

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

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State of Kansas  
**SOCIAL AND REHABILITATION SERVICES**  
**DIVISION OF SERVICES FOR THE BLIND**  
**ADVISORY COMMITTEE**

**NOTICE OF MEETING**

The Division of Services for the Blind Advisory Committee will meet at 1 p.m. Wednesday, May 15, 1985, in the Rehabilitation Center for the Blind Conference Room, 2516 W. 6th, Topeka, KS.

**RICHARD A. SCHUTZ**  
 Director, Division of  
 Services for the Blind

Doc. No. 003125

State of Kansas  
**SOCIAL AND REHABILITATION SERVICES**

**NOTICE OF MEETING**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an open meeting at 9 a.m., May 7, 1985, in the Staff Development Training Center, 2700 W. 6th St., Topeka, KS.

The scheduled agenda for the meeting includes:

- Solicit public input in regard to proposals concerning temporary administrative regulations.
- Preliminary overview of legislation passed in 1985 session.
- Preliminary discussion of possible budget guidelines for the agency for FY 1987.
- Present proposed social services block grant plan.

The public is invited to this meeting. 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 of Social  
 and Rehabilitation Services

Doc. No. 003124

State of Kansas  
**STATE EMPLOYEES**  
**HEALTH CARE COMMISSION**

**NOTICE OF MEETING**

The Kansas State Employees Health Care Commission will hold its regular monthly meeting at 11 a.m., May 1, 1985, in Room 220-S, State Capitol, Topeka, KS.

**MARVIN A. HARDER**  
 Chairman

Doc. No. 003122

State of Kansas  
**NORTHWEST KANSAS GROUNDWATER**  
**MANAGEMENT DISTRICT NO. 4**

**NOTICE OF MEETING**

The May board meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for May 2, 1985 in the district office, 1175 S. Range, Colby, KS. The meeting begins at 10 a.m. General administrative matters and other business will be discussed.

**WANE A BOSSERT**  
 Manager

Doc. No. 003126

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 Secretary of State  
 State Capitol  
 Topeka, KS 66612



PHONE: 913/296-3489

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES**
**NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for contracts for air and water balancing of the mechanical systems for the following projects and an infrared scan for the same projects:

"D" Cellhouse—Kansas State Industrial Reformatory, Hutchinson, Kansas.

Vocational Building—Parsons State Hospital and Training Center, Parsons, Kansas.

Applegate Energy Center Addition—University of Kansas Medical Center, Kansas City, Kansas.

Recreation Building—Kansas State Penitentiary, Lansing, Kansas.

New Heating Plant—Parsons State Hospital and Training Center, Parsons, Kansas.

Wescoe Hall—VAV Retrofit—University of Kansas, Lawrence, Kansas.

Vocational Training Building—Kansas State Penitentiary, Lansing, Kansas.

Services Building Remodeling—Kansas State Penitentiary, Lansing, Kansas.

Site Lighting—Perimeter Security, Inmate Shake-down, Kansas State Penitentiary, Lansing, Kansas.

"C" Cellhouse Remodeling—Kansas State Penitentiary, Lansing, Kansas.

Addition to Honor Camp—Department of Corrections, El Dorado Facility, El Dorado, Kansas.

Bluemont Hall—Kansas State University, Manhattan, Kansas.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Interested individuals or firms in the infrared scan field must be an independent testing company using trained personnel who work full-time on infrared testing projects. Personnel shall be familiar with the operation of the infrared camera and capable of analyzing the results. The infrared survey shall be done with a Model No. 750 infrared camera as manufactured by AGA Corporation of Secaucus, NJ, or equal. Submit qualifications with letter of interest.

Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367, prior to May 10, 1985.

JOHN B. HIPPI, AIA  
Director, Division of  
Architectural Services

Doc. No. 003134

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES**
**NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for an evaluation and an air and water balance of the mechanical system at the Art and Design Building, University of Kansas, Lawrence, KS.

The scope of the work shall include an evaluation of the mechanical system and a balance of the same if possible. Work may include minor redesign if necessary to perfect the system.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individual or firms must be engaged in balancing work on a full-time basis. Limited engineering capabilities are also required.

Any additional information, questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367, prior to May 10, 1985.

JOHN B. HIPPI, AIA  
Director, Division of  
Architectural Services

Doc. No. 003135

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES**
**NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for studying the HVAC system, making recommendations and preparing necessary contract documents for revising and balancing the HVAC system for the Computer Electronics Building at the Kansas Technical Institute in Salina, KS.

Interested persons or firms must be permitted by law to practice engineering in the state of Kansas.

Expressions of interest should be directed to Warren Corman, Kansas Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka, KS 66603, (913) 296-3421, prior to May 10, 1985.

JOHN B. HIPPI, AIA  
Director, Division of  
Architectural Services

Doc. No. 003136

## State of Kansas

## DEPARTMENT OF HUMAN RESOURCES

## NOTICE OF JTPA MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 9:30 a.m., Thursday, May 2, 1985, at the YWCA, 225 W. 12th, Topeka, KS.

CHUCK HERNANDEZ  
SDA II PIC Manager

Doc. No. 003133

## State of Kansas

## DEPARTMENT OF HUMAN RESOURCES

NOTICE OF  
GRANT APPLICATIONS IN REVIEW

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

**KS850411-001-14218WY**—Application to the U.S. Department of Housing and Urban Development for \$2,251,000 which may be used for capital improvements, rehabilitation of structures, code enforcement, economic development, interim assistance, demolition, public services, relocation, administration and planning. Contact Edward Smith, Director, City of Kansas City, KS, Neighborhood Preservation Dept., 701 N. 7th St., Kansas City, KS 66101, 913/573-5100. Comments due by May 7, 1985.

**KS850411-001-14219KS**—Application to the U.S. Department of Housing and Urban Development for \$16.9 million. These CDBG funds will be distributed to units of general local government (cities and counties) in non-entitlement areas of Kansas. Contact George Scott, Program Administrator, Kansas Department of Economic Development, 503 Kansas Ave., 6th Floor, Topeka, KS 66603, 913/296-3481. Comments due by May 6, 1985.

**KS850411-002-20308SU**—Application to the U.S. Department of Transportation for \$518,700 to rehabilitate twelve miles of the former Rock Island rail line between Riverdale and Wellington. Contact Oscar Albrecht, Kansas Department of Transportation, State Office Bldg., Room 805N, Topeka, KS 66612, 913/296-3526. Comments due by May 21, 1985.

**KS850411-003-20308KS**—The Kansas Department of Transportation submitted a planning document to the U.S. Department of Transportation providing a brief exposition of the general condition and operating status of freight railroads in Kansas. Contact Oscar Albrecht (see listing above). Comments due by May 21, 1985.

**KS850411-004-15916BA**—Application to the State Park and Resources Authority for \$35,239 to raze the existing bathhouse and replace it with a new 80' long by 20' wide bathhouse with shower, dressing and restroom facilities for both men and women. Contact

Trulin Kinser, Mayor, City of Medicine Lodge, 114 W. 1st, Medicine Lodge, KS 67104, 316/886-5932. Comments due by May 21, 1985.

**KS850411-005-11300MG**—Application to the U.S. Department of Commerce for \$459,920. The project is for the initial development of the Independence Airport Industrial Park and will consist of road and water line improvements. Contact Paul Sasse, City of Independence, Office of the City Manager, 120 N. 6th St., Independence, KS 67301, 316/331-2500. Comments due by May 21, 1985.

The following grant applications are a one-time acquisition for purchasing a new vehicle and/or making improvements to existing head start facilities:

**KS850412-001-13600FO**—\$9,500. Contact Bev Sayre, U.S.D. 443, 1000 2nd Ave., Box 460, Dodge City, KS 67801, 316/227-7423. Comments due by May 7, 1985.

**KS850412-002-13600BU**—\$26,000. Contact Gerald Franklin, MIDKAP, Inc., 126 E. 2nd, El Dorado, KS 67042, 316/321-6373. Comments due by May 7, 1985.

**KS850416-001-13600FR**—\$16,500. Contact Bill Campbell, ECKAN Head Start, Box 200, Ottawa, KS 66067, 913/242-5481. Comments due by May 11, 1985.

**KS850418-001-13600RL**—\$4,824. Contact Yvonne Lacy, Opportunity Preschool, Inc., 2031 Poyntz Ave., Manhattan, KS 66502, 913/539-4815. Comments due by May 13, 1985.

**KS850418-002-13600CR**—\$32,300. Contact Bud Corn, SEK-CAP, Inc. Head Start, 110 N. Ozark, Box 128, Girard, KS 66743, 316/724-8204. Comments due by May 13, 1985.

## PROGRAM ANNOUNCEMENTS

On April 4, 1985, ACTION announced the availability of \$3 million under the Senior Companion Program for the startup of the in-home health care program for the elderly authorized by P.L. 98-288. Applications due June 3, 1985. Contact the ACTION Kansas State Program Office, 444 S.E. Quincy, Topeka, KS 66683, 913/295-2540.

The Environmental Protection Agency announced April 8, 1985 that it is adding Preliminary Assessments and Site Inspections to the list of activities subject to Intergovernmental Review under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

On March 2, 1985, the U.S. Department of Transportation issued an RFP to understand the relationship between driver risk perception, driver risk taking, and highway design elements to identify those highway design features and conditions where drivers consistently underestimate the danger to themselves and others and to identify potential countermeasures to remedy these misconceived risk problems. Closing date: May 14, 1985. U.S. DOT, FHWA, Office of Contracts and Procurements, Room 4410, 400 7th St., S.W., Washington, D.C. 20590, ATTN: Vanessa Scott, 202/755-9370.

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) is seeking a contractor for two years to

conduct a public education campaign to inform early adolescents about the risks and consequences associated with alcohol. DHHS, NIAAA, 5600 Fishers Lane, Room 14C-06, Rockville, MD 20857.

### DEADLINES

**May 1, 1985**—Applications for employment and training programs for veterans, JTPA, Title IV, Part C, (\$7.7 million). Contact Joseph Juarez, Office of the Assistant Secretary for Veterans' Employment and Training, Room S1316, 200 Constitution Ave., N.W., Washington, D.C. 20210, 202/532-9110.

**May 5, 1985**—Applications for subsidies for the installation of energy conservation measures and solar energy systems in residential structures and commercial and agricultural buildings with nonprofit owners or tenants, CFDA #14.550 (\$15 million). Contact Dr. Richard Francis, Manager, Solar Energy and Energy Conservation Bank, Room 7110, Department of HUD, 451 7th St., S.W., Washington, D.C. 20410, 202/755-7166.

**May 15, 1985**—Applications for loans from private, nonprofit corporations and consumer cooperatives in developing housing and related facilities to serve the elderly or handicapped, CFDA #14.157 (\$470 million in loan authority). Contact HUD Field Offices.

**May 20, 1985**—Applications for the development of geriatric education centers, CFDA #13.969 (\$5 million). Contact Geriatric Program Representative, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-101, Rockville, MD 20857, 301/443-6887.

LARRY E. WOLGAST, Ed.D.  
Secretary of Human Resources

Doc. No. 003132

(Published in the KANSAS REGISTER, April 25, 1985)

## 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, KS, until 10:00 a.m., C.D.T., May 16, 1985 and then publicly opened:

#### DISTRICT ONE—Northeast

**Johnson—46 K-2670-01**—Firearm Range west of Weigh Station south of Olathe, grading and fencing. (State Funds)

**Johnson—56-46 K-2418-02**—New connection of US-56 to I-35 at Gardner, 2.3 miles, grading and surfacing. (Federal Funds)

**Wyandotte—105 C-2150-01**—County road, 5.0 miles north of US-24 at US-73, then east, 2.0 miles, surfacing. (Federal Funds)

**Wyandotte—105 U-0978-01**—Channelization at I-35 and Mission Road. (Federal Funds)

#### DISTRICT TWO—Northcentral

**Dickinson, Jewell, Lincoln, Republic, Washington—106 M1375-01**—Cold milling of bridge decks in District Two in counties listed. (State Funds)

**Chase—50-9 K-2027-01—US-50**, Peyton Creek bridge 19, 3.9 miles east of Strong City, 0.2 mile, bridge replacement. (Federal Funds)

**Chase—59 C-1984-01**—County road, 0.5 mile west of Windom at junction of US-56, then south, 7.0 miles, surfacing. (Federal Funds)

**Jewell—14-45 M-1376-01—K-14**, White Rock Creek bridge 18, 8.22 miles northwest of junction US-36, 0.3 mile, milling. (State Funds)

**Mitchell—62 C-0722-01**—County road, 0.5 mile west of Beloit, then west, 0.2 mile, bridge replacement. (Federal Funds)

**Saline—135-85 M-1374-01—I-135**, 9.4 miles north of McPherson County line in 0.4 mile north of junction I-135 and I-70, patching. (State Funds)

#### DISTRICT THREE—Northwest

**Gove—70-32 M-1382-01—I-70**, Gove-Logan county line east to Campus Road interchange, 4.3 miles, milling. (State Funds)

**Logan—83-55 K-0536-01—US-83**, junction US-40 north to Logan-Thomas county line, 1.0 mile, grading and surfacing. (Federal Funds)

**Logan—40-55 K-2695-01—US-40**, 0.1 mile west of east junction US-40 and US-83 west 0.8 mile, overlay. (State Funds)

**Logan—70-55 M-1381-01—I-70**, Logan-Thomas county line southeast 0.8 mile to Logan-Gove county line, milling. (State Funds)

**Logan—55 C-1661-01**—County road, 0.3 mile east of junction K-25 at Russell Springs, then east, 0.1 mile, bridge replacement. (Federal Funds)

**Rawlins—77 C-1638-01**—County road, 6.0 miles south and 13.0 miles east of Atwood, then east, 0.2 mile, bridge replacement. (Federal Funds)

**Sherman—70-91 M-1378-01—I-70**, junction I-70 and K-253 east to Sherman-Thomas county line, 7.9 miles, milling. (State Funds)

**Thomas—83-97 K-0895-01—US-83**, Logan-Thomas county line, then north, 3.0 miles, grading and surfacing. (Federal Funds)

**Thomas—70-97 M-1379-01—I-70**, Thomas-Sherman county line, east 4.4 miles, milling. (State Funds)

**Thomas—70-97 M-1380-01—I-70**, junction I-70 and K-25 southeast to Logan-Thomas county line, 20.9 miles, milling. (State Funds)

#### DISTRICT FOUR—Southeast

**Coffey—16 C-1816-01**—County secondary road, 5.7 miles south of Waverly, south 1.5 miles, grading. (Federal Funds)

**Crawford—69-19 M-1370-01—US-69**, south junction US-160 north on US-69 to north junction US-69B, 7.7 miles, shoulders. (State Funds)

(continued)

Elk—160-25 X-1035-02—Crossing of Atchison, Topeka and Santa Fe Railroad on US-160 in Longton, grading and surfacing. (Federal Funds)

Franklin—35-30 M-1362-01—Safety Rest Areas #2507 and #2508, 6.8 miles east of Osage-Franklin county line, safety rest area. (State Funds)

Labette—160-50 K-0499-02—US-160, Bridges 25, 26, 27, 28 and 29 east of Parsons, bridge replacement. (Federal Funds)

Montgomery—160-63 M-1369-01—US-160, 0.65 mile east of the city limits of Independence then east to the south junction of US-169, 5.0 miles, concrete patching. (State Funds)

#### DISTRICT FIVE—Southcentral

Barton—5 C-1483-01—County secondary road, 2.3 miles north and 0.6 mile east of Albert, then east, bridge replacement. (Federal Funds)

Cowley—166-18 M-1351-01—US-166, 11.3 miles east of US-77, slide repair. (State Funds)

Kingman—48 C-1433-01—County secondary road, 0.5 mile south and 12.0 miles east of Kingman, then east, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1434-01—County secondary road, 0.5 mile south and 15.0 miles east of Kingman, then east, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1436-01—County secondary road, 0.6 mile south and 14.8 miles east of Kingman, then south, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1439-01—County road, 2.5 miles east and 1.5 miles north of Nashville, then north, 0.1 mile, bridge replacement. (Federal Funds)

Reno—78 C-2071-01—County secondary road, 4.2 miles west of Haven, then north, 2.8 miles, surfacing. (Federal Funds)

Sumner—81-96 K-2517-01—US-81, Chikaskia River bridge 44, 6.5 miles east of K-49, bridge repair. (Federal Funds)

Sumner—81-96 K-2518-01—US-81, Shoo Fly Creek bridge 45, 10.5 miles east of K-49, bridge repair. (Federal Funds)

#### DISTRICT SIX—Southwest

Hodgeman—42 C-1601-01—County secondary road, 5.8 miles south of Hanston, then south, 0.1 mile, bridge replacement. (Federal Funds)

Ness—283-68 K-2669-01—US-283, Pawnee River bridge 1, 0.84 mile north of Hodgeman-Ness county line, bridge replacement. (Federal Funds)

Scott—86 C-1619-01—County secondary road, 7.0 miles south and 4.0 miles west of Scott City, then west, 1.0 mile, surfacing. (Federal Funds)

Seward—88 C-2081-01—County secondary road, 2.5 miles east of the junction of US-54 at Liberal, then east, 5.0 miles, surfacing. (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.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 003107

#### State of Kansas

### BOARD OF AGRICULTURE

#### NOTICE OF HEARING

All interested and concerned parties are hereby notified that a public hearing will be held at 9 a.m., Thursday, May 30, 1985, at the Fort Hays State University Experiment Station Auditorium, Hays, KS. All interested parties will have an opportunity to be heard regarding the proposed designation of an intensive groundwater use control area within the corporate limits of the city of Hays and the immediate area. The proposed purpose of the control area is to conserve water by regulating the use of wells used for purposes such as lawn watering and car washing.

The exact boundaries of the proposed intensive groundwater use control area are available by request at the address below.

On February 26, 1985, David L. Pope, Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, signed an order initiating proceedings for designation of an intensive groundwater use control area in the above described area.

The purpose of the hearing will be to determine if an intensive groundwater use control area should be established by the chief engineer-director in accordance with the provisions of K.S.A. 82a-1036 *et seq.*, and if so, what the boundaries should be and what types of restrictions, if any, should be placed on the appropriation of water in that area.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. If it is not possible for a person to be present, he or she may submit comments in writing to be received in the Office of the Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th St., 2nd Floor, Topeka, KS 66612-1283, on or before May 24, 1985. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda.

DAVID L. POPE, P.E.  
Chief Engineer-Director  
Division of Water Resources

HARLAND E. PRIDDLE  
Secretary of Agriculture

Doc. No. 003131

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 85-34

**Crimes and Punishments—Crimes Affecting Public Trusts—Unlawful Use of Names Derived from Public Records.** William P. Hanzlick, Director, Kansas Fish and Game Commission, Pratt, April 11, 1985.

Pursuant to the provisions of K.S.A. 1984 Supp. 21-3914, the Kansas Fish and Game Commission may not provide a list of persons holding hunting permits to a conservation organization which would use the list to solicit permit holders to purchase memberships in the organization. Cited herein: K.S.A. 1984 Supp. 21-3914. TRH

## Opinion No. 85-35

**Counties and County Officers—County Buildings—Acquisition; Leasing.**

**Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Consumption of Liquor in Public Places.** Ivan D. Krug, Rush County Attorney, LaCrosse, April 11, 1985.

A county commission may, pursuant to K.S.A. 19-15, 114 *et seq.*, acquire a public building by purchase when it determines that such public building is necessary to be used for any public county purpose. General obligation bonds may be issued to furnish the funds for such acquisition, provided that if the amount of the bonds exceeds \$300,000, approval of the voters must be obtained through a special election. While K.S.A. 19-212, *First*, and K.S.A. 19-15,117 authorize a county commission to permit the use of county buildings for other than public purposes, the consumption of alcoholic liquor in public places is regulated by K.S.A. 41-719, with that statute prohibiting such consumption upon property owned by a governmental subdivision of the state such as a county. However, in that the provisions of K.S.A. 41-719 are non-uniform in their application, a county may, under its home rule authority (K.S.A. 19-101 *et seq.*), charter out from the provisions of K.S.A. 41-719. While consumption of alcoholic liquor is still subject to the provisions of K.S.A. 41-2602, the operation of a licensed private club in the leased premises would comply with the statute and avoid a violation of the ban on the operation of an open saloon. Cited herein: K.S.A. 19-212; 19-15,114; 19-15,115; K.S.A. 1984 Supp. 19-15,116; K.S.A. 19-15,117; 41-719; 41-803; 41-2602; Kan. Const. Art. 15, § 10. JSS

## Opinion No. 85-36

**Laws, Journals and Public Information—Records Open to Public—Certain Records Not Required to Be Open.**

**Taxation—Property Valuation, Equalization; Assessment—Records Open to Public Inspection.** Frances W. Austin, Rooks County Appraiser, Stockton, April 15, 1985.

The Kansas Open Public Records Act, K.S.A. 1984

Supp. 45-215 *et seq.*, establishes as a general policy of this state that public records shall be open for inspection by the public. While K.S.A. 1984 Supp. 45-221 creates certain categories of records which may be closed, such exceptions are effective only where disclosure is not required by other Kansas statutes. One such statute is K.S.A. 79-1458, which provides that all records of the county appraiser relating to the identification and appraisal of property shall be open to public inspection. Division of interest statements regarding oil or gas production used in assessing royalty owners are accordingly records subject to K.S.A. 79-1458, and so must be made open to inspection by the public, notwithstanding the provisions of the Open Records Act. Cited herein: K.S.A. 19-2601; K.S.A. 1984 Supp. 45-217; 45-221; K.S.A. 79-330; 79-1401; 79-1412a; 79-1458. JSS

## Opinion No. 85-37

**Intoxicating Liquors and Beverages—Licensing and Regulation of Clubs—Premises Licensed.** John A. Lamb, Director of Alcoholic Beverage Control Division, Department of Revenue, Topeka, April 15, 1985.

K.S.A. 41-2608 requires that a private club license be issued for a particular premise specified in the application and in the license. Nothing in the statute or in the Private Club Act, K.S.A. 41-2601 *et seq.*, prevents a private club from including one or more rooms in a facility which also has areas open to the general public. As long as the consumption of alcoholic liquor is restricted to the areas described in the license, other portions of the facility, such as corridors and restrooms, may be shared by both club members and members of the public, and employees of the club may carry alcoholic beverages across such non-club areas for consumption in the described premises. Cited herein: K.S.A. 41-2608, 41-2619, 41-2621, K.A.R. 14-18-26. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 003123

## 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 Bldg., Topeka, KS, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, MAY 6, 1985

#26465 Supplement

Department of Health and Environment, Topeka  
and Statewide—FAMILY PLANNING ITEM

#61464

University of Kansas Medical Center, Kansas City  
—ECG/HEART RATE MODULE

(continued)

#61465  
University of Kansas Medical Center, Kansas City  
—PULSE OXIMETER

#61466  
University of Kansas Medical Center, Kansas City  
—HEMODIALYSIS BICARBONATE/RETROFIT  
KITS

#61467  
Department of Social and Rehabilitation Services,  
Topeka—VINYL FILM, Kansas Industries for the  
Blind, Kansas City

#61468  
Kansas Fish and Game Commission, Pratt—  
ALUMINUM ANGLE, Junction City

#61469  
Youth Center at Topeka, Topeka and Youth Center  
at Beloit, Beloit—FURNISH MATERIAL ONLY FOR  
PRE-FABRICATION OF GREENHOUSE  
ENCLOSURES

#61470  
Department of Social and Rehabilitation Services,  
Topeka—SPUN BONDED POLYPROPYLENE,  
Kansas Industries for the Blind, Kansas City

#61471  
Kansas Department of Transportation, Topeka—  
STRÓBE WARNING LIGHTS

#61502  
Kansas State University, Manhattan—HERBICIDE

#61514  
Department of Administration, Topeka—  
FINANCIAL SERVICES

### TUESDAY, MAY 7, 1985

#A-5161  
Kansas State School for the Deaf, Olathe—  
REPLACE STEAM LINES IN THE STANLEY  
ROTH ADMINISTRATION BUILDING

#A-5171  
Kansas State School for the Deaf, Olathe—REMOVE  
AND REPLACE ASBESTOS INSULATION,  
VARIOUS BUILDINGS ON CAMPUS

#61472  
University of Kansas Medical Center, Kansas City  
—SURGICAL INSTRUMENTS

#61473  
University of Kansas Medical Center, Kansas City  
—LAUNDRY TRUCK

#61474  
University of Kansas Medical Center, Kansas City  
—SURGICAL INSTRUMENTS

#61475  
University of Kansas Medical Center, Kansas City  
—SURGICAL NEEDLE HOLDERS

#61477  
Kansas State University, Manhattan—INTERFACE  
UNIT/PRINTER, BURROUGHS COMPATIBLE

#61482  
Kansas State University, Manhattan—  
MONOCHROMATOR

#61483  
University of Kansas, Lawrence—FLUORESCENCE  
DETECTOR

#61484  
Fort Hays State University, Hays—AUDIO TAPE  
RECORDERS

#61485  
Kansas State University, Manhattan—UPGRADE  
DISK STORAGE-IBM 36 COMPATIBLE

#61486  
University of Kansas, Lawrence—MICROWAVE  
TEST EQUIPMENT

#61487  
University of Kansas Medical Center, Kansas City  
—FORMS W/LABELS—PHYSICIANS ORDER FORM

#61488  
University of Kansas Medical Center, Kansas City,  
and Fort Hays State University, Hays—  
CONTINUOUS FORMS—INSURANCE AND  
STUDENT SCHEDULES

#61530  
Kansas State Industrial Reformatory, Hutchinson—  
CANNED GOODS

### WEDNESDAY, MAY 8, 1985

#A-5098  
University of Kansas, Lawrence—CONSTRUCT  
AIRLOCK FOR COMMONS ENTRY, GREEN HALL  
(SCHOOL OF LAW)

#26532  
University of Kansas Medical Center, Kansas City  
—FROZEN JUICES

#61494  
Kansas Department of Transportation, Topeka—  
HYDRAULIC IMPACT HAMMER

#61495  
Kansas Department of Transportation, Topeka—  
MUD JACKS

#61501  
Kansas Department of Transportation, various  
locations—MATERIAL SPREADERS

#61503  
Adjutant General's Department, Topeka—AB-3  
ROCK

#61504  
Kansas State Fair, Hutchinson—3" ASPHALT  
PAVING

#61505  
Kansas State Fair, Hutchinson—AB-3 AGGREGATE  
AND ROAD GRAVEL

#61506  
University of Kansas, Lawrence—PAVING  
IMPROVEMENTS

### THURSDAY, MAY 9, 1985

#A-4649  
Wichita State University, Wichita—ADDITION TO  
ABLAH LIBRARY/MRC

#26534  
Department of Administration, Division of Printing,  
Topeka—RENTAL SERVICE FOR SHOP TOWELS

#26535  
Department of Social and Rehabilitation Services,  
Topeka—JANITORIAL SERVICES, Hutchinson

#60855-A  
Kansas State University, Manhattan—MOLECULAR  
PUMP

#61023-A  
Kansas Correctional Industries, Lansing—REPAIRS  
TO TRAILERS

#61509  
Kansas State University, Manhattan—TESTING  
APPARATUS

#61512  
Kansas State University, Manhattan—CENTRIFUGE  
ROTOR

#61513  
Department of Social and Rehabilitation Services,  
Topeka—WHEELCHAIR LIFT, Overland Park



#61516

University of Kansas Medical Center, Kansas City  
—USED FIXED COLUMN MICROSCOPE

#61517

Kansas Department of Transportation, Topeka  
—MICROFILM READER—PRINTER

#61518

University of Kansas Medical Center, Kansas City  
—LAPAROSCOPES AND LECTURESCOPE

#61519

Kansas Technical Institute, Lansing—DRAFTING  
ROOM FURNITURE

**FIRDAY, MAY 10, 1985**

#26538

Statewide—PLUMBING FITTINGS

#26539

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

#26540

University of Kansas Medical Center, Kansas City  
—DOOR LOCKS AND CLOSERS

#61521

Kansas Department of Transportation, Topeka—  
PRINTING SUPPLIES

#61522

University of Kansas, Lawrence—DESK LAMPS

#61523

Kansas State University, Manhattan—HPLC  
APPARATUS

#61524

Kansas State University, Manhattan—SOYBEAN  
MEAL

#61525

Kansas Department of Transportation, Salina  
—REBUILD DEPARTMENT OF  
TRANSPORTATION'S CHEMICAL STORAGE  
BUILDING

#61528

Wichita State University, Wichita—BOOKS

#61531

Topeka State Hospital, Topeka—SMOKE  
DETECTORS

**MONDAY, MAY 13, 1985**

#26541

University of Kansas Medical Center, Kansas City  
and University of Kansas, Lawrence—  
COAGULATION TEST MATERIAL AND SUPPLIES

**TUESDAY, MAY 14, 1985**

#26545

University of Kansas Medical Center, Kansas City  
—CLINICAL ANALYZER REAGENTS

**THURSDAY, MAY 16, 1985**

#A-5180

Department of Corrections, Topeka—CONTRACT  
NUMBER 1—500,000 GALLON ELEVATED TANK  
AND DISTRIBUTION SYSTEM IMPROVEMENTS,  
Kansas State Penitentiary, Lansing

**MONDAY, MAY 20, 1985**

#26543

Department of Social and Rehabilitation Services,  
Topeka—PHARMACY COST STUDY ANALYSIS

**THURSDAY, MAY 30, 1985**

#61476

Emporia State University, Emporia—  
TELECOMMUNICATIONS SYSTEM

**MONDAY, JUNE 3, 1985**

#26510

University of Kansas Medical Center, Kansas City  
—PROPERTY INSURANCE

**NICHOLAS B. ROACH**  
Director of Purchases

Doc. No. 003129

(Published in the KANSAS REGISTER April 25, 1985)

**NOTICE OF CALL FOR REDEMPTION  
TO THE HOLDERS OF  
CITY OF MANHATTAN, KANSAS  
COMMERCIAL REHABILITATION LOAN  
PROGRAM REVENUE BONDS  
(LOANS TO LENDERS)  
SERIES A, 1982  
DATED JUNE 1, 1982**

Notice is hereby given that pursuant to the Provisions of Section 8(B) of Ordinance No. 3959 of the City of Manhattan, Kansas, that the above mentioned Bonds numbered 11 through 83 maturing in the years 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993 and 1994 have been called for redemption and payment on June 1, 1985 at the offices of the SOUTHWEST NATIONAL BANK OF WICHITA, KANSAS, TRUST DEPARTMENT, P. O. BOX 1401, WICHITA, KANSAS 67201.

On such redemption date, there shall become due and payable on each of the above mentioned Bonds the redemption price thereof equal to 102% of the principal amount of each Bond together with interest accrued to the redemption date (upon the presentation and surrender of each such Bond and all appurtenant coupons). Interest shall cease to accrue on Bonds from and after June 1, 1985 and the interest coupons maturing after June 1, 1985 shall be void.

**THE SOUTHWEST NATIONAL BANK  
OF WICHITA, KANSAS  
AS TRUSTEE FOR THE  
CITY OF MANHATTAN, KANSAS  
E. GORDON JOHNSON  
Senior Vice President and Trust Officer**

Doc. No. 003130

(Published in the KANSAS REGISTER, April 25, 1985.)

**NOTICE OF BOND SALE  
\$260,000.00  
CITY OF CALDWELL, KANSAS  
GENERAL OBLIGATION BONDS**

SEALED bids will be received in the Office of the City Clerk, at City Hall, 14 West Central Avenue, City of Caldwell, Kansas 67022, until 8:00 o'clock p.m., Central Daylight Savings Time, on April 29, 1985, and will be considered by the Governing Body of the City of Caldwell, Kansas at its regular place of meeting in the City Hall, in the City of Caldwell, Kansas, at 8:00 o'clock p.m., Central Daylight Savings Time on April 29, 1985, at which time and place all bids will be publicly opened, read aloud, and considered for the

(continued)

purchase of a series of General Obligation Bonds designated Series A, 1985, in the principal amount of \$260,000.00. No oral or auction bids will be considered.

#### *Details of the Bonds*

The Bonds shall be issued in the form 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 on the Bonds will be payable semi-annually, commencing November 1, 1985, and each May 1 and November 1 thereafter. The Bonds shall be dated May 1, 1985, and shall become due serially on May 1 in each of the years and in the principal amounts, as follows:

<i>Date of Maturity</i>	<i>total</i>
May 1, 1986	\$15,000.00
May 1, 1987	15,000.00
May 1, 1988	20,000.00
May 1, 1989	25,000.00
May 1, 1990	25,000.00
May 1, 1991	30,000.00
May 1, 1992	30,000.00
May 1, 1993	30,000.00
May 1, 1994	35,000.00
May 1, 1995	35,000.00

#### *Place of Payment*

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 and Bond Registrar 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.

#### *Redemption*

The Bonds maturing on and after May 1, 1991, are subject to redemption prior to maturity at the City's option on or after May 1, 1990, in whole at any time or in part in integral multiples of \$5,000.00, in inverse order of maturity and by lot within maturities, on any interest payment at par, plus accrued interest to the redemption date plus a premium (expressed as a percentage of principal amount) of 1%.

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 thirty (30) days prior to the date fixed for such redemption and payment. Interest will not be payable on the Bonds to be redeemed after the redemption date if notice has been given and if sufficient monies have been deposited with the Bond Registrar on or prior to the redemption date to pay the principal of, applicable redemption premium and interest on the Bonds to be redeemed to the redemption date.

#### *Interest Rate*

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 ( $\frac{1}{8}\%$ ) or one-twentieth ( $\frac{1}{20}\%$ ) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed three percent (3%) per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "Twenty Bond Index" of Tax Exempt Municipal Bonds published by the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus two percent (2%). A bid for the purchase of less than all of the Bonds or a bid at a price less than par and accrued interest or bids involving the use of extra or supplemental interest rates will not be considered.

#### *Bid Form and Good Faith Deposit*

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City and should be addressed to Opal Lois White, City Clerk, City Hall, Caldwell, Kansas 67022, and 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 net interest rate, all certified by the bidder to be correct; and the City will be entitled to rely upon the certificate of correctness of the bidder. 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. Each bid must be accompanied by a certified or cashier's check in the amount of two percent (2%) of the total par value of the Bonds payable to the City Treasurer, City of Caldwell, 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 City as and for liquidated damages.

#### *Award of the Bonds*

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 or informalities. 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 bid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities. 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.

*Delivery and Payment*

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City. Delivery of the Bonds will be made on or about May 30, 1985, 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. Payment for the Bonds shall be made in immediately available federal reserve funds. The number, denomination of bonds, and the names and tax ID numbers of the initial registered owners to be initially printed on the Bonds must be submitted in writing by the successful bidder to the Bond Registrar at least fifteen (15) business days prior to the date of delivery of the Bonds. In the absence of such information, the City will deliver the Bonds in the denomination of each maturity registered in the name of the successful bidder.

*Legal Opinion*

The Bonds will be sold subject to the unqualified approving opinion of CURFMAN, HARRIS, STALLINGS & SNOW, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond. 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. A manually signed original of such opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. 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.

*Purpose of Issue*

The Bonds are being issued for the purpose of constructing certain internal improvements in the City of Caldwell, Kansas consisting of various paving improvements in the City of Caldwell, Kansas.

*Assessed Valuation*

The assessed valuation of all taxable tangible property within the City of Caldwell, Kansas, for the year 1984, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$2,864,119.00
Estimated tangible valuation of motor vehicles .....	\$ 726,070.00
Estimated tangible valuation of motor vehicle dealers' inventory .....	\$ 84,436.00
Equalized assessed tangible valuation for computation of bonded indebtedness limitations .....	\$3,674,625.00

*Bonded Indebtedness*

The total general bonded indebtedness of the City of Caldwell, Kansas, at the date hereof, is \$388,960.00,

which amount includes this \$260,000.00 proposed issue of bonds. The City of Caldwell, Kansas, also has Temporary Notes outstanding in the amount of \$240,000; all of which will be retired from the proceeds of this issue.

*Official Statement*

Additional copies of this Notice of Bond Sale, or further information may be received from the City Clerk, City Hall, Caldwell, Kansas 67022.

BY ORDER OF THE GOVERNING BODY  
OF THE CITY OF CALDWELL, KANSAS  
THIS 15TH DAY OF APRIL, 1985.

AUBRA H. PIERCE  
MAYOR

ATTEST:  
OPAL LOIS WHITE  
CITY CLERK  
(SEAL)

Doc. No. 003127

(Published in the KANSAS REGISTER, April 25, 1985.)

**NOTICE OF BOND SALE**  
**\$1,400,000.00 GENERAL OBLIGATION**  
**SCHOOL BONDS**  
**OF**  
**UNIFIED SCHOOL DISTRICT NO. 327,**  
**ELLSWORTH COUNTY, KANSAS**

The Board of Education of Unified School District No. 327, Ellsworth County, Kansas (the "District") will receive sealed bids at its offices located at West Highway 40, Ellsworth, Kansas, P.O. Box 212 until 7:30 o'clock p.m., local time, on

MAY 6, 1985

for One Million Four Hundred Thousand Dollars (\$1,400,000.00 par value, General Obligation School Bonds, Series 1985 (the "Bonds") of the District, at which time and place such bids shall be publicly opened. The Bonds initially issued will be dated June 1, 1985 and shall mature on December 1 in each of the years and in the amounts set forth below. The 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 semi-annually on June 1 and December 1 of each year, commencing June 1, 1986. The principal of the Bonds shall be payable in lawful money of the United States of America at the 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 calendar month next preceding the interest payment date (the record dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the District.

The Bonds will mature serially in accordance with the following schedule:

(continued)

<i>Principal Amount</i>	<i>Maturity Date December 1</i>
\$ 30,000.00	December 1, 1986
30,000.00	December 1, 1987
30,000.00	December 1, 1988
35,000.00	December 1, 1989
35,000.00	December 1, 1990
40,000.00	December 1, 1991
45,000.00	December 1, 1992
50,000.00	December 1, 1993
55,000.00	December 1, 1994
55,000.00	December 1, 1995
65,000.00	December 1, 1996
70,000.00	December 1, 1997
75,000.00	December 1, 1998
85,000.00	December 1, 1999
90,000.00	December 1, 2000
100,000.00	December 1, 2001
110,000.00	December 1, 2002
120,000.00	December 1, 2003
135,000.00	December 1, 2004
145,000.00	December 1, 2005

All bonds of this series maturing December 1, 1996, and thereafter shall be subject to redemption prior to maturity at the option of the District on December 1, 1995 or on any interest payment date thereafter, as a whole, or in part, in inverse order of maturity (and by lot and multiples of \$5,000 principal amount within a single maturity) at the principal amount thereof plus accrued interest to the date of redemption plus a premium of 102.50 of the principal, being \$125.00 for each \$5,000 bond called. If a bond is called for redemption and payment prior to maturity, the District will cause written notice of its intention to redeem and pay the Bond on any specified date, such bond being described by number, principal amount and maturity, and said notice to be given by United States certified mail addressed to the Paying Agent and to the registered owner of each bond so called, each of such notices to be mailed at least 30 days prior to redemption date. The District shall also publish once in the official newspaper of the state of Kansas a notice of its intention to call and pay the Bond, describing it by its number, principal amount and maturity, which notice shall be published not less than 30 days prior to the date fixed for redemption.

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 or one-twentieth of one percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 4%. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2% above the "Twenty Bond Index" of tax exempt municipal bonds published by "The Credit Market" (formerly "The Weekly Bond Buyer") in New York, on the Monday next preceding the day on which the Bonds are sold, and no bid of less than par plus accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bids shall be submitted on the official bid form furnished by the District, and shall be addressed to the Board of Education of the District, to the attention of Earldene Pflughoeft, Clerk, and shall be marked "Bond Bid." All bids must state the total interest cost

of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the District will be entitled to rely on the certificate of correctness. Bids must be accompanied by a certified or cashier's check equal to 2% of the total amount of the bid, and shall be payable to Unified School district No. 327, Ellsworth County, 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 District as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered will be furnished and paid for by the District, and the Bonds will be sold subject to the unqualified approving opinion of William P. Timmerman of Wichita, Kansas, bond counsel of Wichita, KS, whose opinion will be paid for by the District.

The number, denomination of bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar not later than May 15, 1985.

The purchaser will be furnished with a complete transcript of proceedings, evidencing 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 funds which are immediately available for use by the District. Delivery of the Bonds will be made to the successful bidder on or about June 15, 1985 at any bank in the State of Kansas or Kansas City, Missouri, at the expense of the District; delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute general obligations of the District payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within the territorial limits of the District. The Bonds are being issued for the purpose of constructing, equipping and furnishing high school facilities for the District, pursuant to K.S.A. 72-6761 and 10-101 *et seq.*

Sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this notice. The District reserves the right to reject any and all of the bids, and 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 District, and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures of Unified School District No. 327, Ellsworth County, Kansas for the year 1984, are as follows:

Real Estate.....	\$11,099,060.00
Personal Property.....	\$ 2,890,752.00
Oil.....	\$ 604,430.00
Minerals.....	\$ 18,025.00
Corporations.....	\$ 5,289,523.00
Equalized assessed tangible valuation for computation of bonded debt limitations...	\$19,901,790.00

Unified School District No. 327, Ellsworth County,

at the date hereof, has no general obligation bonded indebtedness, and its general obligation bonded indebtedness as of the date of the proposed issuance of the Bonds will be \$1,400,000.00

CUSIP identification numbers will be printed on the Bonds. All expenses incurred in connection with the printing of CUSIP numbers on the Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the District.

Additional copies of this Notice of Bond Sale or further information may be received from Columbian Security Corporation, 700 Rule Bldg., Wichita, Kansas 67202, Telephone 316-262-0421, financial advisors for the District.

Unified School District No. 327, Ellsworth County, Kansas.

EARLDENE PFLUGHOEFT  
Clerk of the Board

Doc. No. 003128

(Published in the KANSAS REGISTER, April 25, 1985.)

### NOTICE OF BOND SALE

\$300,000.00

### SCHOOL BUILDING BONDS SERIES "A", 1985

UNIFIED SCHOOL DISTRICT NO. 293,  
(QUINTER)

GOVE COUNTY, KANSAS

(General obligations, payable from unlimited  
ad valorem taxes)

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the clerk of the Board of Education of Unified School District No. 293, Gove County, Kansas (the "School District") in the Office of said Clerk, P. O. Box 429, Sixth and Gove, Quinter, Kansas 67752-0429 until 7:30 o'clock p.m., local time on

WEDNESDAY, MAY 15, 1985

at which time and place said bids will be publicly opened and read for the purchase of \$300,000.00 aggregate principal amount of General Obligation School Building Bonds (Series "A", 1985) (the "Bonds"). All bids received will be reported to the Board of Education (the "Board") for determination of the best bid at a meeting of the Board to be held at said time, date and place.

#### Details of the Bonds

The Bonds will consist of an issue of \$300,000.00 principal amount of General Obligation School Building Bonds, Series "A", 1985. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated June 1, 1985, and becoming due serially on November 1, of each year in the principal amounts as follows:

SERIES "A", 1985—\$300,000.00

Year	Principal Amount
1986	\$60,000
1987	\$60,000
1988	\$60,000
1989	\$60,000
1990	\$60,000

The Bonds will bear interest at rates to be deter-

mined when the Bonds are sold as hereinafter provided, which interest will be payable semi-annually on November 1 and May 1 of each year, beginning May 1, 1986.

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and the "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 in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the School District and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser") may express its preference, and the School District will honor said successful purchaser's preference regarding the plan of registration.

The School District will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrar and Paying Agent. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination 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 Board by June 1, 1985.

#### Redemption of Bonds

None of said bonds shall be callable for redemption prior to its stated maturity.

#### Authority, Purpose and Security for the Bonds

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the state of Kansas including K.S.A. 72-6761 *et seq.*, Article 1 of Chapter 10 and Chapter 49 of the 1983 Kansas Session Laws, for the purpose of paying the cost of certain school building improvements.

The General Obligation School Building Bonds, Series "A", 1985, will be general obligations of the School District, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the School District.

#### Conditions of Bids

Bids will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *The Weekly Bond Buyer* (or its successor) in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not

(continued)

exceed 2%. No bid of less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the school district on the basis of such bid, and the average annual net interest rate on the basis of such bid.

#### *Basis of Award*

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

#### *Delivery of and Payment for the Bonds*

The School District will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the Bonds shall be made in federal reserve funds or other funds which shall be available to the School District on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

#### *Legal Opinion*

The Bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the School District, and will be printed on the Bonds and provided 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.

#### *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 any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid for by the School District.

#### *Good Faith Deposit*

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,000.00 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of the School District, to secure the School District from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the Board or held by the Board until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be deposited and credited to the order of the bidder. If a bid is accepted, but the School District 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 School District as and for liquidated damages.

#### *Bid Forms*

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid forms which may be obtained from the Clerk, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The School District reserves the right to waive irregularities and to reject any and all bids.

#### *Submission of Bids*

Bids must be submitted in sealed envelopes and addressed to the undersigned, Clerk of the Board of Education, P. O. Box 492, Sixth and Gove, Quinter, Kansas 67752-0429, and marked "Bid for the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 7:30 o'clock p.m. local time on May 15, 1985.

#### *Assessed Valuation and Indebtedness*

The total equalized assessed valuation of the taxable tangible property within the School District for the year 1984 is \$2,936,000.00, including motor vehicle valuation of \$56,599.00, and motor vehicle dealers' inventory valuation of \$00.00, and farm machinery and business aircraft valuation of \$856,820.00. The total general obligation bonded indebtedness of the School District as of May 1, 1985, including the Bonds being sold is \$370,000.00.

#### *Bond Ratings*

The School District has not applied for a rating on the Bonds herein offered for sale.

DATED this 15th day of April, 1985.

JUNE COOPER  
CLERK OF THE BOARD OF EDUCATION  
U.S.D. No. 293

Doc. No. 003137

(Published in the KANSAS REGISTER, April 25, 1985.)

**NOTICE OF BOND SALE  
SHAWNEE COUNTY, KANSAS  
GENERAL OBLIGATION BONDS  
SERIES 1985A (SEWERS)  
\$489,450.00  
SERIES 1985B (STREETS)  
\$165,750.00**

Shawnee County, Kansas will receive sealed bids at the OFFICE OF THE COUNTY CLERK, ROOM 107, SHAWNEE COUNTY COURTHOUSE, 200 EAST SEVENTH, TOPEKA, KANSAS, until 10:00 o'clock a.m. C.S.D.S.T., on

**APRIL 30, 1985**

for the purchase of six hundred fifty-five thousand two hundred dollars (\$655,200.00) par value General Obligation Bonds (the "Bonds") of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1985A (Sewers) and Series 1985B (Streets) Bonds initially issued will be dated as of April 1, 1985 and shall mature on November 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, except Bond No. 1, of Series 1985A in the denomination of \$4,450.00, and Bond No. 1, Series 1985B in the denomination of \$5,750.00. Interest will be payable semiannually, commencing May 1, 1986, and each November 1 and May 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 preceding April 15 and October 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the County.

The Bonds will mature serially in accordance with the following schedule:

**SERIES 1985A (Sewers)  
\$489,450.00**

Principal Amount	Maturity Date
\$ 14,450.00	November 1, 1986
25,000.00	November 1, 1987
25,000.00	November 1, 1988
25,000.00	November 1, 1989
25,000.00	November 1, 1990
25,000.00	November 1, 1991
25,000.00	November 1, 1992
25,000.00	November 1, 1993
25,000.00	November 1, 1994
25,000.00	November 1, 1995
25,000.00	November 1, 1996
25,000.00	November 1, 1997
25,000.00	November 1, 1998
25,000.00	November 1, 1999

25,000.00	November 1, 2000
25,000.00	November 1, 2001
25,000.00	November 1, 2002
25,000.00	November 1, 2003
25,000.00	November 1, 2004
25,000.00	November 1, 2005

**SERIES 1985B (Streets)  
\$165,750.00**

Principal Amount	Maturity Date
\$10,750.00	November 1, 1986
15,000.00	November 1, 1987
15,000.00	November 1, 1988
15,000.00	November 1, 1989
15,000.00	November 1, 1990
15,000.00	November 1, 1991
20,000.00	November 1, 1992
20,000.00	November 1, 1993
20,000.00	November 1, 1994
20,000.00	November 1, 1995

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding eight (8) 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 ( $\frac{1}{8th}$ ) or one-twentieth ( $\frac{1}{20th}$ ) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the *Weekly Bond Buyer* on Monday, April 22, 1985, 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.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to the County at THE OFFICE OF THE COUNTY CLERK, ROOM 107, SHAWNEE COUNTY COURTHOUSE, TOPEKA, KANSAS, 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 County will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to the County Clerk of Shawnee County, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the County; and the Bonds will be sold subject to the unqualified approving opinion of NICHOLS AND WOLFE CHARTERED, Bond Counsel of Topeka, Kansas, whose opinion will be paid for by the County.

The number, denomination of bonds and names of the initial registered owners shall be submitted in

(continued)

writing by the successful bidder to the Bond Registrar not later than May 15, 1985.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 May 31, 1985 at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the County. Series 1985A (Sewers) and Series 1985B (Streets) Bonds will be payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but if not so paid, then 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 County. The Series 1985A Bonds are being issued for the purpose of paying part of the cost of certain sanitary sewer system improvements in the County. The Series 1985B Bonds are being issued for the purpose of paying part of the cost of certain street improvements in the County.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The County 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 County; and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures of the County of Shawnee, Kansas, for the year 1984, are as follows:

Equalized assessed valuation of taxable,	
tangible property . . . . .	\$478,640,694
Assessed tangible valuation of motor vehicles . .	82,932,869
Equalized tangible valuation for computation of	
bonded indebtedness limitations . . . . .	\$561,573,563

CUSIP identification numbers will be printed on the Bonds. All expenses incurred in connection with the printing of CUSIP numbers on the Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the County.

The total general obligation bonded indebtedness of Shawnee County, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$655,200.00, is in the amount of \$32,354,025. Shawnee County, Kansas has Temporary Notes outstanding in the total amount of \$749,401.00 which will be redeemed and paid from the proceeds of this proposed issue of Bonds and from other funds available to the County.

Additional copies of this Notice of Bond Sale or further information may be received from the Shaw-

nee County Clerk, Shawnee County Courthouse, Topeka, Kansas, 66603.

Dated April 15, 1985.

SHAWNEE COUNTY, KANSAS  
PATSY A. MCDONALD, COUNTY CLERK

Doc. No. 003121

State of Kansas

LEGISLATURE

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

*Bills Introduced April 11-13:*

HB 2614, by Committee on Federal and State Affairs: An act concerning alcohol and drug safety action programs; relating to assessments therefor; amending K.S.A. 1984 Supp. 8-1008 and repealing the existing section.

HB 2615, by Committee on Ways and Means: An act concerning state officers and employees; relating to salaries and compensation; authorizing and providing for certain increases; placing certain job classes in the unclassified service under the Kansas civil service act; making appropriations for the fiscal year ending June 30, 1986, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 46-137a, 46-137b, 22-3708, 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120k and 75-3120l and K.S.A. 1984 Supp. 40-102 and repealing the existing sections.

HB 2616, by Committee on Ways and Means: An act concerning the state board of regents; relating to compensation and expenses therefor; amending K.S.A. 74-3202 and repealing the existing section.

HB 2617, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the state board of regents; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 380, by Committee on Ways and Means: An act relating to public warehousemen; concerning certain grain purchase contracts; defining certain terms; amending section 1 of 1985 Senate Bill No. 300 and repealing the existing section.

SB 381, by Committee on Ways and Means: An act concerning highways; designating certain highways in Johnson county as Shawnee Mission Parkway.

SB 382, by Committee on Ways and Means: An act relating to insurance; providing for refund of unearned surcharge from health care stabilization fund; amending K.S.A. 40-2602 and K.S.A. 1984 Supp. 40-3403 and repealing the existing sections.

SB 383, by Committee on Ways and Means: An act concerning the Kansas highway patrol; relating to job injury leave for certain members of the Kansas highway patrol.

HR 6122, by Representative Wagnon: A resolution congratulating Bethany Chapter No. 7 of the Order of the Eastern Star on its centennial anniversary.

HR 6123, by Representative Neufeld: A resolution congratulating the City of Ford on its centennial anniversary.

HR 6124, by Representatives Eckert, Smith and Sallee: A resolution congratulating Banner Grange on its 75th anniversary.

HR 6125, by Representative Schmidt: A resolution congratulating Dorothy M. Soderblom on becoming President of the International Institute of Municipal Clerks.

HR 6126, by Representative Dyck: A resolution honoring and congratulating Sister de Paul Maas who is retiring as Chief Executive Officer of Halstead Hospital.

HR 6127, by Representative Hensley: A resolution congratulating Melvin Douglas III on winning a National College Athletic Association Wrestling Championship.

HR 6128, by Representative Knopp: A resolution honoring Dr. Elnora T. Huyck on her retirement from the faculty at Kansas State University.

HR 6129, by Representative Brown: A resolution congratulating Morse Elementary School for representing Kansas in the Olympics of the Mind.

HR 6130, by Representatives Fox and Long: A resolution declaring April 19 to be "Patriots' Day."

HR 6131, by Representative Francisco: A resolution congratulating the City of Valley Center on its centennial anniversary.

HCR 5022, by Representatives King, Aylward, Cloud, Crowell, Green, Luzzati, Mainey, B. Ott, Peterson, Reardon, Rolfs, Shriver, Sifers and Teagarden: A proposition to amend the constitution of the state of Kansas by adding a new section thereto authorizing the legislature to permit, regulate, license and tax the operation or conduct of horse and dog racing by bona fide nonprofit organizations and parimutuel wagering thereon; and providing for county option thereon.

SR 1850, by Senators Gannon, Allen, Arasmith, Doyen, Gordon, Karr., F. Kerr, Montgomery, Norvell, Thiessen and Warren: A resolution urging President Ronald Reagan to visit Kansas to increase his awareness of the problems of agriculture.

SR 1851, by Senator Morris: A resolution designating April 14 through April 21, 1985, as the Days of Remembrance of the Victims of the Holocaust.

SR 1852, by Senator Frey: A resolution congratulating the City of Ford on its centennial anniversary.

SR 1853, by Senator Vidricksen: A resolution memorializing the President and Congress of the United States to fund the Small Business Administration.

SCR 1628, by Legislative Educational Planning Committee: A concurrent resolution commending institutions of postsecondary education for voluntary efforts at cooperation and commitment to state and community interests and suggesting that such institutions consider merging administrations upon attrition of administrative officers and employees.

SCR 1605, by Committee on Federal and State Affairs: A proposition to amend section 10 of article 15 of the constitution of the state of Kansas, relating to intoxicating liquors; authorizing the legislature to permit and provide for county option in the sale of liquor by the individual drink in certain public places.

SCR 1609, by Senators Steineger, Reilly, Strick and Mulich: A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto authorizing the legislature to provide for a state-owned and operated lottery and for the disposition and use of moneys received by the state therefrom.

Doc. No. 003143



(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 81

AN ACT concerning emergency medical services; providing for the establishment of a demonstration program authorizing qualified personnel of selected ambulance services to provide manual cardiac defibrillation in emergencies; relating to the emergency transportation of persons by certain ambulances; amending K.S.A. 65-4327 and repealing the existing section.

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

New Section 1. As used in this act:

(a) "Council" means the emergency medical services council established by K.S.A. 65-4316 and amendments thereto.

(b) "Director" means the director of emergency medical services appointed under K.S.A. 1984 Supp. 74-2127 and amendments thereto.

(c) "Ambulance service" means any ambulance service which holds a permit to operate as an ambulance service under K.S.A. 65-4317 *et seq.* and amendments thereto.

(d) "Qualified personnel" means any individual who holds a certificate as an emergency medical technician or who holds a certificate as an emergency medical technician-intermediate and who has completed successfully a training program in manual cardiac defibrillation approved by the university of Kansas school of medicine and has been approved by the director, after examination as prescribed by the director, as qualified to perform manual cardiac defibrillation.

New Sec. 2. The emergency medical services council may establish a demonstration program in which, in accordance with the provisions of this act, qualified personnel of selected ambulance services are authorized to provide, in addition to other services which qualified personnel and ambulance services are authorized by law to provide, cardiopulmonary resuscitation and manual cardiac defibrillation in a pulseless, nonbreathing patient.

New Sec. 3. (a) Application by an ambulance service for a certificate of authority to provide through qualified personnel manual cardiac defibrillation procedures to individuals in need of these procedures shall be made to the bureau of emergency medical services by the operator of the ambulance service upon forms provided by the director of emergency medical services. The application shall contain information specified by the council by rule and regulation.

(b) No certificate of authority shall be issued under this section unless the director finds that the ambulance service which has applied for a certificate of authority holds a permit under K.S.A. 65-4317 *et seq.* and amendments thereto, to operate an ambulance service, is staffed by qualified personnel and has appointed a medical advisor under K.S.A. 65-4317 and amendments thereto.

(c) Not more than 12 ambulance services may be granted a certificate of authority under this act. In addition, as part of the demonstration program, the director may authorize 12 additional ambulance services to perform electrocardiographic monitoring.

(d) A certificate of authority issued under this act shall expire on the date on which this act expires as specified in section 7.

New Sec. 4. (a) Qualified personnel of an ambulance service granted a certificate of authority under this act may provide, in addition to other services which the qualified personnel are authorized by law to provide, manual cardiac defibrillation in a pulseless, nonbreathing patient subject to such conditions and requirements necessary to protect the public as the council may establish by rules and regulations.

(b) The council may establish by rules and regulations requirements as to equipment necessary for ambulance services granted a certificate of authority under this act and for ambulance services authorized to perform electrocardiographic monitoring under this act, the records these ambulance services are required to keep and requirements relating to the performance of these ambulance services and qualified personnel as the council deems necessary in the establishment of demonstration programs under this act.

(c) A certificate of authority granted under this act may be revoked or suspended by the director for the same grounds an operator's permit may be revoked or suspended under K.S.A. 65-4324 and amendments thereto. No certificate of authority

granted under this act shall be revoked or suspended without a hearing before the council which shall be conducted in accordance with the provisions of K.S.A. 65-4325 and amendments thereto.

New Sec. 5. On or before December 31, 1985, the council shall submit a report to the governor and to the legislature concerning the operation of the demonstration program established by this act. The report shall contain a review and evaluation of the demonstration program, specific recommendations with regard to the demonstration program and such other information and recommendations relating to the demonstration program as the council deems appropriate.

New Sec. 6. (a) Qualified personnel of an ambulance service which is granted a certificate of authority under this act who perform manual cardiac defibrillation during an emergency in accordance with the provisions of subsection (a) of section 4 and any rules and regulations adopted under subsection (a) of section 4 shall not be liable for civil damages as a result of performing manual cardiac defibrillation during an emergency, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such qualified personnel performing manual cardiac defibrillation during an emergency.

(b) No medical advisor of an ambulance service which is granted a certificate of authority under this act who reviews the competence of qualified personnel to perform manual cardiac defibrillation during an emergency shall be liable for civil damages as a result of the performance by such qualified personnel during an emergency of manual cardiac defibrillation, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the medical advisor in making the review.

New Sec. 7. The provisions of sections 1 to 7, inclusive, of this act shall expire on July 1, 1986.

Sec. 8. K.S.A. 65-4327 is hereby amended to read as follows: 65-4327. (a) Nothing in this act shall be construed:

(1) To prevent the operation of a police emergency vehicle by one (1) person;

(2) to affect any statute or regulatory authority vested in the department of transportation concerning automotive equipment and safety requirements;

(3) to prohibit any privately owned vehicles and aircraft not ordinarily used in the ambulance service business from transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless; or

(4) to prevent any vehicle from being pressed into service as an ambulance in the case of a major catastrophe; or

(5) *to prohibit any ambulance lawfully operating under the laws of a state adjoining Kansas from providing emergency transportation of a patient from a city, county or part of a county not otherwise served by an ambulance service located in Kansas to a location within or outside the state of Kansas when the governing body or board of such city or county declares a hardship. The governing body or board shall notify the director 30 days prior to the initiation of such out-of-state service.*

(b) Ambulances owned and operated by an agency of the United States government shall be exempt from the provisions of this act.

(c) Any ambulance based outside of this state receiving a patient within the state for transportation to a location within this state or receiving a patient within this state for emergency transportation to a location outside this state shall comply with the provisions of this act except when such ambulance is rendering service in the case of a major catastrophe or such ambulance is making a prearranged hospital-to-hospital transfer.

Sec. 9. K.S.A. 65-4327 is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that day February 27, 1985.

(continued)

SENATE concurred in HOUSE amendments April 8, 1985.  
**ROBERT V. TALKINGTON**  
*President of the Senate.*  
**LU KENNY**  
*Secretary of the Senate.*

Passed the HOUSE as amended April 2, 1985.  
**MIKE HAYDEN**  
*Speaker of the House.*  
**GENEVA SEWARD**  
*Chief Clerk of the House.*

APPROVED April 16, 1985.  
**JOHN CARLIN**  
*Governor.*

STATE OF KANSAS  
 Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 16th day of April, 1985.

**JACK H. BRIER**  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 89

AN ACT concerning the secretary of social and rehabilitation services; directing the investigation by the secretary of reports of abuse, neglect or exploitation of adults; providing for protective services.

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

Section 1. As used in this act:

(a) "Abuse" means treatment under which an adult is deprived, or allowed to be deprived, of food, clothing, shelter or medical treatment essential to well-being, or is permitted to live in an environment which is detrimental to such person's health, when such deprivation or environment causes the adult's physical health to be significantly impaired.

(b) "Neglect" means to omit, forbear or fail to exercise a degree of care and caution that a prudent person would deem essential to insure the well-being of an adult and by such omission, forbearance or failure, significantly impair or jeopardize the physical health of the individual.

(c) "Exploitation" means an unjust or improper use of another person for one's own profit or advantage.

(d) "Caretaker" means a person or institution which has assumed the responsibility for the care of an adult voluntarily, by contract or by order of a court of competent jurisdiction.

(e) "Secretary" means the secretary of social and rehabilitation services.

(f) "In need of protective services" means that an adult is unable to provide for or obtain services which are necessary to maintain physical health.

(g) "Protective services" means services provided by the state or other governmental agency or by private organizations or individuals which are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but shall not be limited to, evaluation of the need for services, assistance in obtaining appropriate living arrangements, assistance in obtaining financial benefits to which the adult is entitled, and assistance in securing medical and legal services.

(h) "Report" means a report of abuse, neglect or exploitation under this act.

No person shall be considered to be abused, neglected, exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 2. (a) The secretary upon receiving a report that an adult is being, or has been, abused, neglected, exploited or is in need of protective services shall, within 48 hours of receiving such report, initiate an investigation, including a personal visit with

the adult. Within two weeks of receiving a report, the secretary shall initiate a thorough investigation and evaluation to determine whether the adult has been or is being abused, neglected or exploited and whether protective services are required. The evaluation shall include consultation with those individuals having knowledge of the facts of the particular case. Upon completion of the evaluation of the case, written findings shall be prepared which shall include a finding of whether there is or has been abuse, neglect or exploitation and whether protective services are needed.

(b) The secretary shall forward any validated report of abuse, neglect or exploitation committed by a licensed provider of services to the appropriate licensing authority.

(c) The secretary of social and rehabilitation services shall maintain a statewide register of the reports received, the findings, evaluations and the actions recommended. The register shall be available for inspection by personnel of the department of social and rehabilitation services.

(d) Neither the report nor the written findings or any information mentioned in the register shall be deemed a public record or be subject to the provisions of the open records act. The name of the person making the original report or any person mentioned in such report shall not be disclosed unless the person making the original report specifically requests or agrees in writing to such disclosure or unless an administrative or judicial proceeding results therefrom.

Sec. 3. (a) No person who makes any report pursuant to this act, or who testifies in any administrative or judicial proceeding arising from such report, shall be subject to any civil liability on account of such report or testimony, unless such person acted in bad faith or with malicious purpose.

(b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report, or cooperated with an investigation, under this act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Sec. 4. (a) If the secretary finds that an adult is in need of protective services, the secretary shall provide the necessary protective services if the adult consents. If the adult fails to consent and the secretary has reason to believe that the adult lacks capacity to consent, the secretary shall determine whether a petition for appointment of a guardian or conservator, or both, should be filed. The secretary may petition the district court for appointment of a guardian or conservator, or both, for an adult pursuant to the provisions of the act for obtaining a guardian or conservator, or both.

(b) If the caretaker of an adult who has consented to the receipt of reasonable and necessary protective services refuses to allow the provision of such services to the adult, the secretary may seek an injunction enjoining the caretaker from interfering with the provision of protective services to the adult. The petition in such action shall allege specific facts sufficient to show that the adult is in need of protective services and consents to their provision and that the caretaker refuses to allow the provision of such services. If the judge finds that the adult is in need of protective services and has been prevented by the caretaker from receiving such services, the judge shall issue an order enjoining the caretaker from interfering with the provision of protective services to the adult.

Sec. 5. The authority of the secretary under this act shall include, but is not limited to, the right to initiate or otherwise take those actions necessary to assure the health, safety and welfare of an adult, subject to any specific requirements for individual consent of the adult.

Sec. 6. If an adult does not consent to the receipt of reasonable and necessary protective services, or if such individual withdraws the consent, such services shall not be provided or continued, except as provided in other sections of this act.

Sec. 7. Subsequent to the authorization for the provision of protective services, the secretary shall initiate a review of each case within 45 days to determine whether continuation of, or

modification in, the protective services provided is warranted. A decision to continue the provision of such services shall be made in concert with other involved state and local groups, agencies and departments and shall comply with the consent provisions of this act. Reevaluations of the need for protective services shall be made not less than every six months thereafter.

Sec. 8. Any actions taken under this act shall be consistent with providing protective services and accommodations in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve acceptable care and treatment objectives.

Sec. 9. The provisions of this act shall not apply to an adult who is a resident as the term "resident" is defined in K.S.A. 39-1401 and amendments thereto.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 27, 1985.

SENATE concurred in HOUSE amendments April 8, 1985.  
 ROBERT V. TALKINGTON  
*President of the Senate.*  
 LU KENNY  
*Secretary of the Senate.*

Passed the HOUSE as amended April 4, 1985.  
 MIKE HAYDEN  
*Speaker of the House.*  
 GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 18, 1985.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
 Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of April, 1985.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 233

AN ACT amending the Kansas inheritance tax act; relating to the additional tax imposed when certain property ceases to be used for farm or small business purposes; amending K.S.A. 79-1545 and 79-1545b and repealing the existing sections.

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

Section 1. K.S.A. 79-1545 is hereby amended to read as follows: 79-1545. (a) If the person filing the return elects the application of this section, the value of qualified real property shall be its value for the use under which it qualifies as qualified real property. The aggregate decrease in the value of qualified real property which results from the application of this section with respect to the gross estate of any decedent shall not exceed \$500,000 in the case of decedents dying in 1980 or before, \$600,000 in the case of decedents dying in 1981, \$700,000 in the case of decedents dying in 1982 and \$750,000 in the case of decedents dying in 1983 or thereafter.

(b) For purposes of this section: (1) "Qualified real property" means real property located in the state which, on the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family, but only if:

(A) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(i) On the date of the decedent's death, was being used for a

qualified use by the decedent or a member of the decedent's family; and

(ii) was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of subparagraphs (A)(ii) and (C) of this subsection (b);

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(i) Such real property was owned by the decedent or a member of the decedent's family and used for a qualified use by the decedent or a member of the decedent's family; and

(ii) there was material participation by the decedent or a member of the decedent's family in the operation of the farm or other business.

(2) "Qualified use" means the devotion of the property to any of the following:

(A) Use as a farm for farming purposes; or

(B) use in a trade or business other than the trade or business of farming.

(3) "Adjusted value," for purposes of paragraph (1) of this subsection (b), means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to this section or K.S.A. 79-1545b and amendments thereto, reduced by any amounts allowable as a deduction under subsection (d) of K.S.A. 79-1559, and amendments thereto; or

(B) in the case of any real or personal property, the value of such property for purposes of this act, determined without regard to this section or K.S.A. 79-1545b and amendments thereto, reduced by any amounts allowable as a deduction in respect to such property under subsection (d) of K.S.A. 79-1559, and amendments thereto.

(4) If, on the date of the decedent's death, the requirements of subparagraph (C)(ii) of paragraph (1) of subsection (b) with respect to the decedent for any property are not met, and the decedent either was receiving old-age benefits under title II of the social security act for a continuous period ending on such date, or was disabled for a continuous period ending on such date, then such subparagraph shall be applied with respect to such property by substituting "the date on which the longer of such continuous periods began" for "the date of the decedent's death" in subparagraph (C) of paragraph (1) of subsection (b). An individual shall be considered to be disabled if such individual has a mental or physical impairment which renders such individual unable to materially participate in the operation of the farm or other business.

(5) If property is qualified real property with respect to a decedent, hereinafter referred to as the "first decedent," and such property was acquired from or passed from the first decedent to the surviving spouse of the first decedent, for purposes of applying this subsection, and in the case of the estate of such surviving spouse active management of the farm or other business by the surviving spouse shall be treated as material participation by such surviving spouse in the operation of such farm or business. For the purposes of this paragraph, the determination of whether property is qualified real property with respect to the first decedent shall be made without regard to whether an election under this section was made.

(c) The election under this section shall be made not later than the time prescribed by K.S.A. 79-1564, and amendments thereto, for filing the return of tax imposed by this act, including extensions thereof, and shall be made in such manner as the secretary shall prescribe by rules and regulations. No election may be made under this section with respect to an estate if an election has been made with respect to such estate under K.S.A. 79-1545b and amendments thereto. No election may be made under this section with respect to an estate unless an election has been made with respect to such estate under the provisions of 26 U.S.C. 2032A as such section existed on December 31, 1982. Any election made under this section shall be irrevocable.

(d) For purposes of this section: (1) "Qualified heir" means,

(continued)

with respect to any property, a member of the decedent's family who acquired such property, or to whom such property passed, from the decedent. If a qualified heir disposes of any interest in qualified real property to any member of the qualified heir's family, such member shall thereafter be treated as the qualified heir with respect to such interest.

(2) "Member of the family" means, with respect to any individual, only:

- (A) An ancestor of such individual;
- (B) the spouse of such individual;
- (C) a lineal descendant of such individual, of such individual's spouse or of a parent of such individual; or
- (D) the spouse of any lineal descendant described in subparagraph (C).

For purposes of the preceding sentence, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) In the case of real property which meets the requirements of subparagraph (C) of subsection (b)(1), residential buildings and related improvements on such real property occupied on a regular basis by the owner or lessee of such real property or by persons employed by such owner or lessee for the purpose of operating or maintaining such real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use.

(4) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands.

(5) "Farming purposes" means:

(A) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(B) handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than 1/2 of the commodity so treated; and

(C) (i) the planting, cultivating, caring for or cutting of trees, or (ii) the preparation, other than milling, of trees for market.

(6) Material participation shall be determined in a manner similar to the manner used for purposes of paragraph (1) of 26 U.S.C. 1402(a) as such section existed on December 31, 1982.

(7) (A) Except as provided in subparagraph (C), the value of a farm for farming purposes shall be determined by dividing (i) the excess of the average annual gross cash rental for comparable land used for farming purposes and located in the locality of such farm over the average annual state and local real estate taxes for such comparable land, by (ii) the average annual effective interest rate for all new federal land bank loans. For purposes of the preceding sentence, each average annual computation shall be made on the basis of the five most recent calendar years ending before the date of the decedent's death.

(B) If there is no comparable land from which the average annual gross cash rental may be determined but there is comparable land from which the average annual net share rental may be determined, subparagraph (A) shall be applied by substituting "average annual net share rental" for "average annual gross cash rental". For purposes of this subparagraph, the term "net share rental" means the excess of (i) the value of the produce received by the lessor of the land on which such produce is grown, over (ii) the cash operating expenses of growing such produce which, under the lease, are paid by the lessor.

(C) The formula provided by subparagraph (7)(A) shall not be used (i) where it is established that there is no comparable land from which the average annual gross cash rental may be determined and that there is no comparable land from which the average net share rental may be determined, or (ii) where the executor elects to have the value of the farm for farming purposes determined under paragraph (8).

(8) In any case to which paragraph (7)(A) does not apply, the

following factors shall apply in determining the value of any qualified real property:

(A) The capitalization of income which the property can be expected to yield for farming or closely held business purposes over a reasonable period of time under prudent management using traditional cropping patterns for the area, taking into account soil capacity, terrain configuration, and similar factors;

(B) the capitalization of the fair rental value of the land for farmland or closely held business purposes;

(C) assessed land values in the state pursuant to use value appraisal for farmland or closely held business;

(D) comparable sales of other farm or closely held business land in the same geographical area far enough removed from a metropolitan or resort area so that nonagricultural use is not a significant factor in the sales price; and

(E) any other factor which fairly values the farm or closely held business value of the property.

(9) The method elected for valuing any qualified real property under the provisions of this section shall be the same method as that elected for valuing such property for federal estate tax purposes under the provisions of 26 U.S.C. 2032A as such section existed on December 31, 1982.

(10) "Active management" means the making of the management decisions of a business, other than the daily operating decisions.

(e) The secretary shall prescribe regulations setting forth the application of this section in the case of an interest in a partnership, corporation, or trust which, with respect to the decedent, is an interest in a closely held business, within the meaning of subsection (c) of K.S.A. 79-1566, and amendments thereto.

(f) (1) For the purposes of this section, qualified real property shall cease to be used for qualified use if such property ceases to be used for the qualified use set forth in subsection (b)(2).

(2) If, within 10 years after the decedent's death and before the death of the qualified heir:

(A) The qualified heir disposes of any interest or portion thereof in qualified real property, other than by a disposition to a member of such heir's family, or,

(B) the qualified heir ceases to use for the qualified use the qualified real property, or portion thereof, which was acquired or passed from the decedent, then there is hereby imposed an additional tax.

(3) The amount of the additional tax imposed shall be the greater of:

(A) An amount equal to the difference between:

(i) The inheritance tax computed after qualification under subsection (a); and

(ii) the inheritance tax which would have been due had qualification under subsection (a) been allowed for only that property which continues in a qualified use under subsection (a); or

(B) An amount equal to the difference between:

(i) The tax imposed under K.S.A. 79-1539, and amendments thereto, after qualification under subsections (a) and (c); and

(ii) the tax imposed under K.S.A. 79-1539, and amendments thereto, after imposition of additional federal estate tax liability required under the provisions of 26 U.S.C. 2032A (C), as such provisions existed on December 31, 1984.

(4) The additional tax imposed by this subsection shall become due and payable on the day which is six months after the date of the disposition or cessation.

(5) The qualified heir shall be personally liable for the additional tax imposed by this subsection with respect to such heir's interest.

(g) Real property shall cease to be used for the qualified use if:

(1) Such property ceases to be used for the qualified use set forth in subsection (b)(2) under which the property qualified, or

(2) during any period of eight years ending after the date of the decedent's death and before the date of the death of the qualified heir, there had been periods aggregating more than three years during which:

(A) In the case of periods during which the property was

held by the decedent, there was no material participation by the decedent or any member of the decedent's family in the operation of the farm or other business, and

(B) in the case of periods during which the property was held by any qualified heir, there was no material participation by such qualified heir or any member of such heir's family in the operation of the farm or other business.

(h) (1) Notwithstanding any provision of subsection (f), if the date on which the qualified heir begins to use the qualified real property, hereinafter referred to as the commencement date, is before the date two years after the decedent's death:

(A) No tax shall be imposed under paragraph (2) of subsection (f) by reason of the failure by the qualified heir to so use such property before the commencement date, and

(B) the ten-year period under paragraph (2) of subsection (f) shall be extended by the period after the decedent's death and before the commencement date.

(2) For purposes of paragraph (g)(2)(B), the active management of a farm or other business by (A) an eligible qualified heir, or (B) a fiduciary of an eligible qualified heir described in clause (B) or (C) of subparagraph (3), shall be treated as material participation by such qualified heir in the operation of such farm or business. In the case of an eligible qualified heir described in clause (B), (C) or (D) of subparagraph (3), the preceding sentence shall apply only during periods during which such heir meets the requirements of such clause.

(3) For purposes of this paragraph, the term "eligible qualified heir" means a qualified heir who:

(A) Is the surviving spouse of the decedent;

(B) has not attained the age of 21 years;

(C) is disabled, within the meaning of subsection (b) (4); or

(D) is a student.

(4) For purposes of subparagraph (3), an individual shall be treated as a student with respect to periods during any calendar year if, and only if, such individual is a student, within the meaning of 26 U.S.C. 151(e)(4) for such calendar year.

(i) If qualified real property is disposed of or ceases to be used for a qualified use, then:

(1) The statutory period for the assessment of any additional tax under subsection (f) attributable to such disposition or cessation shall not expire before the expiration of three years from the date the secretary is notified, in such manner as the secretary may prescribe by rules and regulations, of such disposition or cessation, and

(2) such additional tax may be assessed before the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

Sec. 2. K.S.A. 79-1545b is hereby amended to read as follows: 79-1545b. (a) If the person filing the return elects the application of this section with respect to all qualified real property, there shall be excluded from the value of the gross estate a portion of the value of qualified real property, as determined under subsection (b) of this section.

(b) The portion of the value of qualified real property which shall be excluded from the gross estate under subsection (a) shall be determined in accordance with the following table:

Value of the qualified real property	Exclusion
Not over \$250,000	The value of the qualified real property
Over \$250,000 but not over \$300,000	\$250,000 plus 85% of the excess over \$250,000
Over \$300,000 but not over \$350,000	\$292,500 plus 60% of the excess over \$300,000
Over \$350,000 but not over \$400,000	\$322,500 plus 30% of the excess over \$350,000
Over \$400,000 but not over \$450,000	\$337,500
Over \$450,000 but not over \$500,000	\$337,500 minus 35% of the excess over \$450,000
Over \$500,000 but not over \$550,000	\$320,000 minus 70% of the excess over \$500,000
Over \$550,000 but not over \$835,000	\$285,000 minus 100% of the excess over \$550,000
Over \$835,000	\$0

(c) For purposes of this section, the value of qualified real property is the value of such property which is included in gross estate without regard to this section or K.S.A. 79-1545, and amendments thereto.

(d) For purposes of this section, the term "qualified real property" means qualified real property as defined in subsection (b) of K.S.A. 79-1545 and amendments thereto.

(e) (1) The election under this section shall be made not later than the time prescribed by K.S.A. 79-1564, and amendments thereto, for filing the return of tax imposed by the Kansas inheritance tax act, including extensions thereof and shall be made in such manner as the secretary shall prescribe by rules and regulations. Any such election shall be irrevocable.

(2) No election may be made under this section with respect to an estate if an election has been made with respect to such estate to have the value of any portion of qualified real property determined under subsection (a) of K.S.A. 79-1545 and amendments thereto.

(f) (1) The terms used in this subsection and subsection (g) shall have the meanings ascribed thereto respectively by K.S.A. 79-1545 and amendments thereto. Also, for the purposes of this section, qualified real property shall cease to be used for qualified use if such property ceases to be used for the qualified use set forth in subsection (b)(2) of K.S.A. 79-1545 and amendments thereto.

(2) If, within 10 years after the decedent's death and before the death of the qualified heir:

(A) The qualified heir disposes of any interest or portion thereof in qualified real property, other than by a disposition to a member of such heir's family, or,

(B) the qualified heir ceases to use for the qualified use the qualified real property, or portion thereof, which was acquired or passed from the decedent, then there is hereby imposed an additional tax.

(3) The amount of the additional tax imposed shall be the amount equal to the excess of what would have been the inheritance tax liability for that interest or portion thereof but for subsection (a).

(3) The amount of the additional tax imposed shall be the greater of:

(A) An amount equal to the difference between:

(i) The inheritance tax computed after qualification under subsection (a); and

(ii) the inheritance tax which would have been due had qualification under subsection (a) been allowed for only that property which continues in a qualified use under subsection (a); or

(B) An amount equal to the difference between:

(i) The tax imposed under K.S.A. 79-1539, and amendments thereto, after qualification under subsection (a); and

(ii) the tax imposed under K.S.A. 79-1539, and amendments thereto, after imposition of additional federal estate tax liability required under the provisions of 26 U.S.C. 2032A (C), as such provisions existed on December 31, 1984.

(4) The additional tax imposed by this subsection shall become due and payable on the day which is six months after the date of the disposition or cessation.

(5) The qualified heir shall be personally liable for the additional tax imposed by this subsection with respect to such heir's interest.

(g) Real property shall cease to be used for the qualified use if:

(1) Such property ceases to be used for the qualified use set forth in paragraph (d) under which the property qualified, or

(2) during any period of eight years ending after the date of the decedent's death and before the date of the death of the qualified heir, there had been periods aggregating more than three years during which:

(A) In the case of periods during which the property was held by the decedent, there was no material participation by the decedent or any member of the decedent's family in the operation of the farm or other business, and

(B) in the case of periods during which the property was held by any qualified heir, there was no material participation by such qualified heir or any member of such heir's family in the operation of the farm or other business.

(h) (1) Notwithstanding any provision of subsection (f), if the date on which the qualified heir begins to use the qualified real

(continued)

(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 268

AN ACT concerning alcoholic beverage control; powers of director, employees and agents; amending K.S.A. 41-201 and repealing the existing section.

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

Section 1. K.S.A. 41-201 is hereby amended to read as follows: 41-201. (a) The director of alcoholic beverage control and such agents and employees of the director as shall be designated by the director, with the approval of the secretary of revenue, are hereby vested with the power and authority of peace and police officers, in the execution of the duties imposed upon the director of alcoholic beverage control by this act and in enforcing the provisions of this act.

(b) The director and each agent and employee designated by the director under subsection (a), with the approval of the secretary of revenue, shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of this act and during the routine conduct of their duties as determined by the director or designee. In addition to the above, the director and such agents and employees shall have the authority to make arrests, conduct searches and seizures and generally to enforce all the criminal laws of the state as violations of those laws are encountered by such employees or agents during the routine performance of their duties. In addition to or in lieu of the above, the director and the director's agents and employees shall have the authority to issue notices to appear pursuant to K.S.A. 22-2408 and amendments thereto. No agent or employee of the director shall be certified to carry firearms under the provisions of this section without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 1984 Supp. 74-5604a and amendments thereto. The director may adopt rules and regulations prescribing other training required for such agents or employees.

(c) The attorney general shall appoint, with the approval of the secretary of revenue, an assistant attorney general who shall be the attorney for the director of alcoholic beverage control and the division of alcoholic beverage control, and who shall receive an annual salary fixed by the attorney general with the approval of the director of alcoholic beverage control and the state finance council.

Sec. 2. K.S.A. 41-201 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 27, 1985.

SENATE concurred in HOUSE amendments April 5, 1985.  
ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNY  
Secretary of the Senate.

Passed the HOUSE as amended April 3, 1985.  
MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED April 18, 1985.  
JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of April, 1985.

(SEAL) JACK H. BRIER  
Secretary of State.

property, hereinafter referred to as the commencement date, is before the date two years after the decedent's death:

(A) No tax shall be imposed under paragraph (2) of subsection (f) by reason of the failure by the qualified heir to so use such property before the commencement date, and

(B) the ten-year period under paragraph (2) of subsection (f) shall be extended by the period after the decedent's death and before the commencement date.

(2) For purposes of paragraph (g)(2)(B), the active management of a farm or other business by (A) an eligible qualified heir, or (B) a fiduciary of an eligible qualified heir described in clause (B) or (C) of subparagraph (3), shall be treated as material participation by such qualified heir in the operation of such farm or business. In the case of an eligible qualified heir described in clause (B), (C) or (D) of subparagraph (3), the preceding sentence shall apply only during periods during which such heir meets the requirements of such clause.

(3) For purposes of this paragraph, the term "eligible qualified heir" means a qualified heir who:

- (A) Is the surviving spouse of the decedent;
- (B) has not attained the age of 21 years;
- (C) is disabled, within the meaning of subsection (b) (4); or
- (D) is a student.

(4) For purposes of subparagraph (3), an individual shall be treated as a student with respect to periods during any calendar year if, and only if, such individual is a student, within the meaning of 26 U.S.C. 151(e)(4) for such calendar year.

(i) If qualified real property is disposed of or ceases to be used for a qualified use, then:

(1) The statutory period for the assessment of any additional tax under subsection (f) attributable to such disposition or cessation shall not expire before the expiration of three years from the date the secretary is notified, in such manner as the secretary may prescribe by rules and regulations, of such disposition or cessation, and

(2) such additional tax may be assessed before the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

(j) This section shall be a part of and supplemental to the Kansas inheritance tax act.

New Sec. 3. The provisions of this act shall be applicable to the estates of all decedents dying after December 31, 1984.

Sec. 4. K.S.A. 79-1545 and 79-1545b are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 7, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNY  
Secretary of the Senate.

Passed the HOUSE April 8, 1985.

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

APPROVED April 18, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of April, 1985.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, April 25, 1985.)

## SENATE BILL No. 305

AN ACT concerning the Kansas highway patrol; when uniform not required; amending K.S.A. 1984 Supp. 74-2105 and repealing the existing section.

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

Section 1. K.S.A. 1984 Supp. 74-2105 is hereby amended to read as follows: 74-2105. (a) The principal function of the Kansas highway patrol shall be enforcement of the traffic and other laws of this state relating to highways, vehicles and drivers of vehicles *except as otherwise provided in this subsection (a)*. The superintendent and members of the highway patrol in performing their duties under this act shall wear badges and uniforms of office. The superintendent may designate ~~not to exceed 10~~ members to perform security duties for public officials, ~~and other duties as directed by the superintendent. The superintendent may perform duties under this act whether or not wearing a badge and uniform.~~ Such members may serve without uniform and without open display of badges. Officers and employees of the bureau of emergency medical services shall not wear badges and uniforms of office.

(b) In addition to the duties otherwise prescribed by law, the superintendent of the highway patrol shall supervise and manage the capitol area security patrol. In the supervision and management of the duties of the capitol area security patrol in and around the state capitol building, the superintendent of the highway patrol shall advise with the legislative coordinating council.

(c) In addition to other duties, the superintendent of the highway patrol shall provide budgeting, purchasing and related management functions for the bureau of emergency medical services of the Kansas highway patrol as may be provided by law and shall perform other functions and duties pertaining to emergency medical services as may be specified by law.

Sec. 2. -K.S.A. 1984 Supp. 74-2105 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 19, 1985.

SENATE concurred in HOUSE amendments April 2, 1985.  
ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNY  
*Secretary of the Senate.*

Passed the HOUSE as amended April 1, 1985.  
MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 12, 1985.  
JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 12th day of April, 1985.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 25, 1985.)

## HOUSE Substitute for SENATE BILL No. 310

AN ACT authorizing the state board of regents to dedicate certain real property to the public and the city of Wichita, Kansas, for street, road, or highway purposes; imposing conditions thereon.

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

Section 1. (a) The state board of regents is hereby authorized to dedicate to the public and to the city of Wichita, Kansas, for the use of the public and the city for street, road, or highway purposes, the following described tracts of land which are located in the city of Wichita, Kansas, are owned by the state and are under the custody and control of the state board of regents:

*Tract No. 1:*

Beginning at the NE corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence south 50 feet, thence west to the east line of Lot 141, on Yale Avenue, Fairmount Addition, thence north 50 feet to the north line of said NW  $\frac{1}{4}$ , thence east along said north line to the point of beginning.

*Tract No. 2:*

Beginning at the NW corner of the NE  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence south 50 feet, thence east 900 feet, thence north 50 feet to the north line of said NE  $\frac{1}{4}$ , thence west to the point of beginning.

*Tract No. 3:*

Beginning at the SW corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence east 50 feet, thence north to a point 350 feet south and 50 feet east of the NW corner of said NW  $\frac{1}{4}$ , thence northeasterly to a point 250 feet south and 75 feet east of the northwest corner of said NW  $\frac{1}{4}$ , thence north 175 feet, thence west 75 feet to the west line of said NW  $\frac{1}{4}$ , thence south along said west line to the point of beginning.

*Tract No. 4:*

Beginning at the NW corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence south 75 feet, thence east 250 feet, thence northeasterly to a point 350 feet east and 50 feet south of the NW corner of said NW  $\frac{1}{4}$ , thence east to a point 30 feet west of the west line of Lot 141, on Yale Avenue, in Fairmount Addition, thence north 50 feet to the north line of said NW  $\frac{1}{4}$ , thence west along said north line to the point of beginning.

*Tract No. 5:*

Beginning at a point 50 feet east of the southwest corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence north 50 feet, thence east 1,390 feet, thence south 50 feet to the south line of said NW  $\frac{1}{4}$ , thence west to the point of beginning.

*Tract No. 6:*

Beginning at a point 1,500 feet east of the southwest corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence north 50 feet, thence east 290 feet, thence south 50 feet to the south line of said NW  $\frac{1}{4}$ , thence west to the point of beginning.

*Tract No. 7:*

Beginning at a point 1,850 feet east of the southwest corner of the NW  $\frac{1}{4}$ , Section 11, Twp. 27S, R1E, thence north 50 feet, thence east 290 feet, thence south 50 feet to the south line of said NW  $\frac{1}{4}$ , thence west to the point of beginning.

(b) Each such dedication shall be submitted to the attorney general for approval as to form before becoming effective. A copy of the dedication instrument shall be filed with the secretary of state.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 7, 1985.

(continued)

SENATE concurred in HOUSE amendments April 4, 1985.  
 ROBERT V. TALKINGTON  
*President of the Senate.*  
 LU KENNY  
*Secretary of the Senate.*

Passed the HOUSE as amended April 3, 1985.  
 MIKE HAYDEN  
*Speaker of the House.*  
 GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 15, 1985.  
 JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
 Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 15th day of April, 1985.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 320

AN ACT relating to watershed districts; concerning the levy of taxes by such districts; amending K.S.A. 24-1219 and repealing the existing section.

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

Section 1. K.S.A. 24-1219 is hereby amended to read as follows: 24-1219. The district board may issue no-fund warrants to pay for initial organizational, engineering, legal and administrative expenses of the district: ~~Provided, except~~ that the amount so issued shall not exceed the product of two (2) mills times the assessed valuation of the taxable tangible property within the district, which warrants shall be issued, bear interest and be retired in accordance with the provisions of K.S.A. 79-2940 and acts amendatory thereof, except that the approval of the state board of tax appeals shall not be required. Whenever warrants have been issued under this section, the board shall make a tax levy at the first tax levying period, after such warrants are issued, sufficient to pay such warrants and interest.

The board shall have authority to levy annually a tax of not to exceed two (2) mills to create a general fund for the payment of engineering, legal, clerical, land and interests in land, installation maintenance, operation and other administrative expenses and ~~said~~ such tax may be against all of the taxable, tangible property of the district. *Whenever the board desires to increase the mill levy for such purposes above two mills, it may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of four mills. Any such resolution shall state the total amount of the tax to be levied and shall be published once each week for two consecutive weeks in a newspaper of general circulation in the district. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors in the district is filed with the county election officer within 60 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.*

The district board shall have authority to levy a tax, after improvement bonds have been issued in accordance with sections 24-1214, 24-1215 and 24-1220, and amendments thereto, of

the Kansas Statutes Annotated sufficient to pay such bonds and interest.

Sec. 2. K.S.A. 24-1219 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 13, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
 LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE April 4, 1985.

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

APPROVED April 17, 1985.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
 Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 17th day of April, 1985.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 25, 1985.)

SENATE BILL No. 339

AN ACT creating a housing system at each state educational institution under the control and jurisdiction of the state board of regents; establishing certain funds; providing for administration of the system.

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

Section 1. There is hereby created under the chief executive officer of each state educational institution a housing system which shall be operated as an auxiliary enterprise of such state educational institution. The housing system shall be responsible for the maintenance, operation and rental of housing facilities operated at such state educational institution. The state board of regents is authorized to set policies for the operation of the housing system and to establish and fix a schedule of, and charge and collect, rents, boarding fees and other charges for each student who rooms or boards in such dormitories or housing facilities. The fees shall be uniform for like services, accommodations and meals furnished.

Sec. 2. (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

- (1) A housing system suspense fund;
- (2) a housing system operations fund; and
- (3) a housing system repairs, equipment and improvement fund.

(b) Payments received for rents and boarding fees and other charges in connection with the operation of the housing system shall be deposited to the housing system suspense fund in the custody of the state treasurer. On the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the housing system suspense fund, the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this sec-



tion, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in each housing system suspense fund of state educational institutions. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in each housing system suspense fund of state educational institutions during the period of time specified under this section as certified to the board by the director of accounts and reports and (2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in each housing system suspense fund of state educational institutions for the period of time specified under this section.

(c) The housing system operations fund shall be used to pay the expenses of operation of the housing systems and for the operation and maintenance of the system. The state educational institution shall transfer from the housing system suspense fund to the operations fund amounts needed for the operation and maintenance of the system. Each state educational institution shall establish such accounts within the housing system operations fund as are required for the efficient management of the system. Funds in the housing system operations fund not needed for immediate use may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto.

(d) The housing system repairs, improvements and equipment fund shall be used for repairs, equipment, improvements and expansion of the housing system that cannot be financed from the housing system operations fund. Transfers may be made to this fund from the housing system suspense fund or the housing system operations fund as determined by the state educational institution. All or a portion of the moneys in such fund may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto. Expenditures from this fund may be made for projects that have been approved by the state board of regents.

Sec. 3. State educational institutions may operate as part of the housing system properties rented or leased by such state educational institution for housing purposes. With the approval of the state board of regents, the state educational institution may purchase or acquire land sites or existing buildings to protect and encourage the orderly growth for housing students enrolled at such state educational institution.

Sec. 4. The state educational institution is authorized to carry insurance on the buildings and equipment and other property that is a part of such system and such other insurance as it determines to be in the best interest of such system. The insurance shall be acquired through the committee on surety bonds and insurance as provided by law.

Sec. 5. If bonds are outstanding on any project, the provisions of state law authorizing such bond issues and the provisions of the bond agreements shall remain in force until such bonds are liquidated after which such project shall become a part of the housing system created by this act.

Sec. 6. As used in this act, "state education institution" shall have the meaning ascribed to that term by K.S.A. 76-711 and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 27, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNY  
Secretary of the Senate.

Passed the HOUSE April 10, 1985.

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

APPROVED April 18, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of April, 1985.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2066

AN ACT amending the uniform controlled substances act; relating to scheduling of certain substances; amending K.S.A. 1984 Supp. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 and repealing the existing sections.

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

Section 1. K.S.A. 1984 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1)	Acetylmethadol	9601
(2)	Alfentanil	9737
(3)	Allylprodine	9602
(4)	Alphacetylmethadol	9603
(5)	Alphameprodine	9604
(6)	Alphamethadol	9605
(7)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenylethyl)-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8)	Benzethidine	9606
(9)	Betacetylmethadol	9607
(10)	Betameprodine	9608
(11)	Betamethadol	9609
(12)	Betaprodine	9611
(13)	Clonitazene	9612
(14)	Dextromoramide	9613
(15)	Diampromide	9615
(16)	Diethylthiambutene	9616
(17)	Difenoxin	9618
(18)	Dimenoxadol	9617
(19)	Dimpheptanol	9618
(20)	Dimethylthiambutene	9619
(21)	Dioxaphetyl butyrate	9621
(22)	Dipipanone	9622
(23)	Ethylmethylthiambutene	9623
(24)	Etonitazene	9624
(25)	Etoxidine	9625
(26)	Furethidine	9626
(27)	Hydroxypethidine	9627
(28)	Ketobemidone	9628
(29)	Levomoramide	9629
(30)	Levophenacetylmorphan	9631
(31)	Morpheridine	9632
(32)	Noracymethadol	9633
(33)	Norlevorphanol	9634
(34)	Normethadone	9635
(35)	Norpipanone	9636
(36)	Phenadoxone	9637
(37)	Phenamipromide	9638
(38)	Phenomorphane	9647
(39)	Phenoperidine	9641

(continued)

(38) (40) Piritramide	9642
(39) (41) Proheptazine	9643
(40) (42) Properidine	9644
(41) (43) Propiram	9649
(42) (44) Racemoramide	9645
(43) Sufentanil	9740
(44) (45) Tilidine	9750
(45) (46) Trimeperidine	9646

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyprenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Droterbanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorphinol	9301
(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9305
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrphine	9308
(19) Nicocodeine	9309
(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) 4-bromo-2,5-dimethoxy-amphetamine	7391
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA <sub>2</sub>	
(2) 2,5-dimethoxyamphetamine	7396
Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA <sub>2</sub>	
(3) 4-methoxyamphetamine	7411
Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA <sub>2</sub>	
(4) 5-methoxy-3,4-methylenedioxy-amphetamine	7401
(5) 4-methyl-2,5-dimethoxy-amphetamine	7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP"	
(6) 3,4-methylenedioxy amphetamine	7400
(7) 3,4,5-trimethoxy amphetamine	7390
(8) Bufotenine	7433
Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine	
(9) Diethyltryptamine	7434
Some trade or other names: N,N-Diethyltryptamine; DET <sub>2</sub>	
(10) Dimethyltryptamine	7435
Some trade or other names: DMT <sub>2</sub>	
(11) Ibogaine	7260
Some trade or other names: 7-Ethyl-6,6Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1,2':1,2] azepino [5,4-b] indole; Tabernanthe iboga <sub>2</sub>	
(12) Lysergic acid diethylamide	7315
(13) Marihuana	7360
(14) Mescaline	7381
(15) Parahexyl	7374
Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trinethyl-6H-dibenzol[b,d]pyran; Synhexyl	
(15) (16) Peyote	7415
Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(16) (17) N-ethyl-3-piperidyl benzilate	7482
(17) (18) N-methyl-3-piperidyl benzilate	7484
(18) (19) Psilocybin	7437
(19) (20) Psilocyn	7438
(20) (21) Tetrahydrocannabinols	7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of <i>Cannabis</i> , sp. and/or synthetic sub-	

stances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

(21) (22) Ethylamine analog of phencyclidine	7455
Some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE	
(22) (23) Pyrrolidine analog of phencyclidine	7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP <sub>2</sub> ; PHP	
(23) (24) Thiophene analog of phencyclidine	7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TPCP <sub>2</sub> ; TCP	

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Meclloqualone	2572
(2) Methaqualone	2565

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Fenethylline	1503
(2) N-ethylamphetamine	1475

Sec. 2. K.S.A. 1984 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone and naltrexone and their respective salts, but including the following:

(A) Raw opium	9600
(B) Opium extracts	9610
(C) Opium fluid extracts	9620
(D) Powdered opium	9639
(E) Granulated opium	9640
(F) Tincture of opium	9630
(G) Codeine	9050
(H) Ethylmorphine	9190
(I) Etorphine hydrochloride	9059
(J) Hydrocodone	9193
(K) Hydromorphone	9150
(L) Metopon	9260
(M) Morphine	9300
(N) Oxycodone	9143
(O) Oxymorphone	9652
(P) Thebaine	9333

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers,

whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrophan and levopropoxyphene excepted:

(1) Alphaprodine	9010
(2) Anileridine	9020
(3) Bezitramide	9800
(4) Bulk dextropropoxyphene (nondosage forms)	9273
(5) Dihydrocodeine	9120
(6) Diphenoxylate	9170
(7) Fentanyl	9801
(8) Isomethadone	9226
(9) Levomethorphan	9210
(10) Levorphanol	9220
(11) Metazocine	9240
(12) Methadone	9250
(13) Methadone-intermediate, 4-cyano-2-dimethyl amino-4, 4-diphenyl butane	9254
(14) Moramide-intermediate, 2-methyl-3-morpholino -1, 1-diphenylpropane-carboxylic acid	9802
(15) Pethidine(meperidine)	9230
(16) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
(17) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
(18) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid	9234
(19) Phenazocine	9715
(20) Piminodine	9730
(21) Racemethorphan	9732
(22) Racemorphan	9733
(23) Sufentanil	9740

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers	1100
(2) Phenmetrazine and its salts	1631
(3) Methamphetamine, including its salts, isomers and salts of isomers	1105
(4) Methylphenidate	1724

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Methaqualone	2565
(2) (1) Amobarbital	2125
(3) (2) Secobarbital	2315
(4) (3) Pentobarbital	2270
(5) (4) Phencyclidine	7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:	
(A) Phenylacetone	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;	
(2) Immediate precursors to phencyclidine (PCP):	
(A) 1-phenylcyclohexylamine	7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC)	8603

Sec. 3. K.S.A. 1984 Supp. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it;

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:	
(A) Amobarbital	2125
(B) Secobarbital	2315
(C) Pentobarbital	2270

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:	
(A) Amobarbital	2125
(B) Secobarbital	2315
(C) Pentobarbital	2270

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules	2100
(4) Chlorhexadol	2510
(5) Glutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methyprylon	2575
(9) Sulfondiethylmethane	2600
(10) Sulfonethylmethane	2605
(11) Sulfonmethane	2610
(c) Nalorphine	9400

(d) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
(2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3) not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805
(4) not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9806
(5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
(6) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more ingredients in recognized therapeutic amounts	9808
(7)- not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9809
(8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances	1405
(2) Benzphetamine	1228
(3) Chlorphentermine	1645
(4) Chlortermine	1647
(5) Mazindol	1605
(6) (5) Phendimetrazine	1615

(f) The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(continued)

Sec. 4. K.S.A. 1984 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam 2882
(2) Barbitol 2145
(3) Bromazepam 2748
(4) Camazepam 2749
(5) Chloral betaine 2460
(6) Chloral hydrate 2465
(7) Chlordiazepoxide 2744
(8) Clobazam 2751
(9) Clonazepam 2737
(10) Clorazepate 2768
(11) Clotiazepam 2752
(12) Cloxazolam 2753
(13) Delorazepam 2754
(14) Diazepam 2765
(15) Estazolam 2756
(16) Ethchlorvynol 2540
(17) Ethinamate 2545
(18) Ethyl loflazepate 2758
(19) Fludiazepam 2759
(20) Flunitrazepam 2763
(21) Flurazepam 2767
(22) Halazepam 2762
(23) Haloxazolam 2771
(24) Ketazolam 2772
(25) Loprazolam 2773
(26) Lorazepam 2885
(27) Lormetazepam 2774
(28) Mebutamate 2800
(29) Medazepam 2836
(30) Meprobamate 2820
(31) Methohexital 2264
(32) Methylphenobarbital (mephobarbital) 2250
(33) Nimetazepam 2837
(34) Nitrazepam 2834
(35) Nordiazepam 2838
(36) Oxazepam 2835
(37) Oxazolam 2839
(38) Paraldehyde 2585
(39) Petrichloral 2591
(40) Phenobarbital 2285
(41) Pinazepam 2883
(42) Prazepam 2764
(43) Temazepam 2925
(44) Tetrazepam 2886
(45) Triazolam 2887

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion 1610
(2) Phentermine 1649
(3) Mazindol 1605
(4) Pemoline (including organometallic complexes and chelates thereof) 1530
(5) Phentermine 1640
(6) Pipradrol 1750
(7) SPA((-)-1-dimethylamino-1,2-diphenylethane) 1635

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

(1) Pentazocine 9709

(f) Unless specifically excepted or unless listed in another

schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.
(2) Dextropropoxyphene(alpha-+4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 9273

(g) The board may except by rule any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 5. K.S.A. 1984 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:

Buprenorphine 9064

(c) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

Sec. 6. K.S.A. 1984 Supp. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register. I hereby certify that the above BILL originated in the HOUSE, and passed that body February 20, 1985.

HOUSE concurred in SENATE amendments April 2, 1985.

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

Passed the SENATE as amended March 28, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 16, 1985.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 16th day of April, 1985.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2258

AN ACT concerning townships; relating to the limitation of tax levies; amending K.S.A. 79-1962 and repealing the existing section.

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

Section 1. K.S.A. 79-1962 is hereby amended to read as follows: 79-1962. The governing body of any township is hereby authorized and empowered to levy taxes in each year for township purposes but the governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of such township in excess of the following-named rates:

General fund .....	.50 mill
Judgments .....	1.00 mill
Establishing and maintenance of free library and reading room .....	1.00 mill
<i>Provided, That Such one-mill levy shall be outside the aggregate tax levy limit prescribed by this section and is subject to increase as hereinafter provided.</i>	
Free band concerts .....	.25 mill
Free band concerts when authorized by an election .....	.50 mill
To acquire land for a cemetery or park .....	1.00 mill
Maintenance of a cemetery or park .....	1.00 mill
To acquire a site and build a cemetery chapel .....	2.00 mills
Fire protection, joint with cities or townships .....	1.00 mill
Extermination of prairie dogs .....	1.00 mill
Cemeteries: As authorized by K.S.A. 12-1403 .....	1.00 mill
Cemeteries: As authorized by K.S.A. 12-1405 .....	1.00 mill
Cemeteries: As authorized by K.S.A. 80-932 .....	.10 mill
Fire department: As authorized by K.S.A. 80-1903 .....	2.00 mills
Townships in counties between 150,000 and 250,000 .....	4.00 mills
Fire department: As authorized by K.S.A. 80-1916 .....	3.00 mills
Fire department: As authorized by K.S.A. 80-1921 .....	2.00 mills
Fire department: As authorized by K.S.A. 80-1537 .....	3.00 mills
Garbage and trash fund: As authorized by K.S.A. 80-2201:	
First year of levy .....	1.00 mill
Second year and thereafter .....	.50 mill
Garbage and trash disposal: As authorized by K.S.A. 80-2204 .....	.50 mill
Halls and buildings: As authorized by K.S.A. 80-115, 1.00 mill but not to exceed \$2,000.	
Noxious weeds: As authorized by K.S.A. 2-1318 .....	1.00 mill
Deficiency levy for chemicals .....	.50 mill
Parks and cemeteries: Maintenance as authorized by K.S.A. 80-903	2.00 mills
Police protection by sheriff's deputies:	
As authorized by K.S.A. 19-807d .....	1.00 mill
Roads: As authorized by 68-518c .....	5.00 mills
Townships in counties between 175,000 and 275,000 .....	7.00 mills

Such rates are not intended to, and shall not be construed to apply to any township not specifically authorized by law to make such levy, and the aggregate of all tax levies of any such township except for the payment of bonds and interest thereon, and levies for cemeteries or parks, the control and eradication of noxious weeds, and levies for roads and bridges is hereby limited to 2.50 mills on each dollar of assessed tangible valuation of such township, except that in townships in counties operating under the county road unit system the aggregate of all tax levies, except for the payment of bonds and interest thereon, and levies for maintenance of cemeteries or parks, and levies for the control and eradication of noxious weeds, and levies for roads and bridges and levies for fire protection is hereby limited to .50 mill on each dollar of assessed tangible valuation of such township.

*The levy for establishing and maintaining a free library and reading room may be increased from 1.00 mill to not more than 2.50 mills. Before any township increases this levy the township board shall publish a notice of its intention to make such increase. Such notice shall be published once each week for two consecutive weeks in the official county newspaper and if within 60 days following the last publication of such notice a petition signed by electors of the township equal in number to not less than 5% of the total electors of such township is filed in the office of the county election officer requesting an election upon such proposition, no such increased levy shall be made without such proposition having been submitted to and approved by a majority of the electors of the township voting at an election called and held thereon. All such elections shall be noticed, called and held in the manner prescribed in K.S.A.*

Sec. 2. K.S.A. 79-1962 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 12, 1985.

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

Passed the SENATE April 2, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED April 16, 1985.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 16th day of April, 1985.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2264

AN ACT concerning public utilities; relating to certain electric cooperatives; concerning jurisdiction of corporation commission.

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

Section 1. (a) Except as otherwise provided in subsection (b), no electric cooperative public utility, which is a nonprofit membership corporation, shall be subject to the jurisdiction, regulation, supervision and control of the state corporation commission if it meets the following conditions:

- (1) The original cost of its electric public utility facilities located in the state constitutes less than 25% of the total original cost of all its electric public utility facilities located everywhere;
- (2) the electric cooperative public utility does not have its headquarters office in this state;

- (3) the electric cooperative public utility is subject to the jurisdiction, regulation, supervision and control of a regulatory authority existing under the laws of any state bordering upon this state;

- (4) the electric cooperative public utility certifies to the state corporation commission that a regulatory authority of a bordering state has asserted jurisdiction, regulation, supervision and control over its electric operations; and

- (5) customers of the electric cooperative public utility in this state are charged the same rates and are provided service under the same terms and conditions as are its customers located in similar areas in a bordering state.

(b) The state corporation commission shall retain jurisdiction and control over any such electric cooperative public utility necessary to insure compliance with the condition that customers of the electric cooperative public utility in this state are provided service under the same terms and conditions as are its customers located in similar areas of a bordering state and may, in its discretion, require any such utility to furnish copies of documents filed with the appropriate regulatory authority of the appropriate bordering state which demonstrate its compliance with the condition. Nothing in this section shall be construed to affect the single certified service territory of an electric cooperative public utility or the authority of the state corporation commission over an electric cooperative public utility with regard to service territory, wire stringing and transmission line siting

(continued)

pursuant to K.S.A. 66-131, 66-1,170 *et seq.*, 66-183, 66-1,177 *et seq.*, and amendments to such sections. Nothing herein shall affect the jurisdiction of the state corporation commission over sales of power for resale.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 27, 1985.

HOUSE concurred in SENATE amendments April 1, 1985.

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

Passed the SENATE as amended March 27, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED April 12, 1985.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 12th day of April, 1985.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2278

AN ACT amending the rules and regulations filing act; amending K.S.A. 77-420, 77-422, 77-425 and 77-426 and repealing the existing sections.

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

Section 1. K.S.A. 77-420 is hereby amended to read as follows: 77-420. (a) Every rule and regulation proposed to be adopted by any state agency, before being submitted to the attorney general under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection (a) shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection (a) shall be stamped as approved and the date of such approval shall be indicated therein. No rule and regulation proposed to be adopted by any state agency as a permanent rule and regulation shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar after October 15 in any year. *The secretary of administration shall not approve any permanent rule or regulation submitted or received after 5:00 p.m. on October 15 in any year.*

(b) Every rule and regulation proposed by any state agency which has been approved by the secretary of administration as provided in subsection (a) of this section before being adopted or filed shall be submitted to the attorney general for an opinion as to the legality of the same, and the attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection (b) shall be accompanied by a copy of any document which is adopted by

reference by the rule and regulation. Every rule and regulation approved by the attorney general under this subsection (b) shall be stamped as approved and the date of such approval shall be indicated therein.

(c) No rule and regulation shall be filed with by the revisor of statutes unless:

(1) The organization, style, orthography and grammar have been approved by the secretary of administration;

(2) the rule and regulation has been approved in writing by the attorney general as to legality;

(3) the attorney general finds that the making of such rule and regulation is within the authority conferred by law on the state agency submitting the same;

(4) the rule and regulation has been formally adopted by the state agency after it has been approved by the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421 and any amendments thereto when adoption is by a board, commission, authority, or other similar body; and

(5) the rule and regulation to be filed is accompanied by a copy of the fiscal or financial impact statement as provided by K.S.A. 77-416 and amendments thereto;

(6) the rule and regulation, if a permanent rule and regulation, is submitted or received for filing in the office of the revisor of statutes not later than 5:00 p.m. on December 15 of any year; and

(7) the rule and regulation is accompanied by a copy of any document which is adopted by reference by such rule and regulation unless specifically exempt by the state rules and regulations board pursuant to subsection (a) of K.S.A. 77-416, and amendments thereto.

Sec. 2. K.S.A. 77-422 is hereby amended to read as follows: 77-422. (a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if: (1) ~~if~~ The preservation of the public peace, health, safety or welfare necessitates putting a such rule and regulation into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this act or prior to the effective date prescribed by K.S.A. 77-426 and amendments thereto; ~~the state agency may adopt such rule and regulation as a temporary rule and regulation;~~ or (2) if it is necessary for such rule and regulation to take effect prior to the effective date prescribed by K.S.A. 77-426, and amendments thereto, in order to comply with the requirements of the statute authorizing the adoption of any such rule and regulation or with any federal law with which the state agency is required to comply or with rules and regulations of federal agencies adopted pursuant to any such federal law; ~~the state agency may adopt such rule and regulation as a temporary rule and regulation;~~ or (3) the rule and regulation is adopting, amending or revoking a rule and regulation in response to specific direction contained in a concurrent resolution adopted by the legislature and directed to such agency.

(b) No temporary rule and regulation shall be adopted on the basis that such rule and regulation must be adopted as a temporary rule and regulation for the purpose of complying with the requirements of the statute authorizing the rule and regulation to be adopted or on the basis that such rule and regulation must be adopted as a temporary rule and regulation for the purpose of complying with any federal law with which the state agency is required to comply or with rules and regulations of federal agencies adopted pursuant to any such federal law without notice having been given and a hearing thereon held in the manner prescribed by K.S.A. 77-421, and amendments thereto. Temporary rules and regulations, other than temporary rules and regulations adopted on the basis that such rules and regulations must be adopted as temporary rules and regulations for the purpose of complying with the requirements of the statute authorizing the rules and regulations to be adopted or for the purpose of complying with any federal law with which the state agency is required to comply or with rules and regulations of federal agencies adopted pursuant to any such federal law, may be adopted without the giving of notice and the holding of a hearing thereon.

(c) No temporary rule and regulation shall be adopted prior to the effective date of the statute authorizing its adoption, but, prior to the effective date of such statute, the proposed temporary rule and regulation may be submitted to the secretary of administration and to the attorney general for approval as required by K.S.A. 77-420 and amendments thereto and notice of the proposed rule and regulation may be given and a hearing held thereon in the manner prescribed by K.S.A. 77-421 and amendments thereto.

(d) A temporary rule and regulation shall take effect, subject to subsequent action or enactment by the legislature, after approval by the secretary of administration and the attorney general as provided by K.S.A. 77-420, and amendments thereto, and after approval by the state rules and regulations board as provided by K.S.A. 77-423, and amendments thereto, upon filing with the revisor of statutes. The effective date of all or specific parts of a temporary rule and regulation may be delayed to a date later than its filing date if the delayed effective date of such rule and regulation, or specific parts thereof, is clearly expressed in the body of such rule and regulation. A temporary rule and regulation filed during any year shall not be effective after April 30 of the year succeeding the year in which the temporary rule and regulation was filed.

(e) A temporary rule and regulation which amends an existing rule and regulation shall have the effect of suspending the force and effect of the existing rule and regulation until such time as the temporary rule and regulation is no longer effective. In such case, at the time the temporary rule and regulation ceases to be effective, the existing permanent rule and regulation which was amended by the temporary rule and regulation shall be in full force and effect unless such existing rule and regulation is otherwise amended, revoked or suspended as provided by law.

(f) The expiration date of all temporary rules and regulations shall be clearly shown. Temporary rules and regulations shall be numbered in accordance with the numbering arrangement approved by the revisor of statutes and shall otherwise conform to the approval, adoption and filing requirements of this act, insofar as the same can be made applicable.

Sec. 3. K.S.A. 77-425 is hereby amended to read as follows: 77-425. Every rule and regulation other than a temporary rule and regulation which is filed by a state agency in the office of the revisor of statutes as provided in this act shall have the force and effect of law on and after the date prescribed in K.S.A. 77-426, and amendments thereto, unless modified or rejected by the legislature in the manner provided in K.S.A. 77-426, and amendments thereto, until amended or revoked as provided by law and such amendment or revocation shall have become effective. Any rule and regulation not filed and published as required by this act shall be of no force or effect, except that any error or irregularity in form or any clerical error or omission of the revisor of statutes in the filing of such regulation not affecting substantial rights shall not invalidate the same. The filing and publication of rules and regulations as required by this act shall not be construed as dispensing with the requirements of any other law necessary to make the rules and regulations effective. The revocation of a rule and regulation by a state agency shall not be construed as reviving a rule and regulation previously revoked by such agency, nor shall such revocation by a state agency be construed as affecting any right which accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the rule and regulation revoked.

Sec. 4. K.S.A. 77-426 is hereby amended to read as follows: 77-426. (a) All rules and regulations on file with the revisor of statutes which are in force and effect at the time this act takes effect shall continue in full force and effect and may be amended, revived or revoked as provided by law. All new rules and regulations and all amendments, revivals or revocations of rules and regulations, other than temporary regulations, adopted in any year shall be filed with the revisor of statutes on or before December 15 of such year, and shall become effective on and after May 1 of the succeeding year. No rules and regulations may shall be filed by the revisor of statutes after December 15 in any year or prior to the next following May 1, except temporary rules and regulations.

(b) As soon as possible after the filing of any rules and regulations by a state agency, the revisor of statutes shall submit to the joint committee on administrative rules and regulations such number of copies as may be requested by the joint committee on administrative rules and regulations.

(c) At any time prior to adjournment sine die of the regular session of the legislature, the legislature may adopt a concurrent resolution modifying or rejecting expressing the concern of the legislature with any permanent or temporary rule and regulation which is in force and effect and on file in the office of the revisor of statutes and any permanent rule and regulation filed in the office of revisor of statutes during the preceding year and requesting the revocation of any such rule and regulation or the amendment of any such rule and regulation in the manner specified in such resolution. When a concurrent resolution modifying a permanent rule and regulation is adopted, the rule and regulation affected shall be modified in the manner and become effective on the date specified in the concurrent resolution. When a concurrent resolution of the legislature rejecting a permanent rule and regulation is adopted, such rule and regulation shall not take effect as submitted but shall be void. If the permanent rule and regulation so rejected is an amendment to a currently effective rule and regulation, such rejection shall have no effect upon the currently effective rule and regulation which shall continue to be in effect until amended, revoked or suspended as otherwise provided by law. In the event no concurrent resolution modifying or rejecting a permanent rule and regulation is adopted, such permanent rule and regulation shall take effect and be in force from and after the date specified in subsection (a) of this section.

(d) Any rule and regulation included in the Kansas administrative regulations or any supplement thereto and any temporary rule and regulation in effect may be modified or revoked by a concurrent resolution adopted by the legislature. The modification or revocation of any such rule or regulation by concurrent resolution of the legislature shall become effective upon the date specified in the concurrent resolution. Any rule and regulation so modified shall be published as modified, and a rule and regulation so revoked shall be shown as revoked, in the Kansas administrative regulations or the annual supplement thereto subject to the provisions of K.S.A. 77-424 and any amendments thereto. Any rule and regulation modified as provided in this subsection may be amended, revived, suspended or revoked by the appropriate state agency in the manner provided by law for the amendment, revival, suspension or revocation of any rule and regulation. The revocation of a rule and regulation by concurrent resolution of the legislature shall not be construed as reviving a rule and regulation previously revoked, nor shall such revocation be construed as affecting any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced under or by virtue of the rule and regulation revoked.

Sec. 5. K.S.A. 77-420, 77-422, 77-425 and 77-426 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 7, 1985.

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

Passed the SENATE April 5, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 18, 1985.

JOHN CARLIN  
Governor.

(continued)

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal; this 18th day of April, 1985.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2303

AN ACT relating to recreation systems in cities and school districts; concerning tax levies therefor; amending K.S.A. 1984 Supp. 12-1908 and repealing the existing section.

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

Section 1. K.S.A. 1984 Supp. 12-1908 is hereby amended to read as follows: 12-1908. (a) Except as otherwise provided in subsection (b), when the provisions of this act have been adopted by an election, the commission shall certify annually, and not later than 20 days prior to the date for the publishing of the budget of the city or school district, whichever is applicable, its budget to the city or school district, which shall levy a tax sufficient to raise the amount required by such budget and an amount to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the city or school district, but in no event more than one mill or the amount set out in the petition provided for in K.S.A. 12-1904, and amendments thereto. When the petition has been submitted to a city and school district jointly, the budget shall be certified to the city or school district, whichever is larger, and the tax shall be levied by such city or school district, but such levy shall not be considered a levy of such city or school district in determining the aggregate levy of such city or school district under any of the statutes of this state. At any time after the making of the first tax levy pursuant to this act, the amount of such tax levy may be reduced or the authority to levy the tax may be revoked by a majority of the electors voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by K.S.A. 12-1904, and amendments thereto, for the petition and the election authorizing the levy. If the petition submitted is for the purpose of reducing the mill levy and not for the purpose of revoking the authority to levy the tax, it shall state the mill levy reduction desired. Upon revocation, all property and money belonging to the recreation commission shall become the property of the city or school district levying the tax under this section.

(b) After any city or school district or both, acting jointly, has begun to operate a supervised recreation system, if the recreation commission of a particular school district or city or of a city and school district jointly determines that the budget should be increased to adequately meet the needs of the city or school district, such recreation commission may submit a proposed program with the budget for carrying out the same to the levying authority which may levy a tax sufficient to raise the amount required by the expanded budget and an amount to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the city or school district, but not to exceed one mill. Such levy shall be in addition to the one mill authorized by K.S.A. 12-1904, and amendments thereto. Any city of the first class or any school district located in Harvey county or any school district operating a recreation commission within the cities of *Atchison*, *Lawrence*, *Hutchinson* or *Wellington* may levy for a recreation commission located therein and to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of

redevelopment projects upon property located within the city or school district a tax in an amount not to exceed one mill in addition to those levies authorized herein and in K.S.A. 12-1904, and amendments thereto. Any levy in addition to the one mill levy authorized by K.S.A. 12-1904, and amendments thereto, shall not be considered a levy of such city or school district in determining the aggregate levy of such city or school district under any of the statutes of this state but shall be in addition to all other levies authorized by law and shall not be subject to limitations prescribed by law.

(c) Any recreation commission established by a city, school district or both, acting jointly, which has been operating for at least three years on the maximum levies authorized by K.S.A. 12-1904, and amendments thereto, and by subsection (b), may submit a proposed program, with the budget for carrying out the same, to the levying authority, which may then levy a tax sufficient to raise the amount required by such budget and an amount to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the city or school district. Such levy shall not exceed one mill and shall be in addition to the levies authorized by K.S.A. 12-1904, and amendments thereto, and by subsection (b). Such levy shall not be considered a levy of such city or school district under any of the statutes of this state, but shall be in addition to all other levies authorized by law and shall not be subject to any limitations prescribed by law.

(d) In any city or school district in which a recreation commission has been established, before the levying authority shall make any additional levy authorized by subsection (c), it shall adopt a resolution reorganizing the recreation commission as follows: (1) Where the recreation commission was established by a city acting independently, five members shall be appointed as provided in K.S.A. 12-1907, and amendments thereto, two members shall be duly elected members of the city governing body and the city governing body shall appoint one member of the board of education of each school district the boundaries of which encompass any portion of the city; (2) where the recreation commission was established by a school district acting independently, five members shall be appointed as provided in K.S.A. 12-1907, and amendments thereto, two members shall be duly elected members of the board of education of such school district and the board of education shall appoint one member of the governing body of each city the boundaries of which encompass any portion of the school district; and (3) where the recreation commission was established by a city and school district jointly, five members shall be appointed as provided in K.S.A. 12-1907, and amendments thereto, two members shall be duly elected members of the city governing body and two members shall be duly elected members of the board of education of the school district. Members ex officio of the recreation commission shall serve without compensation.

(e) Before the tax levying authority makes any additional levy authorized by this section, the city or the school district, or both, shall adopt a resolution authorizing the making of the levy. Such resolution shall state the purpose for which the levy is made and shall be published once each week for two consecutive weeks in the official city newspaper or the official school district newspaper, whichever is appropriate. After publication, the tax levy may be made without an election unless a petition in opposition thereto is filed in accordance with this section. Such petition shall be signed by a number of the qualified electors of the city or the school district, equal in number to 5% of the qualified electors of the city or the school district who voted at the last preceding regular city or school district election and shall be filed with the city clerk or the county clerk, whichever is appropriate, within 60 days after the last publication of the resolution. If a valid petition is signed, no levy shall be made in excess of that being made prior to the adoption of the resolution unless and until the proposition has been submitted to and approved by a majority of the electors voting thereon at the next regular city or school district election, whichever is appropriate, or at a special election called for the purpose. After an election is held and a majority votes in favor of levying the tax, the tax may be levied.



Sec. 2. K.S.A. 1984 Supp. 12-1908 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 13, 1985.

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

Passed the SENATE April 4, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 17, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 17th day of April, 1985.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, April 25, 1985.)

HOUSE BILL No. 2513

AN ACT relating to taxation of cigarettes; concerning vendor licensure requirements; amending K.S.A. 79-3304 and 79-3306 and repealing the existing sections.

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

Section 1. K.S.A. 79-3304 is hereby amended to read as follows: 79-3304. *Commencing with the biennium beginning January 1, 1986, the license or permit fee for each calendar year biennium or portion thereof shall be as follows: (a) Retail dealer's license.* For retail dealer's license, ~~six dollars (\$6)~~ \$12 for each dealer establishment.

(b) *Retail dealer on railroad.* For retailer's license on railroad or sleeping cars, ~~twenty-five dollars (\$25)~~ \$50. Only one retail license need be obtained by each railroad or sleeping car company to permit it to sell cigarettes on any or all of its cars within the state.

(c) *Show, carnival and catering license.* For show, carnival or catering license, ~~twenty-five dollars (\$25)~~ \$50 for each concession.

(d) *Temporary retail license.* Resident retail dealer's temporary license for a place of business of a temporary nature, ~~two dollars (\$2)~~ \$2 for each seven (7) days or portion thereof.

(e) *Wholesale dealer's license.* For wholesale dealer's license, ~~twenty-five dollars (\$25)~~ \$50, for each dealer establishment. No wholesale dealer's license shall be issued until the person applying therefor has filed with the director a bond payable to the state of Kansas in such an amount as shall be fixed by the director, but in no event less than ~~one thousand dollars (\$1,000)~~ \$1,000, with a corporate surety authorized to do business in the state of Kansas, and approved by the director. Should a wholesale dealer be unable to secure a corporate surety bond, the director may issue a license to such wholesale dealer, upon ~~said the~~ wholesale dealer furnishing a personal bond meeting the approval of the director. ~~Said~~ Such bond shall be conditioned that the wholesale dealer therein named will faithfully comply with all the provisions of this act during the license period. Wholesale dealers shall submit to the director upon request such

records of sale or distribution of cigarettes made in the state of Kansas, as may be required by the director, ~~and that~~. All records pertaining to sale of cigarettes in the state of Kansas shall be preserved for a period of two (2) years. Failure to furnish the director with such information as ~~he or she~~ may ~~require~~ *be required* shall be cause for suspension or revocation of any license issued hereunder.

A wholesale dealer selling cigarettes to a manufacturer's salesman shall at the time of delivery of same make a true duplicate invoice inserting therein the name of the salesman together with the name of ~~his or her~~ *such salesman's* employer.

(f) *Distributor or dealer of vending machines license.* A distributor or dealer who sells cigarette vending machines into the state of Kansas must secure a license at a fee of ~~twenty-five dollars (\$25)~~ \$50, and report on or before the tenth day of each month all such sales made during the preceding month in Kansas to the director on forms furnished by the director, showing the name and address of the purchaser; brand name of the machine; serial number of the machine and the sale price.

(g) *Manufacturer's salesman license.* Manufacturer's salesman licenses, ~~ten dollars (\$10)~~ \$20 for each salesman. The manufacturer's salesman shall, with respect to each sale made by ~~him or her~~ to a retail dealer, make and deliver to the retail dealer a true invoice wherein ~~he or she~~ *such salesman* shall insert the name of the wholesale dealer from whom ~~he or she~~ *such salesman* secured such cigarettes, together with ~~his or her~~ *such salesman's* own name and the name of the retail dealer purchasing ~~said~~ the cigarettes.

(h) *Vending machine operator's master license.* No vending machine operator shall place any vending machine owned, leased or operated by ~~him or her~~ *such operator* at any location for the purpose of selling cigarettes therefrom without first having made application to and having received from the director, a vending machine operator's master license. No fee shall be charged for such license.

(i) *Vending machine permit.* In addition to the vending machine operator's master license, the operator of each cigarette vending machine shall obtain a permit for each vending machine operated by ~~him or her~~ *such operator* for a fee of ~~six dollars (\$6)~~ \$12 for each permit.

An application for a retail dealer's, wholesale dealer's or vending machine operator's master license required under the provisions of this act ~~shall may~~ be refused to: (a) A person who is not of good character and reputation in the community in which ~~he or she~~ *such person* resides; (b) a person who has been convicted of a felony or of any crime involving moral turpitude or of the violation of any law of any state or the United States pertaining to cigarettes or tobacco products and who has not completed the sentence, parole or probation imposed for any such conviction within two (2) years immediately preceding the date of making application for any of ~~said~~ *such* licenses.

Sec. 2. K.S.A. 79-3306 is hereby amended to read as follows: 79-3306. Licenses shall be issued by the director for a ~~calendar year biennium~~ or portion thereof upon application for ~~said the~~ license made on forms furnished by the director containing such information as the director may require subscribed to by the applicant or ~~his or her~~ *the applicant's* authorized representative.

Sec. 3. K.S.A. 79-3304 and 79-3306 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 13, 1985.

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

Passed the SENATE April 3, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

(continued)

APPROVED April 17, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 17th day of April, 1985.

(SEAL)

JACK H. BRIER  
Secretary of State.

## State of Kansas

### SECRETARY OF STATE

#### NOTICE

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

#### EXECUTIVE APPOINTMENTS

(Appointments filed March 15 through April 15, 1985)

[Eff.: effective date; Repl.: replaces; Reapp.: Reappointment; Exp.: Appointment expires.]

#### *Appointed by the Governor*

##### Alcoholic Beverage Control Board of Review

Albert D. Campbell, 919 W. 4th, Larned 67550. Eff. 3-15-85. Subject to Senate confirmation. Exp. 3-1-89. Reapp.

##### Applied Remote Sensing, Kansas Commission on

Ralph Davis, 301 S. Main, St. John 67576. Eff. 4-4-85. Exp. 6-30-86. New commission.

Richard Malm, Route 1, Valley Falls 66088. Eff. 4-4-85. Exp. 6-30-86. New commission.

John A. Shoemaker, 2204 S.W. 71st Terr., Topeka 66619. Eff. 4-4-85. Exp. 6-30-86. New commission.

##### Arkansas River Commission, Kansas/Oklahoma

David L. Pope, 3824 Nottingham, Topeka 66610. Eff. 4-4-85. Exp. 1-6-89. Reapp.

Everett D. Webster, P.O. Box 163, Chetopa 67336. Eff. 4-4-85. Exp. 1-6-89. Reapp.

##### Behavioral Sciences Regulatory Board

Robert M. Smith, 553 N. Fountain, Wichita 67208. Eff. 4-4-85. Exp. 6-30-88. Repl. Jerry Cole.

##### Civil Rights, Commission on

Edward J. Martinez, P.O. Box 340, Hutchinson 67501. Eff. 4-4-85. Subject to Senate confirmation. Exp. 7-9-88. Reapp.

##### Cosmetology, State Board of

Ruth Ann Stanley, 2215 McDowell, Manhattan 66502. Eff. 3-15-85. Exp. 7-1-87. Reapp.

Joann Wisdom, 1915 S. 29th St. Ct., Kansas City 66106. Eff. 3-15-85. Exp. 7-1-87. Reapp.

##### Developmental Disabilities Services, State Planning Council on

Rep. Gary Blumenthal, 6043 Grandview, Merriam 66202. Eff. 7-2-85. Exp. 7-1-89. Repl. Paul Kral, Ph.D.

Margene F. Dipaling, 6124 S.W. 28th Terr., Topeka 66614. Eff. 7-2-85. Exp. 7-1-89. Reapp.

Frank A. Hulet, 314 E. 16th, Hutchinson 67501. Eff. 7-2-85. Exp. 7-1-89. Reapp.

Wendell J. Lewis, 1811 W. 7th, Topeka 66606. Eff. 7-2-85. Exp. 7-1-89. Reapp.

Richard J. Morrissey, 3100 Tomahawk, Lawrence 66044. Eff. 7-2-85. Exp. 7-1-89. Reapp.

Eunice J. Schwemmer, Ph.D., 1126 Skelly, El Dorado 67042. Eff. 3-15-85. Exp. 7-1-86. Repl. John F. Kelly, resigned.

Joan C. Strickler, 1523 University Dr., Manhattan 66502. Eff. 3-15-85. Exp. 7-1-86. Repl. H. Rutherford Turnbull, resigned.

##### Education Commission of the States

E. L. Kinch, 2245 W. 18th, Wichita 67203. Eff. 3-15-85. Exp. 5-8-86. Repl. William J. Reardon.

Harry L. Stephens, 2602 Monterey Dr., Emporia 66801. Eff. 3-15-85. Exp. 5-8-86. Reapp.

##### Employment and Training, Kansas Council on

Ron Harding, 916 W. 10th, Goodland 67735. Eff. 3-15-85. Serves at the pleasure of the Governor. Repl. Steve Goodman, resigned.

##### Hazardous Waste Disposal Facility Approval Board

Vaughn Flora, 1101 Tyler, Apt. 2, Topeka 66612. Eff. 3-15-85. Subject to Senate confirmation. Exp. 7-1-87. Repl. Tom Geissel.

##### Health, Advisory Commission on

Carol Trout, Route 2, Scott City 67871. Eff. 3-15-85. Exp. 12-31-87. Repl. John Travis, D.D.S.

##### Highway Advisory Commission, State

Kenneth R. Boggess, Route 3, Box 126, Columbus 66725. Eff. 3-15-85. Exp. 1-31-89. Reapp.

Norm Ellis, 1407 Country Club Road, Atchison 66002. Eff. 3-15-85. Exp. 1-31-89. Repl. Russ B. Anderson.

Edward H. Gilliland, 301 N. 1st, Arkansas City 67005. Eff. 3-15-85. Exp. 1-31-89. Reapp.

John N. Sears, Star Route, Gem 67734. Eff. 3-15-85. Exp. 1-31-89. Reapp.

John W. Trout, Jr., 300 Mimosa, Haysville 67060. Eff. 3-15-85. Exp. 1-31-86. Repl. Patrick J. Michaud, resigned.

##### Mexican American Affairs, Advisory Committee on

Jeannie Chavez-Martinez, 2014 Fellows, Parsons 67357. Eff. 3-15-85. Exp. 6-30-86. Repl. Marcella Leon Clay, resigned.

**Military Disability Board, Kansas**

Brig. Gen. Alonzo D. Dougherty, Jr., 116 9th Ave., Leavenworth 66048. Eff. 3-15-85. Serves at the pleasure of the Governor. Repl. Brig. Gen. Philip B. Finley.

**Mined-Land Conservation and Reclamation Board**

Gerald Hargadine, Kansas Water Office, 109 W. 9th, Suite 200, Topeka 66612. Eff. 4-4-85. Serves at the pleasure of the Governor. Repl. Joseph F. Harkins.

**Nonprofit Medical Service Corporation**

Vincent Gillespie, 2812 Virginia, Manhattan 66502. Eff. 5-20-85. Exp. 5-19-88. Reapp.

**Nursing, Board of**

Helen A. Chop, 2221 Orville, Kansas City 66102. Eff. 3-15-85. Exp. 6-30-88. Reapp.

Donald R. Denney, Jr., 2815 North Blvd., Parsons 67357. Eff. 3-15-85. Exp. 6-30-88. Repl. Doris I. Grant.

**Technical Professions, State Board of**

Joe W. Carmichael, 4255 Auburn, Wichita 67220. Eff. 3-15-85. Exp. 6-30-88. Reapp.

Gustave E. Fairbanks, 2128 Blue Hills Road, Manhattan 66502. Eff. 3-15-85. Exp. 6-30-88. Reapp.

Richard S. McAnany, 535 Terrace Trail East, Lake Quivira 66106. Eff. 3-15-85. Exp. 6-30-88. Reapp.

**Vision Service Plan of Kansas, Inc.**

James V. Behan, P.O. Box 339, Satanta 67870. Eff. 4-4-85. Exp. 12-31-85. Repl. Frances P. Brown, resigned.

David Perkins, Jr., 416 N. Chandler, Topeka 66616. Eff. 4-4-85. Exp. 12-31-86. Reapp.

**Grant County Treasurer**

Joseph C. Riddiough, 406 S. Maxwell, Ulysses 67880. Eff. 3-15-85. Term will expire when a successor is elected and qualifies according to law. Repl. Lola Tarrant, resigned.

**Associate District Judge,  
3rd Judicial District, Pos. 2**

Thomas W. Regan, 3140 W. 32nd Terr., Topeka 66614. Eff. 3-21-85. Term will expire when a successor is elected and qualifies according to law. Repl. James Hope, deceased.

**Appointed by the Senate Minority Leader****Aging, Advisory Council on**

Sen. Eugene Anderson, 1832 N. Poplar, Wichita 67214. Eff. 4-9-85. Repl. Sen. Joseph Norvell.

**Building Construction, Joint Committee on State**

Sen. James Francisco, 217 E. English, Mulvane 67110. Eff. 4-10-85. Reapp.

**Capitol Murals Committee**

Michael L. Johnston, 3610 Gabriel, #237, Parsons 67357. Eff. 4-9-85. Repl. Sen. Jack Steineger.

**Governor's Residence Advisory Commission**

Michael L. Johnston, 3610 Gabriel, #237, Parsons 67357. Eff. 4-9-85. Repl. Sen. Jack Steineger.

**Low-Level Radioactive Waste,  
Advisory Board on**

Sen. Richard Gannon, Route 3, Box 68, Goodland 67735. Eff. 3-29-85. Reapp.

JACK H. BRIER  
Secretary of State

**State of Kansas****SECRETARY OF STATE****TEMPORARY ADMINISTRATIVE  
REGULATIONS**

(Effective January 9, 1985. Will expire May 1, 1986.)

**Article 29.—BALLOTS**

**7-29-1.** 1985 official ballot printing rates. The secretary of state authorizes the following maximum prices for the printing of ballots: (a) For the first 100 ballots for the primary and general elections, the maximum price shall be \$82.50 for the national and state offices, \$82.50 for the county and township offices on the ballot, and \$2.50 for each additional 100 ballots. In addition, there shall be allowed, for each ballot, \$3.75 per change for the first 10 changes, then \$2.00 for every change thereafter.

(b) For the first 100 ballots for the city and school primary and general elections, the maximum price shall be \$40.00 and \$1.50 for each additional 100 ballots. In addition, there shall be allowed for each ballot, \$3.75 per change for the first 10 changes, then \$2.00 for every change thereafter.

(c) For the first 100 judicial ballots for a primary or general election, the maximum price shall be \$33.00 and \$1.10 for each additional 100 ballots. In addition, there shall be allowed, for each ballot, \$3.75 per change for the first 10 changes, then \$2.00 for every change thereafter.

(d) For the first 100 ballots regarding any special elections, constitutional amendments, or for question-submitted elections, the maximum price shall be \$20.50 for each separate question or issue and \$1.75 for each additional 100 ballots. In addition, there shall be allowed, for each ballot, \$3.75 per change for the first 10 changes, then \$2.00 for every change thereafter. (Authorized by and implementing K.S.A. 25-604; effective, T-85-8, Feb. 15, 1984; amended, T-86-2, Jan. 9, 1985; expires Apr. 30, 1986.)

JACK H. BRIER  
Secretary of State

Doc. No. 002921

State of Kansas

**INSURANCE DEPARTMENT**

**TEMPORARY ADMINISTRATIVE  
REGULATIONS**

(Effective January 9, 1985. Will expire May 1, 1986.)

**Article 4.—ACCIDENT AND  
HEALTH INSURANCE**

**40-4-36. Accident and sickness insurance; conversion policies; reasonable notice of required contributions and right to convert.** (a) The reasonable notice of required contribution provided for by K.S.A. 40-1905, 40-19c06 and 40-2209, as amended by L. 1984, Ch. 172, Secs. 2, 3 and 4, shall be deemed to have been fulfilled if a form is transmitted to the insured person that:

(1) Describes the right to continue coverage under the group policy; and

(2) sets forth the premium or subscriber's charge and mode of payment necessary to exercise this right.

The form shall be directly delivered, or transmitted to the last known address of the insured person.

(b) The reasonable notice of the right to convert required by K.S.A. 40-1905, 40-19c06 and 40-2209, as amended by L. 1984, Ch. 172, Secs. 2, 3 and 4, shall be deemed to have been fulfilled if, during the six month continuation period, a form is transmitted to the person eligible for conversion that:

(1) Describes the conversion options;

(2) describes the premiums or subscriber's charges for each option; and

(3) provides instructions regarding the action required to effect conversion.

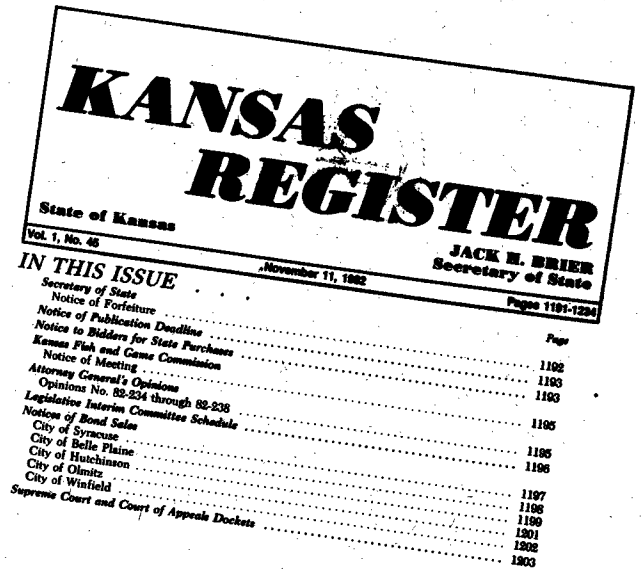
(c) Insurers may include provisions in their group policies, subscription agreements and certificates of coverage that are necessary to identify or obtain identification of persons and events that would activate the continuation and conversion rights created by K.S.A. 40-1905, 40-19c06 and 40-2209, as amended by L. 1984, Ch. 172, Secs. 2, 3 and 4. (Authorized by and implementing K.S.A. 40-1905, 40-19c06 and 40-2209, as amended by L. 1984, Ch. 172, Secs. 2, 3, and 4; effective, T-86-3, Jan. 9, 1985; expires Apr. 30, 1986).

**FLETCHER BELL**  
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