge, beginning approx. 5.3 miles north of Windom; thence north (Bridge over Sharps Creek) (Federal Funds).

**Washington**—101 C 1236-01—0.416 mile Grading & Bridge, beginning approx. 3.0 miles east & 2.5 miles north of Washington; thence east (Bridge over Mill Creek) (Federal Funds).

**Washington**—101 C 1473-01—0.416 mile Grading & Bridge, beginning approx. at the west edge of Hanover; thence westerly on County Highway FAS-1100 (Bridge over Little Blue River) (Federal Funds).

### DISTRICT III

**Ellis**—26 C 0969-01—Bridge, beginning approx. 0.1 mile southwest of Victoria; thence south (Bridge over North Fork Big Creek) (Federal Funds).

**Ellis**—26 C 0970-01—0.246 mile Grading & Bridge, beginning approx. 2.5 miles west & 0.7 mile north of Hays; thence north (Bridge over Big Creek) (Federal Funds).

**Ellis and Rush**—26 C 0971-01—0.152 mile Grading & Bridge, beginning approx. 0.9 mile south & 2.3 miles east of Schoenchen; thence east (Bridge over Big Timber Creek) (Federal Funds).

**Ellis**—26 C 0972-01—0.208 mile Grading & Bridge, beginning approx. 1.5 miles west and 0.3 mile north of Hays; thence north (Bridge over Big Creek) (Federal Funds).

**Ellis**—26 C 0973-01—0.170 mile Grading & Bridge, beginning approx. 1.3 miles east & 1.2 miles south of Victoria; thence south (Bridge over North Fork Big Creek) (Federal Funds).

**Ellis**—26 C 0976-01—0.170 mile Grading & Bridge, beginning approx. 1.3 miles east & 4.4 miles south of Victoria; thence south (Bridge over Big Creek) (Federal Funds).

**Ellis**—26 C 0977-01—0.208 mile Grading & Bridge, beginning approx. 1.0 mile west of the intersection of County Highway FAS-235 & US-183 located approx. 14.3 miles north of Hays; thence west (Bridge over Saline River Tributary) (Federal Funds).

**Ellis**—26 C 0979-01—0.246 mile Grading & Bridge, beginning approx. 0.3 mile east & 5.0 miles south of Victoria; thence south (Bridge over Big Creek) (Federal Funds).

### DISTRICT IV

**Bourbon and Miami**—106 K 2405-01—Highway Lighting at various locations on US-54 in Bourbon County & US-169 in Miami County (Federal Funds).

**Franklin**—30 C 1595-01—0.265 mile Grading & Bridge, beginning approx. 5.0 miles north of Ottawa; thence east (Bridge over West Fork Taury Creek) (Federal Funds).

**Franklin**—30 C 1815-01—0.979 mile Bituminous Surfacing, beginning approx. at County Highway FAS-1928 & I-35; thence north on County Highway FAS-1928 (Federal Funds).

**Linn**—69-54 K 1395-01—7.521 miles Grading, Bituminous Surfacing & Bridge, beginning approx. at the north city limits of Pleasanton; thence northerly on US-69 (State Funds).

**Montgomery**—63 U 0844-01—Bridge replacement on 8th Street over Sycamore Creek in the City of Coffeyville (Federal Funds).

### DISTRICT V

**Sedgwick and Harvey**—135-87 K 2407-01—Highway Lighting at various locations on I-135 in Sedgwick & Harvey Counties (Federal Funds).

**Sedgwick**—87 U 0787-01—0.582 mile Grading & Surfacing, beginning approx. at the intersection of Mead Avenue & Central Avenue; thence east on Central Avenue to Pennsylvania Avenue in the City of Wichita (Federal Funds).

### DISTRICT VI

**Hodgeman**—42 C 1646-01—0.151 mile Grading & Bridge, beginning approx. 11.0 miles north & 5.1 miles west of Jetmore; thence west (Bridge over Pawnee River) (Federal 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. 001665

## State of Kansas

**LEGISLATIVE DIVISION OF POST AUDIT****INVITATION FOR COMMENT**

At the direction of the Federal Audit Committee, the Legislative Division of Post Audit is considering changes to its system for evaluating bid proposals by CPA firms on contracted financial-compliance audits of State agencies. CPA firms and other interested parties are invited to review and comment upon the proposed changes. A package of materials documenting the current system and the proposed changes may be obtained from the Legislative Division of Post Audit, 109 W. 9th Street, Suite 301, Topeka, Kansas 66612, (913) 296-3792. Written comments should be sent to the same address by December 15, 1983.

MEREDITH WILLIAMS  
Acting Legislative Post Auditor

Doc. No. 001655

## State of Kansas

**SECRETARY OF STATE****KANSAS PUBLIC  
DISCLOSURE COMMISSION****Advisory Opinion No. 83-42**

Written November 16, 1983 to Charles V. Hamm, General Counsel, Social and Rehabilitation Services, State Office Building, Topeka, Kansas 66612.

This opinion is in response to your letter of August 29, 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 the application of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not being applicable to your questions. Thus, whether some other common law, statutory system or administrative rule and regulation applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as General Counsel for the State Department of Social and Rehabilitation Services. Your request is on behalf of two individuals. The first is Anita Favors, Commissioner of Adult Services, the second is Darlene Montgomery, Supervisor of Adult Service Programs. Both situations concern outside employment or interests.

In an effort to clarify the conflict laws as they relate to these types of situations, we believe an overview might be helpful before dealing with the specific requests. Two sections of the law usually apply to these situations.

K.S.A. 46-233 applies to contractual settings. That section states in pertinent part:

(a) No state officer or employee shall in his or her 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.

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

S.B. 379, Section 10, applies to situations where the agency of the state officer or employee licenses, regulates or inspects an entity. 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 following general rules may be derived from K.S.A. 46-233:

1. A state officer or employee may not participate in the making of a contract, grant or other agreement in their capacity as a state officer or employee with an entity in which they hold a substantial interest or by which they are employed. Participating in the making of a contract does not include purely ministerial actions, but does include making recommendations, investigations, drawing specifications, and being involved in the decision-making process. A person holds a substantial interest if they serve on the board of directors of an entity even if they do not receive compensation for their service.

2. If, however, the state officer or employee does not participate in the making of the contract, they may retain state employment and employment with the outside entity or the holding of substantial interest with it during their service as a state officer or employee.

3. If the state officer or employee has participated in the making of a contract in his or her capacity as a state officer or employee in the last two years, he or she may not accept employment with the entity until one year after the termination of state employment.

4. The prohibitions described above do not apply to situations where the contracts were let after competi-

(continued)

tive bidding has been advertised for by published notice and where the contracts are for property or services for which the price or rate is fixed by law.

Under S.B. 379, Section 10, the following general rules may be drawn:

1. This section does not apply to outside positions existing prior to July 1, 1983, the effective date of the act. However, pre-existing positions which are modified in any substantial degree after July 1, 1983, are covered by this section.

2. "Licensing, regulating and inspecting," do not include monitoring of contracts or grants. Such monitoring is covered by the requirements, if any, of K.S.A. 46-233 set out above.

3. Unlike K.S.A. 46-233, it does not matter under this section whether the state officer or employee actually participates in the licensing, inspecting or regulating. Rather, the issue is whether the agency by which the state officer or employee is employed does license, regulate or inspect the outside organization.

4. "Agency" means those entities which have separate identification numbers for budget purposes as issued by the Department of Administration.

5. If the state officer or employee's agency does license, regulate or inspect an entity, the state officer or employee may not accept a position with that entity during state employment. However, upon termination of state employment, the state officer or employee may immediately accept employment with such entities without waiting one year to do so.

6. The state, itself, as well as its agencies, do not constitute an "outside organization."

Applying the above general rules to the situation involving Anita Favors, it is our understanding that she is involved in three situations as follows:

- a. she is a member of the Kansas Civil Rights Commission appointed in March of 1983, serving a term through the calendar year of 1985;
- b. she is a current board member of the Wyandotte Mental Health Center, Inc., serving a two-year term commencing in May of 1983;
- c. she has a contract with the Kansas City, Kansas Community College to teach one evening course during the upcoming fall semester. She also serves on the Kansas City, Kansas Community College long-term care advisory committee.

Applying the general rules that are set out above to these three situations, it is first our opinion that it is not a conflict for her to serve on the Civil Rights Commission during her employment with SRS. This is true because the Civil Rights Commission is not an "outside organization" under S.B. 379, Section 10, and we are unaware of any contracts that would be entered into between SRS and the Civil Rights Commission such that K.S.A. 46-233 does not apply either.

From phone conversations with Ms. Favors, we are advised that she does participate in the making of contracts or grants to the Wyandotte Mental Health Center, Inc. Thus, under K.S.A. 46-233, it would be unlawful for her to participate in those situations and we would suggest that she resign her position as a

member of the board of the Wyandotte Mental Health Center, Inc.

In relationship to the teaching contract with Kansas City, Kansas Community College as well as service on their long-term care advisory committee, it does not appear from the information that we have that Ms. Favors participates in any making of the contracts between SRS and the Kansas City, Kansas Community College, nor that SRS in any way licenses, regulates or inspects the college. Under those circumstances, she may retain her employment contract with them.

Turning then to the situation involving Darlene Montgomery, it is our understanding that she does not participate in the making of contracts or grants with the Shawnee County Community Resource Council of which she is the president. Under those circumstances, K.S.A. 46-233 does not apply. It is also our understanding at this point that SRS does not license, regulate or inspect the Shawnee County Community Resource Council. Thus, S.B. 379, Section 10, does not apply either. Please note that if there is some grant which SRS gives to the Shawnee County Community Resource Council, that the mere giving of the grant does not trigger the application of S.B. 379, Section 10, since the monitoring of grants falls under the purview of K.S.A. 46-233.

If we may provide you any further information, don't hesitate to let us know.

#### Advisory Opinion No. 83-43

Written November 16, 1983 to Curtis E. Hartenberger, Social Work Instructor, 1914 Huntoon, Topeka, Kansas 66604.

This opinion is in response to your letter of October 10, 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. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not applying here. Thus, whether some other common law, statutory system or rule and regulation applies to your question is not covered by this opinion.

We understand you request this opinion as an employee of the Department of Social and Rehabilitation Services. Your position is that of a trainer in the Staff Development Section of the Department. You have no contract with any funds this Department uses to purchase services, you do not have any relationship with individuals who have decision-making authority over these funds or in the allocating of them. You do not determine eligibility of clients referred for the services to be purchased.

You also state you are a volunteer board member of Topeka Catholic Social Service. Currently, you are President of the Board. Your term will expire on June 30, 1984. You learned from the Director of Topeka Catholic Social Service that the agency may enter into a Purchase of Service Contract with the Department of Social and Rehabilitation Services after January 1, 1984.

You ask whether you would be in conflict of interest

(continued)



to continue your term as President until June 30, 1984. You would also like to know whether you could continue to serve on that board after June 30, 1984, and not be in conflict of interest.

Two sections of the Act might apply to the situation you have described. K.S.A. 46-233 deals with contractual settings and S.B. 379, Section 10, concerns situations involving licensing, regulating and inspecting of outside organizations.

Based on the factual situation provided to us, it is apparent that you do not participate in the making of contracts between the State and the Topeka Catholic Social Service. Under those circumstances, K.S.A. 46-233 does not prohibit you from serving on its Board of Directors.

That leaves Section 10 of S.B. 379 which became effective on July 1, 1983. Initially, we would advise you since you held the current position prior to the effective date of this section that you may continue your term of presidency to its conclusion.

We now direct your attention to the more difficult question of whether you may continue to serve on the Board after your term expires. S.B. 379, Section 10, 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.

Obviously, it is unknown at this time whether SRS will be licensing or inspecting or regulating the Topeka Catholic Social Service in June of 1984. We can say now, however, that if the only contact between SRS and the Service is the Purchase of Service Contract you have described, it is our opinion that such inspections or regulations as relate solely to that contractual setting do not fall within the purview of the above section. Rather, actions undertaken by a state agency to service a contract are covered under K.S.A. 46-233 which we have already discussed above.

#### Advisory Opinion No. 83-44

Written November 16, 1983 to David Hornbaker, Kansas Highway Patrol, 122 S.W. Seventh Street, Topeka, Kansas 66603.

This opinion is in response to your letter of October 19, 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 application of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter section not applying to your question. Thus, whether some other common law or statutory system applies to your question is not covered by this opin-

ion. Specifically, we note the Commission does not have jurisdiction to interpret K.S.A. 74-2113(d) and this opinion does not speak to issues raised by that statute.

We understand you request this opinion in your capacity as a member of the Kansas Highway Patrol. You also indicate you are a member of the Kansas Peace Officers Association and became its vice president recently. It is a custom of the Association to furnish to its three highest officers a distinctive outfit to be worn as the official representative of the organization. The outfit has an aggregate value of approximately \$130.00.

You ask whether you may accept the gift during your tenure as a highway patrolman.

K.S.A. 46-237 states:

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 one hundred dollars (\$100) or more in any calendar year from any one person known to have a special interest, under circumstances where he or she knows or should know that a major purpose of the donor is to influence him or her in the performance of his or her official duties or prospective official duties. 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 his or her official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

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.

As we understand the factual situation, the gift you will receive is being given to you in your capacity as a member of the Association and not because of your state employment. With that in mind as well as the limited value and well-established tradition, it is our opinion, absent evidence to the contrary, that the above section does not preclude the acceptance of the outfit you have described.

RICHARD E. DIETZ, CHAIRMAN  
By Direction of the Commission

Filed with the Secretary of State November 17, 1983.

Doc. No. 001667

(Published in the KANSAS REGISTER, November 24, 1983.)

**NOTICE OF REDEMPTION  
LABETTE COUNTY, KANSAS  
SINGLE FAMILY MORTGAGE REVENUE BONDS  
1980 SERIES A**

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated as of January 1, 1980, \$1,205,000 principal amount of the bonds are called for redemption January 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

- Due January 1, 1985: 193, 197
- Due January 1, 1986: 226, 227, 249
- Due January 1, 1987: 267, 287, 297
- Due January 1, 1988: 329, 336, 350
- Due January 1, 1989: 440, 448, 456
- Due January 1, 1990: 472, 494, 528, 537
- Due January 1, 1991: 571, 596, 623, 636
- Due January 1, 1992: 642, 643, 664, 674, 718
- Due January 1, 1993: 747, 760, 805, 821, 848
- Due January 1, 1994: 864, 913, 922, 928, 976
- Due January 1, 1995: 1002, 1027, 1054, 1071, 1084, 1105
- Due January 1, 1996: 1141, 1189, 1204, 1223, 1225, 1250, 1257
- Due January 1, 1997: 1286, 1300, 1348, 1354, 1368, 1395, 1411
- Due January 1, 1998: 1471, 1499, 1520, 1550, 1552, 1584, 1596, 1602
- Due January 1, 1999: 1692, 1726, 1730, 1738, 1781, 1783, 1789, 1793, 1807
- Due January 1, 2000: 1823, 1878, 1897, 1898, 1924, 1929, 1938, 1945, 2004, 2032

**Due January 1, 2011**

2099	3378	4270	5302
2168	3468	4309	5324
2197	3473	4348	5325
2209	3474	4392	5361
2216	3552	4411	5481
2245	3581	4436	5491
2288	3607	4522	5495
2293	3609	4571	5536
2306	3633	4579	5566
2422	3667	4620	5573
2449	3668	4624	5574
2502	3699	4627	5604
2503	3712	4665	5614
2526	3726	4736	5640
2586	3731	4737	5641
2627	3762	4783	5642
2681	3827	4790	5672
2688	3842	4810	5695
2704	3846	4820	5699
2735	3853	4834	5717
2819	3855	4846	5786
2885	3878	4864	5850
2906	3890	4887	5883
2954	3955	4913	5902
2968	3997	4924	5926

3027	4003	4939	5958
3070	4007	4954	5963
3088	4012	4958	5979
3118	4013	5009	6018
3148	4015	5023	6041
3175	4023	5096	6070
3180	4029	5105	6092
3230	4083	5109	6123
3283	4146	5120	6128
3290	4210	5142	6147
3298	4219	5183	6148
3355	4253	5189	6201
3373	4256	5199	6205
		5248	6238

The serial numbers of the Registered Bonds to be redeemed in the amount of \$5,000 each are as follows:  
Due January 1, 2011: R-2604, R-3161, R-4112

Payment of the redemption price of the bearer bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117, or, at the option of the holder at Marine Midland Bank, New York, New York.

Payment of the redemption amount of the Registered Bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117.

Notice is hereby given that on or after January 1, 1984, interest on the Bonds hereby called for redemption shall cease to accrue.

**SECURITY NATIONAL BANK OF KANSAS CITY  
KANSAS CITY, KANSAS, TRUSTEE**

Doc. No. 001658

(Published in the KANSAS REGISTER, November 24, 1983.)

**NOTICE OF BOND SALE  
\$525,000  
GENERAL OBLIGATION  
PARK IMPROVEMENT BONDS  
SERIES 1983-2  
OF THE  
CITY OF WAMEGO, KANSAS**

The CITY OF WAMEGO, KANSAS, will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 430 LINCOLN STREET, WAMEGO, KANSAS, until 7:30 p.m., C.S.T., on

**TUESDAY, DECEMBER 6, 1983**

for \$525,000 par value GENERAL OBLIGATION PARK IMPROVEMENT BONDS, SERIES 1983-2, of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

**TERMS OF BONDS**

The Bonds will be dated as of December 1, 1983, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semi-

(continued)

annually on June 1 and December 1 in each year, commencing June 1, 1984.

The principal of the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of 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 May 15 and November 15 (the Record Date). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

The Bonds may not be called for redemption prior to maturity and will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$20,000	December 1, 1984
20,000	December 1, 1985
20,000	December 1, 1986
25,000	December 1, 1987
25,000	December 1, 1988
25,000	December 1, 1989
30,000	December 1, 1990
35,000	December 1, 1991
35,000	December 1, 1992
40,000	December 1, 1993
40,000	December 1, 1994
45,000	December 1, 1995
50,000	December 1, 1996
55,000	December 1, 1997
60,000	December 1, 1998

**CONDITIONS OF BIDS**

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 (December 5, 1983), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

**BID FORM AND GOOD FAITH DEPOSIT**

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 430 LINCOLN STREET, WAMEGO, KANSAS 66547, ATTENTION: LEROY STEWART, CITY CLERK, and shall be plainly marked BOND BID. Each bid shall specify the total

interest cost to the City during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, the net interest cost to the City on the basis of such bid and the average annual net interest rate on the basis of such bid. The net interest cost to the City shall be determined by subtracting the amount of the premium, if any, from the total interest cost and shall be stated as a dollar amount in the bid. The City shall be entitled to rely on such dollar amount as stated in the bid as the basis of determining the lowest net interest cost bid. If there is any discrepancy between the said net interest cost and the average annual interest rate specified, the specified net interest cost shall govern and the rates specified in the bid shall be adjusted accordingly.

Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF WAMEGO, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his contract to purchase the Bonds, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

**AWARD OF BIDS**

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City.

**DELIVERY OF THE BONDS**

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City. The Bonds will be sold subject to the unqualified approving opinion of Stinson, Mag & Fizzell, Bond Counsel, of Kansas City, Missouri, a copy of whose opinion will be printed on the reverse side of each Bond, and manually signed originals 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 City. Said legal opinion will contain a statement to the effect that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City and that, under existing law, the interest on the Bonds will be exempt from present Federal income taxation.

The number, denomination of Bonds, and names of the initial registered owners to be initially shown on the Bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than December 15, 1983.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no

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(Published in the KANSAS REGISTER, November 24, 1983.)

**NOTICE OF BOND SALE  
\$220,000.00  
GENERAL OBLIGATION BONDS  
OF THE  
CITY OF VALLEY CENTER, KANSAS**

The CITY OF VALLEY CENTER, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 117 NORTH PARK, VALLEY CENTER, KANSAS, until 12:00 o'clock noon, C.S.T., on

**TUESDAY, NOVEMBER 29, 1983**

for \$220,000.00 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series B, 1983 Bonds will be dated as of December 1, 1983, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$5,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing December 1, 1985, and each June 1 and December 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 the Treasurer of the State of 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 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City. The Bonds will mature serially in accordance with the following schedule:

<i>Principal Amount</i>	<i>Maturity Date</i>
\$15,000.00	December 1, 1985
15,000.00	December 1, 1986
20,000.00	December 1, 1987
20,000.00	December 1, 1988
20,000.00	December 1, 1989
20,000.00	December 1, 1990
25,000.00	December 1, 1991
25,000.00	December 1, 1992
30,000.00	December 1, 1993
30,000.00	December 1, 1994

**REDEMPTION**

Bonds maturing December 1, 1993, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City on and/or after December 1, 1992, 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 of 102% (expressed as a percentage of

*(continued)*

litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before December 28, 1983, at any bank in the State of Kansas or Kansas City, Missouri, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser. The purchase price, together with any premium and accrued interest from the date of the Bonds to the date of delivery shall be paid at delivery or the good faith deposit will be forfeited.

**PURPOSE**

The Bonds are being issued for the purpose of paying the cost of improving the City park by constructing a swimming pool therein, together with the necessary additions and appurtenances thereto, and otherwise improving said park.

**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 City.

**ASSESSED VALUATION**

Assessed valuation figures for the City of Wamego, Kansas, for the year 1983, are as follows:

Equalized assessed valuation of taxable tangible property .....	\$6,075,262
Tangible valuation of motor vehicles .....	1,784,782
Tangible valuation of motor vehicle dealers' inventory .....	62,858
Equalized assessed tangible valuation for computation of bonded debt limitations	\$7,922,902

**BONDED INDEBTEDNESS**

The total general obligation bonded indebtedness of the City, as of December 1, 1983, including this \$525,000 proposed issue of Bonds, will be \$1,484,599. In addition, the City has temporary notes outstanding in the total amount of \$385,000, \$50,000 of which will be redeemed and paid from the proceeds of the proposed issue of Bonds.

**OFFICIAL INFORMATION**

Additional copies of this Notice of Bond Sale, the Official Bid Form and further information may be received from the City and Zahner and Company, 127 W. Tenth Street, Kansas City, Missouri 64105 (816-221-4311), the City's financial consultants.

Done by order of the Board of Commissioners of the City of Wamego, Kansas, this 15th day of November, 1983.

**CITY OF WAMEGO, KANSAS**  
By Leroy Stewart, City Clerk

Doc. No. 001663

the par value of the principal amount thereof) plus accrued interest to the redemption date.

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.

#### INTEREST RATE

Proposals will be received on the Bonds bearing such rate or rates of interest, as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent (2½%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 (November 14, 1983), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

#### BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at the CITY HALL, 117 NORTH PARK, VALLEY CENTER, KANSAS 67147, ATTENTION: CAROL A. REFFNER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF VALLEY CENTER, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

#### AWARD OF BIDS

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

the Bonds from their date until their respective maturities.

#### DELIVERY OF THE BONDS

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN DECEMBER 20, 1983. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before DECEMBER 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

#### 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 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 City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; 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.

#### PURPOSE OF ISSUE

The Bonds are being issued for the purpose of constructing street and waterworks improvements in the City, and constructing, acquiring and equipping a public library in the City of Valley Center, Kansas.

#### 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

(continued)

CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

**ASSESSED VALUATION**

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

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

**BONDED INDEBTEDNESS**

The total general obligation bonded indebtedness of the City of Valley Center, Kansas, at the date hereof, including this \$220,000.00 proposed issue of Bonds, is in the amount of \$2,078,000.00.

**OFFICIAL STATEMENT**

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from the office of the City Clerk, City of Valley Center, Kansas, City Hall, 117 North Park, Valley Center, Kansas 67147.

DATED NOVEMBER 15, 1983.

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

Doc. No. 001656

(Published in the KANSAS REGISTER, November 24, 1983.)

**NOTICE OF BOND SALE**

**\$120,000.00**

**GENERAL OBLIGATION SEWER BONDS OF THE CITY OF GREEN, KANSAS**

The CITY OF GREEN, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, GREEN, KANSAS, until 7:30 o'clock P.M., C.S.T., on

MONDAY, DECEMBER 5, 1983

for \$120,000.00 par value GENERAL OBLIGATION SEWER BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1983 Bonds will be dated as of December 1, 1983, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$1,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing December 1, 1984, and each June 1 and December 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 the Treasurer of the State of 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 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City. The Bonds will mature serially in accordance with the following schedule:

<i>Principal Amount</i>	<i>Maturity Date</i>
\$ 3,000.00	December 1, 1984
5,000.00	December 1, 1985
5,000.00	December 1, 1986
5,000.00	December 1, 1987
6,000.00	December 1, 1988
8,000.00	December 1, 1989
8,000.00	December 1, 1990
10,000.00	December 1, 1991
10,000.00	December 1, 1992
10,000.00	December 1, 1993
10,000.00	December 1, 1994
10,000.00	December 1, 1995
15,000.00	December 1, 1996
15,000.00	December 1, 1997

**INTEREST RATE**

Proposals will be received on the Bonds bearing such rate or rates of interest, as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 (November 28, 1983), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

**BID FORM AND GOOD FAITH DEPOSIT**

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at the CITY HALL, GREEN, KANSAS 67447, ATTENTION: BARBARA BAXTER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF GREEN, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

(continued)

**AWARD OF BIDS**

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

**DELIVERY OF THE BONDS**

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN DECEMBER 19, 1983. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before DECEMBER 28, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

**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 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 City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; 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.

**PURPOSE OF ISSUE**

The Bonds are being issued for the purpose of constructing a Sewage Treatment Plant and collection

system facilities, together with all necessary appurtenances thereto, in the City of Green, Kansas.

**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 City.

**ASSESSED VALUATION**

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

Equalized Assessed Valuation of Taxable Tangible Property .....	\$193,376.00
Tangible Valuation of Motor Vehicles .....	\$ 38,902.00
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations .....	\$232,278.00

**BONDED INDEBTEDNESS**

The total general obligation bonded indebtedness of the City of Green, Kansas, at the date hereof, includes only this issue of Bonds in the amount of \$120,000.00. The City will retire \$100,000.00 of outstanding Temporary Notes from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

**OFFICIAL STATEMENT**

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, Kansas 67202 (316-262-5161), the City's financial consultants.

DATED NOVEMBER 7, 1983.

BARBARA BAXTER, City Clerk  
City of Green, Kansas

Doc. No. 001657

State of Kansas

**ATTORNEY GENERAL****OPINION NO. 83-161**

**Counties and County Officers—Public Improvements—Sewer Districts; Assessment of the Cost of Construction of Improvements.** Lyndus Henry, Johnson County Counselor, Olathe, November 9, 1983.

1983 House Bill No. 2010 authorizes the governing body of any sewer district to provide, by resolution, for the delay of the assessment of the actual cost incurred in the construction of improvements except for the cost of interest on temporary notes issued for the improvement. During each year of the delay, the governing body of the district is required to levy a special assessment against the tangible taxable property within the sewer district in an amount sufficient to pay the cost of the interest on the temporary notes.

The bill makes no distinction between outstanding accrued interest and interest to be accrued in the future and requires that the cost of the interest on the temporary notes be recovered during the delay period. In light of the legislative intent expressed by the history of 1983 House Bill No. 2010, it is our opinion the bill requires that the amount of interest accrued on temporary notes issued to finance any sewer improvement project, whether such interest accrued on temporary notes issued before the adoption of the "delay resolution" or during the period of delay, be paid by the end of the delay period. This interest may be calculated and paid over the delay period, by means of equal annual assessments against the tangible taxable property in the district.

Pursuant to 1983 House Bill No. 2010, the governing board of a sewer district may provide for a delay of assessment of costs for a period not to exceed 10 years. Under the language of the bill a 10 year delay is not mandatory and the governing body may include provisions in a resolution adopted under H.B. 2010 providing for cessation of the delay period upon the occurrence of one or more prescribed contingencies.

1983 House Bill No. 2010 § 1(b) requires the governing body of a sewer district to hold a hearing on the proposed special assessments in the first year of the delay. In each year thereafter, the governing body is required to apportion the cost of interest on the basis it determines and levy a special assessment for such interest. No hearing is required on such assessments after the first year of the delay period. Cited herein: 1983 House Bill No. 2010 (L. 1983, ch. 89). MFC

**OPINION NO. 83-162**

**Counties and County Officers—Public Improvements—Improvement Districts; Power to Enforce Restrictive Covenants.** Fred W. Rausch, Jr., Lakeside Village Improvement District, Topeka, November 10, 1983.

An improvement district does not have the power to enforce restrictive covenants, irrespective of a separate document that purports to extend the enforcement authority to the improvement district. Cited herein:

K.S.A. 19-2753, 19-2756, K.S.A. 1982 Supp. 19-2765, K.S.A. 58-2221. MWB

**OPINION NO. 83-163**

**Infants—Juvenile Offenders Code—Diversion; Necessity of Complaint Being Filed Prior to Diversion.** Robert E. Davis, Leavenworth County Attorney, Leavenworth, November 10, 1983.

K.S.A. 1982 Supp. 38-1635 provides that a district court may adopt policies and establish guidelines for diversion of those juveniles who have not previously been adjudged to be juvenile offenders under the Juvenile Offenders Code, K.S.A. 1982 Supp. 38-1601, *et seq.* Before a juvenile comes before the court for the purposes of obtaining diversion, he or she must first be named as respondent in a complaint. However, a county or district attorney may enter into an informal agreement with a juvenile in lieu of filing a complaint. Such an agreement would not be considered as diversion and would not come before the court. Cited herein: K.S.A. 22-2907, K.S.A. 1982 Supp. 22-2908, 38-1601, 38-1622, 38-1635. JSS

**OPINION NO. 83-164**

**Corporations—Securities—Definition of "Security"; Continuing Care Contracts Not Included.** Senator Elaine Pomeroy, Chairman of the Special Committee on Judiciary, Topeka, November 10, 1983.

A continuing care contract by which a person receives living accommodations, meals and health care for the payment of consideration upon entrance and periodically thereafter is not an investment contract or evidence of indebtedness so as to bring it under the definition of security in K.S.A. 17-1252(j), and the offeror of such contracts is not subject to the registration and disclosure requirements of the *Kansas Securities Act*, K.S.A. 17-1252, *et seq.* Cited herein: K.S.A. 17-1252(j), 1983 House Bill No. 2251, 15 U.S.C.A. § 80a-2(a)(36). JSS

**OPINION NO. 83-165**

**Intoxicating Liquors and Beverages—Licensing and Regulation of Clubs—Eligible Parties; Limited Partnerships.** Thomas J. Kennedy, Director, Alcoholic Beverage Control Division, Topeka, November 14, 1983.

K.S.A. 41-2623(e) requires that all the members of a partnership be individually qualified to obtain a license before the partnership itself can secure a license. However, subsection (f) of the same statute exempts stockholders of a corporation who owns 5% or less of the corporate stock from any requirements. In that the limited partners of a partnership organized under K.S.A. 56-122 *et seq.* (the *Kansas Limited Partnership Act*) have the attributes of shareholders in a corporation rather than partners in a general partnership, the requirements of subsection (f) of K.S.A. 41-2623 should be applied as to such partners in the granting of a license to a limited partnership. Cited herein: K.S.A. 41-2623, 56-125, 56-126, 56-218, 56-131. JSS

(continued)



## OPINION NO. 83-166

**Cities and Municipalities—General Provisions—Tax Upon Gross Earnings; Reimposition of Tax. Samuel L. Schuetz, Brown County Attorney, Hiawatha.**

The 1983 Legislature amended the provisions of K.S.A. 12-1,101 to provide specifically that the governing body of a city, county or township could reimpose the local-option gross earnings tax after rejection of the tax by referendum. Such action is within the constitutional power of the legislature. Cited herein: K.S.A. 12-1,101 as amended by L. 1983, ch. 61, § 1. RJB

## OPINION NO. 83-167

**Public Health—Interstate Compact on Mental Health—Procedure for Return of Escaped Mental Patient from Another State.**

**Probate Code—Care and Treatment of Mentally Ill Persons—Procedure for Return of Escaped Mental Patient from Another State. Dennis W. Moore, District Attorney, Johnson County, Olathe, November 14, 1983.**

Kansas is a member state in the Interstate Compact on Mental Health by the terms of K.S.A. 65-3101, which incorporate the compact into Kansas statutes. Part of the compact concerns the escape of dangerous or potentially dangerous patients from institutions in any state party to the compact. Upon the capture and identification of such patients, they are to be detained until they can be returned to the state in which they were committed. In this specific circumstance, the provisions of K.S.A. 59-2901 *et seq.*, relating to orders for protective custody and commitment, do not apply, and the patient may be held without such proceedings prior to return to the state from which he escaped. Cited herein: K.S.A. 1982 Supp. 59-2902, K.S.A. 59-2904, K.S.A. 1982 Supp. 59-2905, 59-2908, 59-2909, 59-2912, K.S.A. 59-2917, 65-3101. JSS

## OPINION NO. 83-168

**Corporations—Cemetery Corporations—Cemetery Districts; Inclusion of Abandoned Cemeteries. Representative Elizabeth Baker, 82nd District, Derby, November 15, 1983.**

A cemetery district established pursuant to K.S.A. 1982 Supp. 17-1330 *et seq.* is responsible for the operation and maintenance of such cemeteries located therein which are conveyed to it by individual cemetery associations or which, if abandoned, are voluntarily taken over by the district. The mere establishment of a cemetery district does not automatically transfer control of or responsibility for all cemeteries included within its boundaries. If responsibility for an abandoned cemetery within the cemetery district has not been assumed by the district, then the township containing said abandoned cemetery is responsible under K.S.A. 1982 Supp. 80-916. Cited herein: K.S.A. 1982 Supp. 17-1330, K.S.A. 17-1332, K.S.A. 1982 Supp. 80-916. JSS

## OPINION NO. 83-169

**Schools—Vocational Education—Plan for Establishment; Approval by State Board of Education. Representative Denise C. Apt, Tenth District, Iola, November 15, 1983.**

The State Board of Education lacks the discretion to reject a plan for the establishment of a proposed area vocational school solely for the reason that the legislature may not provide additional financial support therefor. Cited herein: K.S.A. 72-4416, Kan. Const., Art. 6, §§ 1, 2 and 6. RJB

**ROBERT T. STEPHAN**  
Attorney General

Doc. No. 001661

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