

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 1, No. 14

April 8, 1982

Pages 289-318

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## State of Kansas

## LEGISLATURE

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

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

**Bills Introduced March 25-31:**

**SB 879**, by Committee on Ways and Means: An act authorizing the conveyance of certain real property owned by Kansas state university to the Kansas state university foundation and authorizing Kansas state university to accept the conveyance of certain property owned by the Kansas state university foundation to Kansas state university.

**SB 880**, by Committee on Ways and Means: An act providing for construction and operation of turnpike interchanges and financing thereof; general obligation bonds of Sedgwick, Sumner, Butler and Douglas counties; agreements; repayment; amending K.S.A. 68-2017 and 68-2044 and repealing the existing sections.

**SB 881**, by Committee on Ways and Means: An act concerning school districts; concerning transfers to general fund; amending K.S.A. 72-7063a and repealing the existing section.

**SB 882**, by Committee on Ways and Means: An act concerning special education services; relating to reimbursement of school districts providing such services; amending K.S.A. 72-978 and repealing the existing section.

**SB 883**, by Committee on Federal and State Affairs: An act concerning the department of economic development; relating to exempting contracts for promotional advertising services from competitive bid requirements.

**HB 3147**, by Committee on Ways and Means: An act concerning the Kansas pesticide law; relating to requirements for licensure of pesticide businesses; amending K.S.A. 1981 Supp. 2-2440 and repealing the existing section.

**HB 3148**, by Committee on Federal and State Affairs: An act designating the square dance as the official state dance.

**HB 3149**, by Committee on Ways and Means: An act prohibiting expenditure of state moneys for construction of flat-roofed buildings at certain institutions under the secretary of social and rehabilitation services.

**HB 3150**, by Committee on Ways and Means: An act concerning state governmental ethics; individuals required to file statements of substantial interest; amending K.S.A. 46-247 and repealing the existing section.

**HB 3151**, by Committee on Ways and Means: An act concerning the special education for exceptional children act; relating to administration thereof by the state board of education; amending K.S.A. 72-963 and repealing the existing section.

**HB 3152**, by Committee on Ways and Means: An act concerning the practice of nursing; relating to the practice of nursing by students enrolled in accredited schools of professional or practical nursing; amending K.S.A. 65-1124 and repealing the existing section.

**HB 3153**, by Committee on Ways and Means: An act amending the Kansas tort claims act; concerning the application thereof; amending K.S.A. 1981 Supp. 75-6115 and repealing the existing section.

**HB 3154**, by Committee on Ways and Means: An act relating to insurance; concerning the automobile injury reparations act; limiting an insurer's right of subrogation to medical benefits; amending K.S.A. 40-3113a and repealing the existing section.

**HB 3155**, by Committee on Ways and Means: An act concerning the financing of school districts; establishing budget limitations and state aid ratios to the funding of budgets on a multi-year basis; providing for reductions in general state aid entitlements under certain conditions; amending K.S.A. 72-7035, 72-7037, 72-7042, 72-7043, 72-7046, 72-7053, 72-7054, 72-7055, 72-7056, 72-7057, 72-7058, 72-7059, 72-7061, 72-7065 and 72-7077 and K.S.A. 1981 Supp. 12-1742, 12-3415a, 72-7033, 72-7040, 72-7045, 79-1022 and 79-5113, and repealing the existing sections; also repealing K.S.A. 72-7079.

**HB 3156**, by Committee on Ways and Means: An act concerning the powers and duties of the director of the Kansas energy office; amending K.S.A. 74-6804 and K.S.A. 1981 Supp. 74-6803 and repealing the existing sections.

**HCR 5062**, by Representative D. Heinemann: A concurrent resolution concerning employees of licensed clubs; rejecting Kansas administrative regulation 14-18-23 as adopted by the secretary of revenue and filed with the revisor of statutes on December 28, 1981.

**HCR 5063**, by Committee on Energy and Natural Resources: A concurrent resolution directing the Kansas Department of Health and Environment to submit the "Groundwater Quality Management Plan for the State of Kansas" to the Kansas Water Authority and that a thorough reevaluation of such plan be undertaken by all affected state agencies.

**HCR 5064**, by Representatives Farrar, Arbuthnot, Aylward, Beezley, Burgess, Cameron, Campbell, Cooper, Dempsey, Douville, Dyck, Friedeman, L. Fry, B. Fuller, Gordon, Guldner, Hamm, Harper, King, Laird, M. Littlejohn, Louis, Mainey, D. Miller, Moomaw, Moore, Novak, K. Ott, Polson, Roth, Sand, Schmidt, Smith, Strahm, Thomson, Vancrum, Waggener, Darrel Webb, David Webb, Wilbert and Wisdom: A concurrent resolution regarding the use of values clarification and similar affective education teaching methods which promote situation ethics for the use of pupils in public schools; requesting that the local Boards of Education, in the exercise of their constitutional and statutory responsibility and authority, restrict the offering and use of values clarification and affective education teaching methods which promote situation ethics.

**HR 6152**, by Representative Guffey: A resolution directing the Department of Administration to conduct a feasibility study on the restoration of the State Capitol Dome to its original lustrous copper finish and its continued maintenance, prior to the installation of any statue on the Capitol dome.

**HR 6153**, by Committee on Energy and Natural Resources: A resolution urging the Congress to enact legislation which would reaffirm universal telephone service at just and affordable rates.

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PUBLISHED BY  
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Secretary of State  
State Capitol  
Topeka, Kansas 66612



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Carol A. Bell  
Publications Director

## State of Kansas

**FISH AND GAME COMMISSION****PUBLIC HEARING NOTICE**

You are hereby notified that the Kansas Fish and Game Commission will hold a public hearing at the Heart of America Inn, Salina, April 29, 1982, starting at 7:30 p.m. to consider regulations which the Commission proposes to adopt. All interested parties may present oral or written comments at the hearing. Additional information on the public hearing or proposed regulations may be obtained by contacting the Fish and Game Headquarters in Pratt.

Dollar values applied to hunting activity addressed in the following summary of regulations being proposed by the Commission are based on a worth of \$7.90 per day for small game hunting (including upland game birds) and \$255 per year for big game hunting (including wild turkey) as estimated from the 1975 National Hunting and Fishing Survey prepared by the U.S. Fish and Wildlife Service.

Regulations 23-1-4, 23-1-5, and 23-1-6 establish the hunting seasons for upland game birds. It is estimated that 2 million mandays will be spent hunting quail and pheasant, and 110,000 mandays spent hunting prairie chicken during the 1982-83 season. The value of upland game bird hunting activity in Kansas, based on the national survey, is estimated to be over \$16.5 million to the economy of the state.

Regulation 23-1-8 establishes a fall hunting season for wild turkey and addresses archery and firearms season dates, limits, open areas, permit quotas, and application dates. A total of 450 firearms permits and 300 archery permits are expected to be issued in 1982, creating \$15,000 in revenue. Beyond fiscal impact on the agency, fall turkey hunting season activity is valued at approximately \$191,250 to the economy of the state.

Regulation 23-2-5 provides for deer hunting seasons and established archery and firearm season dates, open areas, bag limits, quotas, and application dates. Over 16,000 archery permits and a total of 21,216 firearms permits will be issued in 1982, providing \$434,928 to the agency. Beyond the agency's fiscal impact, deer hunting activities in Kansas are valued at approximately \$9.5 million to the economy of the state.

Regulation 23-2-12 provides for antelope hunting seasons and establishes archery and firearms season dates, open areas, bag limits, permit quotas, and permit application dates. A total of 100 archery and 190 firearms permits will be issued in 1982 providing \$7,275 to the agency. Beyond fiscal impact on the agency, antelope hunting season activity is valued at approximately \$68,150 to the economy of the state.

Regulation 23-6-1 establishes the hunting, trapping, and running season for furbearing animals. If fur prices are maintained from the last several years, a harvest of furs valued at approximately \$9 million can be expected during the 1982-83 season. This figure does not include the value of secondary transactions and fur purchased from nonresidents. When these monetary activities are considered in total, they represent a dollar movement in the Kansas economy of more

than \$30 million. Approximately 10,000 trapping licenses will be sold in 1982, generating \$120,000 for the agency.

**BILL HANZLICK**  
Director

Doc. No. 000174

## State of Kansas

**ATTORNEY GENERAL****OPINION NO. 82-74**

**Monopolies and Unfair Trade—Restraint of Trade—Application of Kansas Antitrust Laws to Motor Carrier Rate Bureaus.** Ruth E. Luzzati, State Representative, Eighty-fourth District, Wichita, March 24, 1982.

Despite the state corporation commission's long-standing acquiescence to the filing of rate applications with the commission by rate bureaus on behalf of motor carriers having Kansas intrastate authority, such practice is without basis in law. Kansas statutes neither recognize nor provide for the regulation of rate bureaus. Moreover, nothing in the Kansas statutes provide rate bureaus with immunity from prosecution under Kansas antitrust laws, and it would appear that the collective rate-making activities of rate bureaus constitute a restraint of trade in violation of said laws. However, before this conclusion can be made as a matter of law, an independent investigation of such activities would be necessary. Cited herein: K.S.A. 50-101, 50-112, 50-148, 50-152, 50-157, 66-101, 66-107, 66-1,105, 66-1,112, 66-1,142. CMA.

**OPINION NO. 82-75**

**Courts—Nonpartisan Selection of Judges of the District Court—Effect of Abandoning Nonpartisan Method on Terms of Judges Appointed to Fill Vacancies.** Jack H. Brier, Secretary of State, Topeka, March 31, 1982.

At the general election on November 4, 1980, the qualified electors of the twenty-ninth judicial district approved a proposition to abandon the nonpartisan method of selecting judges of the district court (K.S.A. 20-2901 *et seq.*) and to thereafter elect such judges. However, the approval of such proposition does not affect the terms of office of each of the three judges of the district court in the 29th judicial district who are currently serving by virtue of being appointed to fill vacancies in their respective positions, pursuant to the nonpartisan method of selecting judges. Accordingly, each such judge shall serve until the second Monday in January, 1983, and at the general election in November of 1982, there shall be elected a successor to each of such judges to serve for a term of four years, commencing on the second Monday in January, 1983. WRA.

**ROBERT T. STEPHAN**  
Attorney General

Doc. No. 000173

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****DOCKET  
of  
ADMINISTRATIVE HEARINGS  
before  
THE KANSAS DEPARTMENT OF  
HEALTH AND ENVIRONMENT**

**APRIL 20, 1982**—In the Matter of the Transfer of Certificate of Need #4-LV-011 For The Construction of a 100-Bed Skilled Nursing Home, From the Tonganoxie Development Company, Inc., to Mr. Wallace Lambie. Case No. 81-37. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

**MAY 3, 1982**—In the Matter of the Amendment of National Industrial Environmental Services, Inc.'s Permit No. 193 To Operate a Hazardous Waste Site. Case No. 82E-1. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

This docket is issued on April 1, 1982 and the administrative hearings are those scheduled as of this date. Other administrative hearings may be scheduled in this same time period and the above hearings may be rescheduled without further notification. Interested persons may call the Department at (913) 862-9360, Ext. 585 to confirm the scheduling of a particular hearing.

**JOSEPH F. HARKINS**  
Secretary of Health and Environment

Doc. No. 000177

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., or D.S.T., whichever is in effect on the date indicated, and then will be publicly opened.

**MONDAY, APRIL 19, 1982**

#25083

University of Kansas Medical Center, Kansas City—  
**FIRE EXTINGUISHER SERVICE**

#25085

Statewide—**VIDEO TAPE**

#49654

Kansas State University, Manhattan—**FEED**

#49655

Kansas State University, Manhattan—**FEED**

#49656

Kansas State University, Manhattan—**FEED**

#49661

Department of Transportation, Topeka—**GUARD-  
RAIL, for Olathe**

#49662

Department of Transportation, Norton—**PULVI-  
MIXER REPAIR PARTS**

#49663

Larned State Hospital, Larned—**SECURITY  
CHESTS**

#49688

Kansas Fish and Game Commission, Pratt—  
**PRINTING OF FISHING INSTRUCTIONAL  
BOOK—COMIC FORMAT**

#49722

Department of Transportation—**CONCRETE  
MIXER, for Chanute, Hutchinson, and Topeka****TUESDAY, APRIL 20, 1982**

#25086

Statewide—**AUDIO TAPE**

#25090

University of Kansas, Lawrence—**CLEANING  
CHEMICALS AND SUPPLIES**

#49665

Department of Transportation, Chanute—**LUBRI-  
CATING OIL**

#49667

University of Kansas, Lawrence—**LABORATORY  
SUPPLIES**

#49668

Kansas State University, Manhattan—**GAS CHRO-  
MATOGRAPHY SYSTEM**

#49671

Wichita State University, Wichita—**1982 COM-  
MENCEMENT PROGRAMS**

#49672

Department of Transportation, Topeka—**REFLEC-  
TIVE SHEETING**

#49674

Kansas State University, Manhattan—**STATION-  
ARY CATTLE SQUEEZE CHUTE, for Fort Hays  
Experiment Station, Hays**

#49724

Kansas Park and Resources Authority, Topeka—  
**MOWER, for El Dorado State Park**

#49725

Kansas Park and Resources Authority, Topeka—  
**MOWER, for El Dorado State Park****WEDNESDAY, APRIL 21, 1982**

#25078

Statewide—**TOOTHBRUSHES AND TOOTH-  
PASTE**

#25089

Department of Social and Rehabilitation Services,  
Topeka—**SECURITY GUARD SERVICES**

#49682

Kansas State University, Manhattan—**STEREOMI-  
CROSCOPE**

#49683

University of Kansas, Lawrence—**COMMERCIAL  
REFRIGERATOR AND FREEZER**

#49684

University of Kansas, Lawrence—**WORD PROC-  
ESSING SYSTEM**

(continued)

#49685

University of Kansas, Lawrence—LIQUID CHROMATOGRAPHY SOLVENT DELIVERY SYSTEM  
#49686

University of Kansas, Lawrence—BIOTELEMETRY SYSTEM

#49689

Kansas State University, Manhattan—PLANTER, for Colby Experiment Station, Colby

#49716

Department of Transportation, Hutchinson—LOADER

#49717

Kansas Park and Resources Authority, Topeka—ROTARY MOWER, for Prairie Dog State Park

#49718

Kansas Park and Resources Authority, Topeka—TRACTOR LOADER, for El Dorado State Park

#49726

Emporia State University, Emporia—MOWER

#A-3700(a)

Kansas Neurological Institute, Topeka—RAZING BUILDINGS

#A-4332

Kansas State Industrial Reformatory, Hutchinson—INFIRMARY IMPROVEMENTS—FURNISH AND INSTALL FIRE ALARM SYSTEM

THURSDAY, APRIL 22, 1982

#25084

Statewide—OFFICE FURNITURE

#25087

Statewide—PUSH-TYPE ROTARY LAWN MOWERS

#49693

Department of Transportation—BODY MATERIAL SPREADERS, for Topeka, Salina, Norton, Chanute, Hutchinson, and Garden City

#49694

Winfield State Hospital and Training Center, Winfield—FEEDING FORMULA

#49696

Winfield State Hospital and Training Center, Winfield—LAUNDRY SUPPLIES

#49697

Department of Transportation—ELECTRONIC TEST EQUIPMENT, for Norton, and Topeka

#49698

Department of Administration (Division of Printing), Topeka—GRAPHIC ARTS FILM

#49699

Wichita State University, Wichita—REFLECTIVE PARKING PERMITS

#49707

Department of Administration (Central Motor Pool), Topeka—GASOLINE

#49714

University of Kansas, Lawrence—MOWER

#49719

University of Kansas Medical Center, Kansas City—TWO-WAY RADIO EQUIPMENT

#49720

Winfield State Hospital and Training Center, Winfield—EVOKED POTENTIAL SIGNAL PROCESSOR SYSTEM

#49727

Fort Hays State University, Hays—MOWER

#A-3556(b)

University of Kansas, Lawrence—FURNISH AND INSTALL REPLACEMENT WINDOWS (PHASE I) IN LIPPINCOTT HALL

#A-4461

Kansas Department of Corrections—FURNISH AND INSTALL PITLESS TYPE WATER WELL PUMP FOR WATER SERVICE SYSTEM, at El Dorado Honor Camp, Butler County

FRIDAY, APRIL 23, 1982

#49692

Department of Transportation, Hutchinson—LOGGING TAPE RECORDER, for Wichita

#49715

Kansas State University, Manhattan—LABORATORY APPARATUS

#49723

Larned State Hospital, Larned—CLINICAL CHEMISTRY ANALYZER/REAGENTS

#A-4438

Winfield State Hospital and Training Center, Winfield—REPLACE ASBESTOS CEILINGS IN LAUNDRY BUILDING

MONDAY, APRIL 26, 1982

#49675

Department of Transportation, Hutchinson—SALVAGE AB-3 AGGREGATE, for El Dorado

#49721

Department of Transportation, Norton—MRA-A AGGREGATE (DISTRICT 6) ONLY, for Atwood

TUESDAY, APRIL 27, 1982

#A4348(a)

Department of Administration, Topeka—CAPITOL BUILDING DOME LIGHTING, KANSAS STATE CAPITOL BUILDING

JAMES I. TOLBERT  
Division of Purchases

Doc. No. 000176

## State of Kansas

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

In accordance with K.S.A. 17-7510, the authority of the following foreign corporations to do business in the State of Kansas was forfeited on March 15, 1982, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

**Cancelled 3/15/82 for failure to file the 8/31/81 annual report:**

**Foreign for Profit**

Bluebird Oil Company, 5540 Raytown Road, Raytown, Mo.

Boyd Oil Field Construction co., P.O. Box 577, Blackwell, OK.

Cimmaron Drilling Company, 13601 Preston, Road, Suite 409E, Dallas, TX.

City Wide Building Maintenance Inc., 2645 Southwest Blvd., Kansas City, MO.

Cummins Diesel Joplin, Inc., 3507 East 20th Street, Joplin, MO.

Dataline, Inc., 4050 Broadway, Suite 203, Kansas City, MO.

Display Data Corporation, Executive Plaza IV, Hunt Valley, MD.

Heritage Construction Management Company, 500 Essex Court, Regency Park, Omaha, NE.

Kansas City Insurance Management Corporation, Inc., 700 Penntower Bldg., 3100 Broadway, Kansas City, MO.

Kenneth Balk & Associates, Inc., 9362 Dielman Industrial Dr., St. Louis, MO.

The Kimbark Company, Suite 808 Lincoln Tower Bl., 1860 Lincoln Street, Denver, CO.

Lisman's Inc., 7530 Troost, Suite 101, Kansas City, MO.

McKittrick, Logan & Associates, Inc., 4307 Hillcrest Drive, St. Joseph, MO.

Ocean Spray Cranberries, Inc., Water Street, Plymouth, MA.

Ore-gold, Inc., 600 Fidelity Plaza, OK City, OK.

Rincon Consultants, Inc., 9209 William Cody, Evergreen, CO.

Rincon Supply, Inc., 515 East Main Street, Chanute, KS.

Sav-a-Stop Incorporated, 2055 Reyko Road, Jacksonville, FL.

Subcon Services, Inc., 5004 East Archer Street, Tulsa, OK.

Technical Inspection Corp., P.O. Box 80645, Lincoln, NE.

Tri-State Oil Field Services, Inc., 515 East Main Street, Chanute, KS.

**Cancelled 3/15/82 for failure to file the annual report due after 12/15/81 extension:**

**Foreign for Profit**

The Dupps Company, North Cherry Street, Germantown, OH.

Gerber Products Company, 445 State Street, Fremont, MI.

Interstate United Management Services Corp., 120 South Riverside Plaza, Chicago, IL.

Martin-Brower Company, 1221 Broadway, Oakland, CA.

Sachs Electric Company, 16300 Justus Post Road, Chesterfield, MO.

Sylvanhills Laboratory, Inc., c/o C T Corporation System, 314 N. Broadway, St. Louis, MO.

**Cancelled 3/15/82 for failure to correct and return annual report:**

**Foreign for Profit**

American Home Shield Corporation, 6680 Sierra Lane, Dublin, CA.

Dietrich Exploration Company, Inc., 410 17th Street, Suite 2450, Denver, CO.

Household Merchandising, Inc., P.O. Box 5938, Chicago, IL.

L D C Corporation, 701 Douglas, Sioux City, IA.

Merritt Trailer Sales, Inc., 18715 N.E. 132nd Ave., Battleground, WA.

Modern Furniture Rentals, Inc., 3535 South Main, Houston, TX.

One Stop Motor Parts, Inc., P.O. Box 5543, Arlington, TX.

Perk Foods Co. Incorporated, 772 Tuna Street, Terminal Isl., CA.

P. J. Murphy Forest Products Corp., 1 Purcell Court, Moonachie, NJ.

Platte County Enterprises, Inc., P.O. Box 4523, Riverside, MO.

Riley & Downey General Contractors, Inc., 107-A West 31st Street, Independence, MO.

**Cancelled 3/15/82 for failure to designate a new resident agent:**

**Foreign for Profit**

Medco Construction Company, 1600 Willow Street, Lee's Summit, MO.

Medi-Call, Inc., 10901 Granada, Suite 102, Shawnee Miss., KS.

**JACK H. BRIER**

Secretary of State

BY: **JOHN R. WINE, JR.**

Chief Counsel

Deputy Assistant Secretary of State

Doc. No. 000149

(Published in the KANSAS REGISTER, April 8, 1982.)

**NOTICE OF BOND SALE**  
**\$973,150.31**  
**GENERAL OBLIGATION STREET**  
**IMPROVEMENT BONDS**  
**OF THE**  
**CITY OF PRATT, KANSAS**

The CITY OF PRATT, KANSAS, will receive sealed bids at the OFFICE OF THE CITY CLERK, MUNICIPAL BUILDING, 3RD & JACKSON, PRATT, KANSAS, until 7:00 o'clock P.M., C.S.T., on  
**MONDAY, APRIL 19, 1982**

for \$973,150.31 par value GENERAL OBLIGATION STREET IMPROVEMENT BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, except No. 1 in denomination of \$3,150.31, and the Bonds will be dated April 1, 1982. The Bonds will mature serially on each OCTOBER 1 in the years and amount set forth in the following schedule:

Principal Amount	Maturity Date	Principal Amount	Maturity Date
\$23,150.31	1983	\$50,000.00	1993
50,000.00	1984	50,000.00	1994
50,000.00	1985	50,000.00	1995
50,000.00	1986	50,000.00	1996
50,000.00	1987	50,000.00	1997
50,000.00	1988	50,000.00	1998
50,000.00	1989	50,000.00	1999
50,000.00	1990	50,000.00	2000
50,000.00	1991	50,000.00	2001
50,000.00	1992	50,000.00	2002

Interest on the Bonds will first be payable on APRIL 1, 1983, and thereafter semiannually on the first days of OCTOBER and APRIL in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding SIX (6) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-twentieth (1/20th) of One per cent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed Four percent (4%). No interest rate shall exceed the maximum rate therefor as provided by the laws of the State of Kansas, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at MUNICIPAL BUILDING, 3RD & JACKSON, P.O. BOX 807, PRATT, KANSAS 67124, ATTENTION: NEVA J. SILLIN, CITY CLERK, and

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

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before MAY 15, 1982, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond or any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City. The proceeds of the Bonds will be used, together with special assessments collected in cash and other available funds, for the purpose of canceling and redeeming certain Temporary Notes previously issued by the City for the purpose of temporarily financing the costs of constructing multiple street paving improvements in the City.

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

(continued)

cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures for the City of Pratt, Kansas, for the year 1981, are as follows:

Equalized Assessed Valuation of Taxable Tangible Property .....	\$16,072,676.00
Tangible Valuation of Motor Vehicles ..	\$ 2,965,592.00
Tangible Valuation of Motor Vehicle Dealers Inventory .....	<u>    \$ 223,610.00</u>
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations .....	\$19,261,878.00

The total bonded indebtedness of the City of Pratt, Kansas, at the date hereof, including the \$973,150.31 principal amount of this proposed issue of Bonds, is in the amount of \$2,511,150.00. The City also has Temporary Notes outstanding in the total amount of \$1,061,000, an aggregate amount of \$960,000.00 of which will be redeemed and retired from the proceeds of the Bonds, special assessments collected in cash and certain other available funds; and also has No Fund Warrants outstanding in the total amount of \$33,000.00.

DATED April 5, 1982.

NEVA J. SILLIN, City Clerk  
City of Pratt, Kansas

Doc. No. 000170

(Published in the KANSAS REGISTER, April 8, 1982.)

**NOTICE OF BOND SALE**  
**\$220,000.00**  
**GENERAL OBLIGATION STREET IMPROVEMENT BONDS**  
**OF THE**  
**CITY OF MULVANE, KANSAS**

The CITY OF MULVANE, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 211 NORTH SECOND, MULVANE, KANSAS, until 7:00 o'clock p.m. C.S.T. on **MONDAY, APRIL 19, 1982**

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

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated MAY 1, 1982. The Bonds will mature serially on each NOVEMBER 1 in the years and amounts set forth in the following schedule:

Principal Amount	Maturity Date	Principal Amount	Maturity Date
\$10,000.00	1983	\$15,000.00	1991
15,000.00	1984	15,000.00	1992
15,000.00	1985	15,000.00	1993
15,000.00	1986	15,000.00	1994
15,000.00	1987	15,000.00	1995
15,000.00	1988	15,000.00	1996
15,000.00	1989	15,000.00	1997
15,000.00	1990		

Interest on the Bonds will first be payable on MAY 1, 1983, and thereafter semiannually on the first days of NOVEMBER and MAY in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding SIX (6) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8) or one-twentieth (1/20) of One percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed Three percent (3%). No interest rate shall exceed the maximum rate therefor as provided by the laws of the State of Kansas, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the city at CITY HALL, 211 NORTH SECOND, MULVANE, KANSAS 67110, ATTENTION: ROBERTA KIMBLE, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to Two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF MULVANE, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GARR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before JUNE 3, 1982, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of

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said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City. The proceeds of the Bonds, together with special assessments collected in cash and other available funds, will be used for the purpose of retiring and cancelling a certain Series of Temporary Notes heretofore issued by the City for the temporary financing of certain street improvements in the City.

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

Assessed valuation figures for the City of Mulvane, Kansas, for the year 1981, are as follows:

Equalized Assessed Valuation of Taxable Tangible Property . . . . .	\$6,795,857.00
Tangible Valuation of Motor Vehicles . . . . .	\$1,608,036.00
Tangible Valuation of Motor Vehicle Dealers Inventory . . . . .	\$ 79,973.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations . . . . .	\$8,483,866.00

The total general obligation bonded indebtedness of the City of Mulvane, Kansas, at the date hereof, including the \$220,000.00 principal amount of this proposed issue of Bonds, is in the amount of \$1,699,553.37. The City also has Temporary Notes outstanding in the total amount of \$691,670.00. Of that amount, a Series of Temporary Notes in the aggregate amount of \$226,100.00 will be redeemed and retired from the proceeds of the Bonds, special assessments collected in cash and certain other available funds.

DATED: April 5, 1982.

ROBERTA KIMBLE, City Clerk  
City of Mulvane, Kansas

Doc. No. 000172

(Published in the KANSAS REGISTER, April 8, 1982.)

**NOTICE OF BOND SALE  
\$1,840,000.00  
GENERAL OBLIGATION BRIDGE  
IMPROVEMENT BONDS  
OF THE**

**COUNTY OF RENO, STATE OF KANSAS**

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF RENO, STATE OF KANSAS will receive sealed bids at the OFFICE OF THE COUNTY CLERK, RENO COUNTY COURTHOUSE, HUTCHINSON, KANSAS until 10:00 o'clock A.M., C.S.T., on

WEDNESDAY, APRIL 21, 1982

for \$1,840,000.00 par value GENERAL OBLIGATION BRIDGE IMPROVEMENT BONDS of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated May 1, 1982. The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$180,000.00	November 1, 1983
180,000.00	November 1, 1984
185,000.00	November 1, 1985
185,000.00	November 1, 1986
185,000.00	November 1, 1987
185,000.00	November 1, 1988
185,000.00	November 1, 1989
185,000.00	November 1, 1990
185,000.00	November 1, 1991
185,000.00	November 1, 1992

Interest on the Bonds will first be payable on MAY 1, 1983 and thereafter semiannually on the first days of NOVEMBER and MAY in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding FIVE (5) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of One percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed Two percent (2%). No interest rate shall exceed the legal maximum rate therefor as provided by Kansas law, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra, or supplemental, coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to the BOARD OF COUNTY COMMISSIONERS, RENO COUNTY COURTHOUSE, HUTCHINSON, KANSAS 67501, ATTENTION: GLENIS L. HELDENBRAND, COUNTY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the 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 TREASURER, COUNTY OF RENO, STATE OF KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

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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 GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the County. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before JUNE 4, 1982, 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.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond or any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the County.

The Bonds will constitute general obligations of the County, 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 County. The proceeds of the Bonds will be used for the purpose of paying the total final costs of repairing and reconstructing certain bridges in the County, including redemption and cancellation of two outstanding Series of Temporary Improvement Notes of the County heretofore issued for temporary financing of the bridge project.

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 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 the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures for the County of Reno, State of Kansas, for the year 1981, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property .....	\$242,796,012.00
Tangible Valuation of Motor Vehicles .....	\$ 35,351,564.00
Tangible Valuation of Motor Vehicle Dealers	
Inventory .....	\$ 1,442,129.00
Equalized Assessed Tangible Valuation for	
Computation of Bonded Debt Limitations	\$279,589,705.00

The total bonded indebtedness of the County of Reno, State of Kansas, at the date hereof, including this \$1,840,000.00 proposed issue of Bonds, is in the amount of \$6,404,830.44 which includes outstanding Temporary Notes in the aggregate amount of \$3,883,130.44. The County will redeem and cancel

\$1,000,000.00 of its outstanding Temporary Notes with a portion of the proceeds of the Bonds described herein.

DATED March 24, 1982.

GLENNIS L. HELDENBRAND, County Clerk  
County of Reno, State of Kansas

Doc. No. 000178

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are scheduled to become effective May 1, 1982, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the *Kansas Register*. The May 6, 1982 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE REGULATIONS

Article 11.—COMMUNITY CORRECTIONS

44-11-127. Prohibition of use of state community corrections funds to supplant other funding sources.

(a) A planning unit shall not use community corrections grant funds to replace available public or private funding of existing programs.

(b) A planning unit may request community corrections grant funds to continue an existing program that would otherwise cease due to the exhaustion of public or private funds that had been specifically allocated to the program as start up monies with a predetermined termination date.

(c) A planning unit may request community corrections funds to supplement existing public or private funding of an existing program if these community corrections grant funds would be used to address a new target group not previously served by the program. (Authorized by K.S.A. 1981 Supp. 75-5294; implementing K.S.A. 1981 Supp. 75-52,103, L. 1981, ch. 15, § 6; effective E-82-25, Dec. 16, 1981; effective May 1, 1982.)

PATRICK D. McMANUS  
Secretary of Corrections

Doc. No. 000153

## State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

## NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are scheduled to become effective May 1, 1982, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the *Kansas Register*. The May 6, 1982 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

## KANSAS ADULT AUTHORITY ADMINISTRATIVE REGULATIONS

### Article 1.—MEANING OF TERMS

**45-1-1. Definitions.** (a) "Aggrieved party" means the victim whose loss, damage, or injury has been identified in a criminal prosecution against an offender in the custody of the secretary of corrections.

(b) "Authority" means the members of the Kansas adult paroling authority of the state of Kansas.

(c) "Certification" means the declaration by the secretary of corrections that an inmate under the secretary's jurisdiction is eligible for parole.

(d) "Correctional institutions" mean one or more of the following: Kansas state penitentiary (KSP) and Kansas correctional institution for women (KCIW) at Lansing, Kansas; state industrial reformatory (KSIR) at Hutchinson, Kansas; correctional vocational training center (KCVTC), and Kansas reception and diagnostic center (KRDC) at Topeka; and any other honor camps, work release centers, and other facilities under the general management of the secretary of corrections.

(e) "Conditional release" means the date when an inmate shall be released for service of the maximum sentence, less statutory authorized good time credits.

(f) "Director" means the person in charge of the operation and management of a correctional institution.

(g) "Docket" means the authority's prearranged schedule of hearings. The following dockets are prepared by the authority:

(1) Regular, consisting of normal parole related hearing cases prepared in accordance with article 6 of these regulations;

(2) Special, consisting of cases to be heard at the special request of the institution or the authority;

(3) Initial, consisting of cases designated for hearing to review and determine parole eligibility dates pursuant to article V of these rules and regulations;

(4) Parole violator, consisting of parolees returned to the institution by the court for new felony crimes or by the secretary of corrections for technical violations of the parole contract; and

(5) Clemency, consisting of cases of inmates who have applied for executive clemency and have been granted approval for a personal interview by the authority.

(h) "Executive clemency" means the method of commutation of sentence, or pardon, as prescribed under the statutory authority for the governor of the state of Kansas pursuant to K.S.A. 22-3701 *et seq.*

(i) "Expungement" means deletion of a completed sentence by the court as authorized by law.

(j) "Good time credits" mean the statutory authorized reduction in time on an inmate's sentence as specified by section 2 (j) of Chapter 156, 1981 Kansas Session Laws.

(k) "In absentia" means the case of an inmate who is committed to the custody of the secretary of corrections and is serving the sentence out of state or in another jurisdiction.

(l) "Inmate" means the offender committed by the court to the jurisdiction and custody of the secretary of corrections.

(m) "Parole" means the discretionary release of a felony offender by the authority to the community, treatment facility, or to a detainer before the expiration of the sentence, subject to conditions imposed by the authority under the secretary of corrections' or another state's supervision that permits reincarceration in the event of misbehavior.

(n) "Parole officer" means the member of the field parole staff under the division of community correctional services with the department of corrections.

(o) "Public comment session" means the authority's regularly scheduled meeting with interested parties in the community for the purpose of receiving comments concerning the publicly announced listing of persons to be considered for parole by the authority.

(p) "Reparation" means the redress of a material injury and amend for wrong inflicted upon the aggrieved part.

(q) "Restitution" means the financial restoration to the aggrieved party of the property lost, damaged, or reparably injured, which would be equivalent to the amount that was lost or damaged by the offender.

(r) "Secretary" means the secretary of corrections of the state of Kansas.

(s) "Sentence" and "terms" mean the judgment and length of imprisonment pronounced by the court upon the defendant after conviction in a criminal prosecution. They include the following types:

(1) "Aggregate" means the sum total of consecutive sentences obtained by adding the minimum and maximum terms;

(2) "Concurrent" means to be served together;

(3) "Consecutive" means following one (1) after the other to be administered in an aggregate manner;

(4) "Indeterminate" means a sentence to be served for a period of time as determined by the adult authority and department of corrections;

(5) "Mandatory" means a sentence for a prescribed minimum term as determined by statute and the commitment of the court;

(6) "Multiple" means more than one (1) sentence to be served concurrently or consecutively as prescribed by statute and the court;

(7) "Predeterminate" means a statutory minimum term which may be reduced by earned good time credits or lengthened for misbehavior; and

(8) "Total controlling sentence" means the net result

(continued)

of combining consecutive or concurrent terms which constitutes the greatest sentence to be served.

(t) "Unit team" means the institutional group responsible for monitoring the overall management, supervision, custody, and rehabilitation plan of an inmate, as initiated by the classification committee, and which recommends custody changes and parole eligibility.

(u) "Unworkable plan of restitution" means the financial inability of parolee to make monetary restitution payments due to extreme financial hardship or medical disability or other compelling circumstance as determined by the authority. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**Article 2.—GOOD TIME CREDITS**

**45-2-1. Computation of good time credits.** (a) *Minimum term.* Whenever an inmate is committed to the custody of the secretary of corrections, he or she may qualify for good time credits at the rate of two (2) months for the first year, four (4) months for the second year, and six (6) months for the third year or thereafter, to be applied to the minimum term imposed by the court on an earned basis and deducted for that portion of the year or years as authorized by statute. These good time credits shall be administered by order of the secretary of corrections on the minimum term as computed by the institutional staff and credited to the inmate after he or she has earned these good behavior credits for participation in recommended self-help treatment programs, work assignments, and for satisfactory institutional behavior and other positive accomplishments.

(b) *Maximum term.* Whenever an inmate is committed to the custody of the secretary of corrections, he or she is eligible to receive statutory authorized good time credits at the rate of two (2) months for the first year, four (4) months for the second year, and six (6) months for the third year or thereafter, to be credited to the maximum term to arrive at a conditional release date. These good time credits shall be computed on a projected basis on admissions to a correctional institution and may be forfeited for institutional infractions in which an inmate is found guilty through disciplinary proceedings administered under the secretary of corrections' rules and regulations.

(c) *Multiple terms.* Inmates who receive multiple concurrent sentences shall have their parole eligibility determined by the highest classification of crime and sentence imposed. Persons who are sentenced to consecutive terms shall have their parole eligibility determined by the total controlling sentence. Consecutive terms shall be aggregated by adding the minimum and maximum sentences to arrive at the total controlling sentence. Inmates who receive consecutive terms on different dates shall have their eligibility for parole hearing determined as set out in K.S.A. 1979 Supp. 22-3717(2)(F)(II).

(d) *Good time chart.* Calculation of the applicable amount of good time credits permissible under subsections (a) and (b) above shall be computed using the following good time credit chart. These credits shall only be applied to the minimum sentences of those inmates meeting both of the following criteria:

(I) The inmate's sentence under K.S.A. 22-3717 permits the earning of good time credits for parole eligibility; and

(II) The crime for which the inmate was sentenced was committed after January 1, 1979.

In any other case these credits shall not be applied to the minimum sentence. The credits shall be applied to the maximum controlling sentence of all inmates (except those with a life sentence or a life maximum sentence) in order to determine a conditional release date.

SENTENCE Minimum or Maximum	GOOD TIME EARNED		MUST SERVE	
	Year	Month	Year	Month
1 Year	0-2		0-10	
2 Years	0-6		1-6	
3 Years	1-0		2-0	
4 Years	1-6		2-6	
5 Years	2-0		3-0	
6 Years	2-6		3-6	
7 Years	3-0		4-0	
8 Years	3-6		4-6	
9 Years	4-0		5-0	
10 Years	4-6		5-6	
11 Years	5-0		6-0	
12 Years	5-6		6-6	
13 Years	6-0		7-0	
14 Years	6-6		7-6	
15 Years	7-0		8-0	
16 Years	7-6		8-6	
17 Years	8-0		9-0	
18 Years	8-6		9-6	
19 Years	9-0		10-0	
20 Years	9-6		10-6	
21 Years	10-0		11-0	
22 Years	10-6		11-6	
23 Years	11-0		12-0	
24 Years	11-6		12-6	
25 Years	12-0		13-0	
26 Years	12-6		13-6	
27 Years	13-0		14-0	
28 Years	13-6		14-6	
29 Years	14-0		15-0	

Class	Range of Penalties	
	Minimum	Maximum
A	Life	Life
B	5-15	20-Life
C	1-5	10-20
D	1-3	5-10
E	1	2-5

(Authorized by K.S.A. 22-3717; effective, E-79-36; Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-2-2. Meritorious good time.** In addition to the authorized good time credits provided in K.A.R. 45-2-1, an inmate who is eligible to earn regular good time credits may receive meritorious good time credits in increments of not more than ninety (90) days per incident which may be applied to the minimum or maximum term depending on institutional staff recommendation and approval of the authority. These credits may be awarded by the authority for extraordinarily heroic behavior, or other exceptional meritorious performance upon recommendation of the institutional director and secretary of corrections. Meritorious good time shall not apply to the minimum term for persons sentenced pursuant to the provision of K.S.A. 21-4618 or inmates who shall serve fifteen (15) calendar years.

(continued)

(Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-2-3. Computation.** The correctional institution officials shall compute all time, and these time computations shall be kept current. These computations shall be furnished to the authority at the time of any hearing for parole, violation of parole, or executive clemency and at other times as determined by the authority. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

### Article 3.—PAROLE ELIGIBILITY

**45-3-1 to 45-3-2.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

### Article 4.—PAROLE HEARINGS

**45-4-1 to 45-4-3.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

**45-4-4. Attendees at hearings.** Attendance at parole hearings shall be at the discretion of the authority and shall be limited to its members, authority staff, the inmate, and a representative of the unit team or other designated institution staff member. Any additional institutional staff member who wishes to attend the hearing shall receive prior approval of the authority. In addition, a limited number of persons, who have a professional interest in parole procedures or who are necessary to the hearing proceedings, may be present providing they receive advance permission from the authority and the parole applicant offers no objection. Whenever the authority conducts a parole hearing for an inmate who is a psychiatric or medical case subject to the provisions of section K.A.R. 45-4-9(b) of these regulations, a member of the institution's clinical staff who is familiar with the case shall attend the parole hearing. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-4-8.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

**45-4-10.** (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3706; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

**45-4-11. Report on admission of new inmate.** Upon admission to a correctional facility, institutional officials shall make every reasonable effort to determine and clarify if the inmate is wanted for additional criminal charges in any other jurisdiction and provide the authority with access to this information at the time of the parole hearing. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-4-12. Preparole investigations.** (a) At least thirty (30) days before an applicant's parole hearing, the institution shall submit complete classification mate-

rial to the authority for preparole investigation by the parole staff. The preparole investigation shall contain an assessment and recommendation as to the suitability of the inmate's proposed residence and employment arrangements, and any proposed sponsor. As part of the preparole investigation process, the parole officer shall provide notice of the scheduled parole consideration of the inmate to the sheriff of the county of conviction, the chief of police of any city in which the crime or crimes occurred, the district or county attorney, and the sentencing judge or judges. This notice form shall contain a request to the official to comment on the parole consideration of the inmate and instructions for returning the form to the Kansas adult authority in a timely fashion for consideration by the Kansas adult authority at the parole hearing.

(b) The investigating parole officer shall make a diligent attempt to locate the victim or victims of the crime and obtain comments from the victim concerning the possibility of parole of the inmate. Where possible, the parole officer shall provide an assessment of community interest and available resources and any other issues pertinent to the parolee or the proposed plan. (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3719; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

### Article 5.—INITIAL HEARINGS

**45-5-1. Initial hearing for establishment of parole eligibility.** (a) The unit team or designated institutional staff member shall participate in the initial hearing to recommend correctional programs and other institutional considerations.

(b) The authority may consolidate the initial hearing with the revocation hearing on inmates who are returned for violation of parole with new felony commitments.

(c) The institution shall enter an inmate's name on the initial hearing docket when this inmate has been transferred to another facility that is not under the jurisdiction of the secretary of corrections. The authority may make special arrangements for the initial hearing or review the case on an in absentia basis in order that the proper parole eligibility may be established and the inmate informed accordingly. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

### Article 6.—DOCKETS

**45-6-1. Docketing regular parole hearings.** (a) The authority will docket all cases for regular parole hearings when institutional staff have fulfilled the following prerequisites:

(a) An inmate sentenced to a D or E felony shall be certified as parole eligible by the secretary of corrections;

(b) The preparole investigation shall be completed; and

(c) The inmate's name, number, county of conviction, and offense shall have been submitted to the authority by the ninth (9th) day of the month preceding the proposed docketing of parole hearing so that the

(continued)

authority may conduct a public comment session before the inmate's parole hearing.

(d) Institutional staff shall document the earliest statutory parole eligible release date and provide official notification to the authority that the applicant has been certified parole eligible if the parole applicant is sentenced to a class D or E felony. Institutional staff shall document the earliest statutory parole eligible release date and notify the authority through the classification or records process of the earliest date an inmate may be paroled if:

(1) The parole applicant is sentenced to a class A, B, or C felony;

(2) The parole applicant is sentenced under the habitual criminal act;

(3) The parole applicant is sentenced pursuant to the provisions of K.S.A. 21-4618 for the commission of a crime in which a firearm was used;

(4) The parole applicant is sentenced to a sentence which requires fifteen (15) calendar years or more of confinement; or

(5) A combination of these terms.

(Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-6-2. Docketing hearings for cases previously denied parole.** Parole applicants that have been passed by the authority for later consideration shall not be advanced without the approval of the authority. Inmates may also be deferred beyond the authority's designated pass date as stipulated under K.A.R. 45-2-5. (Authorized by K.S.A. 22-3717; effective May 1, 1982.)

**45-6-3. Absence of inmate at docketed hearing.** If an inmate is unable to appear for hearing by the authority whenever scheduled due to a physical or mental condition, absence from the institution, in absentia status, or other reasons, his or her name shall nevertheless be submitted to the authority in the same manner as all other eligible inmates. Unless otherwise ordered by the authority, the inmate shall be brought before the authority for hearing at its next regular meeting after becoming available. (Authorized by K.S.A. 22-3717; effective May 1, 1982.)

**45-6-4. Docketing of special hearings.** Special hearings may be scheduled upon request of the authority or the institution. In cases that may have been continued beyond ninety (90) days, the institutional officials may notify the authority for its determination if a special hearing shall be granted. (Authorized by K.S.A. 22-3717; effective May 1, 1982.)

**45-6-5. Docketing of cases when detainer cancelled.** Unless otherwise ordered by the authority, an inmate who has been paroled to a detainer which is thereafter cancelled, shall be scheduled by the authority to appear for further consideration at the next parole hearing following the effective date of the parole that was originally granted. (Authorized by K.S.A. 22-3717; effective May 1, 1982.)

**45-6-6. Prerequisites to docketing cases.** An inmate shall not be docketed for a parole hearing before the authority until the following prerequisites have been met:

(a) The inmate shall be certified as parole eligible by the secretary of corrections;

(b) The pre-parole investigation shall be completed; and

(c) The inmate's name, number, county of conviction, and offense shall have been submitted to the authority by the ninth (9th) day of the month preceding the proposed docketing of parole hearing so that the authority may conduct a public comment session before the inmate's parole hearing. (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3717; effective May 1, 1982.)

## Article 7.—PAROLE RELEASE

**45-7-1. General provisions.** (a) The authority shall enter an order of its action following all parole hearings and notify the department of corrections personnel accordingly. The results of the hearings may not be divulged to outside interested parties until sufficient assurance has been received that the inmate has been informed of the authority's action through official means. The authority may require the fulfillment of certain conditions in the best interests of a released inmate under the department of corrections' supervision. Additional requirements may be imposed by the secretary but any conditions established by the authority may only be modified or waived by order of the authority.

(b) Special conditions of parole: There shall be a reasonable relationship between the condition imposed and causes for the inmate's prior criminal conduct so as to reduce recidivistic patterns. The condition shall be sufficiently specific to serve as a guide to supervision and to enhance the parolee's parole performance. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

**45-7-3. Parole release.** (a) *Parole release dates.* (1) Inmates who receive an affirmative parole grant and have been assigned to a specific parole district may receive a release date whenever placement arrangements are completed. In those instances the authority may schedule parole release from the institution three (3) working days after the report on parole plan has been received and final approval granted.

(2) The authority may also designate a prescribed release date to comply with statutory parole eligibility, or for any other special cause as determined on a case by case basis. When a specific release date has been established, requests for advance release may be considered by the authority for valid reasons and may be subject to investigation and confirmation by the proper authorities. An inmate shall not be released on parole sooner than authorized by statute.

(3) When an inmate's release date, which has been computed in accordance with these regulations, falls on a Saturday, Sunday, or holiday observed by the department of corrections, the inmate may be released on the last work day preceding the computed release date.

(b) *Interstate compact release.* On all inmates who have been granted parole for out-of-state supervision under the interstate compact agreement, the institutional staff shall submit all pertinent reports to the interstate administrator of the secretary of corrections for referral and investigation to the receiving state. The

(continued)

inmate shall remain in confinement until the receiving state has entered its report with the compact administrator of the secretary who shall refer it to the authority for final determination and authorization of release.

(c) *Changes in parole plan.* Inmates who have been granted parole, are on continued status, or elect to change their parole plan, shall present this information to the unit team to notify the authority for its determination and advice.

(d) *Release to detainer.* Inmates who have been granted parole to a detainer shall remain in confinement until sufficient arrangements have been accomplished to determine when the detaining authority shall assume custody. In authorizing release to a detainer, the authority shall notify the division of community field services for its appropriate followup.

(e) *Deferred release.*

(1) Whenever an inmate who has been granted parole commits an institutional infraction, the institution shall immediately notify the authority of the date of the alleged infraction, the nature of the alleged violation charged and penalty classification, and whether or not the institution recommends that the inmate's parole release be held up for disciplinary proceedings. A parole release shall not be made by the institution following notification to the authority until further order of the authority is received.

(2) If the authority so orders, the inmate shall not be released until the institutional disciplinary process is completed and the authority has acted upon a report submitted by the institution concerning the infraction. This report shall be submitted by the institution promptly following the conclusion of the disciplinary proceedings and may contain a recommendation to the authority concerning the inmate's parole status.

(3) If the authority is considering rescission of parole or further deferment of the established release date, it shall promptly hold a special hearing with the inmate to allow the inmate an opportunity to comment on the status of the case or incident of the misconduct and make statements in mitigation of this proposed rescission or deferment.

(4) Inmates who have been granted parole may have their release deferred or have the parole rescinded on the basis of: institutional infractions in which the inmate was found guilty; failure to comply with a specific condition of the parole contract; an inadequate parole plan that does not provide for sufficient supervision; or information that was not available at the hearing which would indicate the inmate cannot reasonably lead a law abiding life.

(f) *Transportation on release.* Transportation arrangements for inmates authorized parole release to the community, or conditional release, may be provided by institutional staff under rules and regulations of the department of corrections. Private individuals and other interested parties may transport the parole releasee, subject to the approval of the department of corrections. Persons released on parole shall proceed directly to the approved parole district and report to the assigned parole officer as instructed.

(g) *Sidetrips and stopovers.* Requests for sidetrips or stopovers for persons granted parole shall be directed to the authority. Full information on the nature of the trip and address of the destination shall be provided by the inmate in advance of the release date. There shall

not be any additional expenses incurred by the institution for the sidetrip, and the individual shall remain with a responsible adult whenever possible during the stopover. The authority may also require the parolee to report to a parole officer in that district on arrival and departure. On arrival to the assigned parole district, any further travel requests shall be referred to the assigned parole officer. (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

## Article 9.—PAROLE VIOLATORS

**45-9-1. General provisions.** (a) Any inmate who is returned on a violator warrant issued by the secretary of corrections shall be brought before the adult authority as soon as practical. In the event institutional administrative procedures for admissions have not been completed to insure a full and fair hearing before the authority, the institution may reschedule the inmate for the next regular hearing. If the inmate is returned by way of the reception and diagnostic center with a new sentence, the authority's disposition of the violator hearing may be continued until the psychiatric report is available for examination.

(b) Alleged violators shall be returned to an institution as determined by the secretary of corrections.

(c) A statement of the alleged violation shall be prepared by the secretary and presented to the prisoner prior to appearance before the adult authority. The authority may determine that additional violations exist other than those presented by the secretary. In this case, the inmate shall be so informed and offered a continuance, to better prepare his or her defense.

(d) Representation by legal counsel shall be determined by the authority on a case by case basis, at the inmate's request and expense, or as provided by an available institutional prisoners attorney.

(e) Alleged violators may request the attendance of witnesses who can provide information relevant to the allegations of the parole violation. If the violator is unable to contact them, assistance may be provided by institutional staff. Attendance of witnesses favorable to the alleged violator is the responsibility of the alleged violator, and shall be at his or her own expense. If the alleged violator demands the presence of witnesses who have provided information adverse to the alleged violator, the authority shall either arrange for the presence of this witness or provide the alleged violator with a statement as to why the presence of this witness is not necessary or possible. When the cited parole violation is a new conviction of a felony or misdemeanor, the authority shall not be obliged to arrange for the presence of witnesses.

(f) In the event a parolee is returned with a new sentence and then recalled by the court for the purpose of a modification of sentence, the institution shall notify the division of community field services if the final revocation hearing has not yet been conducted. If the final revocation hearing has been held and action taken by the authority, the institution shall notify the authority for its determination.

(g) The authority, its designee, or designees shall conduct a violator hearing to determine whether the

parole should be revoked, and after considering all pertinent facts, shall enter an appropriate order and notify the inmate of the reasons for its action. If the violation is established to the satisfaction of the authority, it may continue or revoke the parole or conditional release, or enter another order as it may see fit. The authority may require a violator to serve all or any part of the remaining time on the sentence. Any inmate whose parole has been revoked and has been passed for later consideration shall not have his or her hearing date advanced unless approved by the authority. A parole violator with a new sentence may be ordered by the authority to achieve parole eligibility on the new term or terms as determined by statute or the department of corrections. The authority's pass date may be deferred by institutional staff as stipulated under K.A.R. 45-2-5.

(h) Statutory authorized good time credits, to be applied towards the conditional release date, shall be earned while on parole in the same manner as under an inmate status. These good time credits may be forfeited as determined by the authority if the parolee is found to be in violation of parole.

(i) A parolee who has been returned by the court with a new sentence consecutive to the term for which he or she has been paroled shall have their sentence computed and adjusted accordingly pursuant to K.S.A. 1980 Supp. 22-3717(2)(F)(ii).

(j) A released inmate for whose return a warrant has been issued by the secretary, shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that this fugitive has violated the provision of his or her release, the time from the violation of this provision to the date of arrest as determined by the division of field services shall not be counted as time served under the sentence unless approved by the authority.

(k) The division of field services shall notify the appropriate institutional staff of the date when the fugitive was arrested or came into actual custody on the absconder warrant so that institutional officials may compute the amount of delinquent time that may be forfeited for this delinquent period.

(l) If an alleged violator is returned directly to the Larned state security hospital, he or she may be transferred to the nearest correctional institution for appearance before the authority at the next regular hearing, providing the inmate is medically capable of traveling. Following the hearing, the patient may be returned to Larned for continued treatment. (Authorized by K.S.A. 22-3717; implementing K.S.A. 1981 Supp. 75-5217; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

#### Article 11.—DISCHARGE

**45-11-1. General provisions.** (a) *Regular cases.* Persons under parole supervision who were convicted of class A, B, or C crimes, or under the habitual criminal act, shall be under two (2) years of parole supervision, or longer, to be determined on a case by case basis by the authority. Parolees convicted of class D or E crimes may earn two (2) months per year credit towards discharge consideration from parole supervision, providing they have remained conviction free,

maintained reasonable employment practices unless excused for valid reasons, and complied with all conditions of their parole contract. These awards shall be based upon the reports and recommendations of the supervising parole officer and credited to the term, or terms at completion of the first year and projected on the second year. Any exceptions may be made by the authority under extraordinary circumstances, but parolees may not be discharged by law in less than one (1) year unless the maximum sentence expires sooner. Complete records on a parolee's performance shall be maintained by the secretary's staff and recommendations for discharge shall be submitted by the field parole staff.

(b) *Detainer cases.* Individuals who are released to a detainer or who are under in absentia status and are still under confinement may have their cases reviewed for discharge consideration in the same manner as all other supervision cases.

(c) *Conditional release cases.* Inmates who have been ordered to serve to conditional release shall be considered for discharge, unless adverse reports are received, one (1) year after release unless the maximum sentence date expires sooner. (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3722; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

#### Article 12.—EXPUNGEMENT

**45-12-1.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

#### Article 13.—GOOD TIME CREDITS; COMPUTATION TABLE

**45-13-1.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

#### Article 14.—EXECUTIVE CLEMENCY

**45-14-1. Procedures.** (a) An inmate who desires to apply to the governor for commutation of sentence or pardon shall make his or her request to the institutional representative designated by the director. The designated representative shall inform the inmate of the proper procedures to follow and provide any assistance as may be needed in preparing and submitting the application.

(b) The applicant shall prepare, on forms furnished by the Kansas adult authority, a written statement of the reasons for requesting clemency, as well as complying with all information requested on the form. If he or she prefers not to disclose the reasons to institutional officials, the information may be sent in writing, in a sealed envelope, directly to the adult authority in Topeka, on completion of the prescribed application forms.

(c) The applicant shall be docketed for hearing by the paroling authority in accordance with its official hearing schedule and any other instructions as the authority may issue. The hearing shall include an examination by the authority of pertinent records, reports, and other information which may be available.

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and a personal interview with the applicant, if requested by the authority. The applicant shall be notified by the authority before the hearing date whether or not the docket shall be considered the date the application has been referred to the authority.

(d) As soon as the application form is completed, the designated representative shall submit a copy of it to the attention of the governor's pardon attorney. The designated representative shall, at the same time, make arrangements for preparation of a classification progress report in accordance with instructions issued by the authority. The report shall be completed and forwarded to the authority, at least two (2) weeks before the authority's hearing date is specified in item (c) of these regulations.

(e) At least two (2) weeks before the authority's hearing date, the designated representative shall submit to the authority a certified statement of completion of each step of the application process, using a form prescribed for this purpose by the authority. A copy of the statement shall be given to the applicant.

(f) After the governor's action on the application for executive clemency, the institution shall inform the applicant in writing of the final results and obtain the inmate's acknowledgement.

(g) Institutional staff may submit a recommendation for executive clemency for a particular applicant under administrative procedures established by the secretary of corrections.

(h) The authority may order an exception to any part of these clemency regulations on the cases of critical illness of the applicant, or other reason which the authority considers urgent and meritorious, provided that this exception is not in conflict with Kansas law.

(i) Any person who was convicted of a crime in any court of this state, but who has been released from confinement on the conviction, may apply for executive clemency by making application to the Kansas adult authority in Topeka, which shall provide the person with information and forms needed to initiate the application. (Authorized by K.S.A. 22-3701; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982.)

#### Article 15.—APPLICATION

**45-15-1.** (Authorized by K.S.A. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1982.)

#### Article 16.—ORDERS OF RESTITUTION

**45-16-1.** Based on court order. (a) Whenever the authority orders restitution as a condition of the parole contract based upon the findings of the sentencing court in the journal entry of conviction, the parolee shall make contact with the clerk of the district court of the county or counties in which the parolee was convicted to ascertain the amount and manner of restitution or reparation payments to be made to aggrieved parties. The parolee shall make contact with the district court within thirty (30) days of his or her release from the institution unless the supervising parole officer grants an extension of time for good cause. Any restitution information or orders shall be provided to the supervising parole officer by the parolee. The

parolee shall furnish evidence of restitution payments as required by the supervising parole officer.

(b) The parolee shall adhere to the plan of restitution as determined by the district court. Any substantial change in personal or financial circumstances shall be reported by the parolee to the district court and to the supervising parole officer, accompanied by a request for a change in or release from the restitution order. The parolee shall report any change or relief granted by the court to the supervising parole officer. (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3717, 22-3717a; effective May 1, 1982.)

**45-16-2. Without court order.** (a) Whenever the authority orders restitution as a condition of the parole contract and the journal entry of sentencing for the inmate is silent as to restitution, the parolee shall make arrangements through his or her supervising parole officer for the following:

(1) Locating the aggrieved parties for the crime or crimes as specified by the authority;

(2) Ascertaining the amount of unrecovered loss by the aggrieved parties as a result of the crime or crimes; and

(3) Arranging for periodic payment of the unrecovered losses to the aggrieved parties.

(b) The parolee shall furnish evidence of restitution payments as required by the supervising parole officer. (Authorized by K.S.A. 22-3717; implementing K.S.A. 22-3717, 22-3717a; effective May 1, 1982.)

KANSAS ADULT AUTHORITY

Doc. No. 000154

State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

#### NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1982, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 6, 1982 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

### KANSAS STATE BOARD OF NURSING

#### ADMINISTRATIVE REGULATIONS

#### Article 3.—REQUIREMENTS FOR LICENSURE

**60-3-109.** (Authorized by K.S.A. 65-1113 *et seq.*, 74-1106 *et seq.*; modified by L. 1975, ch. 302, sec. 4, effective May 1, 1975; amended Feb. 15, 1977; revoked May 1, 1982.)

Revisor's Note:

This regulation was transferred from 60-3-105 and renumbered.

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**60-3-110.** Standards for revocation, suspension, or limitation of nursing licensure. (a) Unprofessional conduct, as provided by K.S.A. 65-1120(a)(6) shall include the following:

- (1) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;
- (2) Assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained;
- (3) Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;
- (4) Inaccurately recording, falsifying, or altering a patient's or agency's record;
- (5) Committing any act of verbally or physically abusing patients;
- (6) Assigning or delegating unqualified persons to perform functions of licensed nurses contrary to the Kansas Nurse Practice Act or to the detriment of patient safety;
- (7) Violating the confidentiality of information or knowledge concerning the patient;
- (8) Willfully or negligently failing to take appropriate action in safeguarding a patient or the public from incompetent practice performed by a registered professional nurse or a licensed practical nurse. "Appropriate action" may include reporting to the Board; and
- (9) Diverting drugs, supplies, or property of patients or agency.

(b) A violation of any or more of the above provisions shall be sufficient cause to suspend, revoke, or refuse to renew a license. (Authorized by K.S.A. 65-1129, 74-1106(c)(2); implementing K.S.A. 65-1120; effective May 1, 1982.)

#### Article 4.—FEES

**60-4-103.** Fees and travel expenses for school accreditation and approval of continuing education providers. (a) The fees for school accreditation and approval of continuing education providers shall be:

- |  |          |
|--|----------|
| (1) Application for accreditation—schools of nursing               | \$700.00 |
| (2) Biennial renewal of accreditation—schools of nursing           | 300.00   |
| (3) Application for approval of continuing education providers     | 200.00   |
| (4) Biennial renewal of approval of continuing education providers | 100.00   |
| (5) Approval of single continuing education offerings              | 25.00    |
| (6) Consultation by request, per day on site                       | 300.00   |

(b) All fees prescribed in (a) shall be payable at the time of application.

(c) The person, firm, corporation or institution requesting the board's consultation services shall also pay consultants' travel expenses. (Authorized by and implementing K.S.A. 65-1118a; effective E-82-18, Sep. 30, 1981; effective May 1, 1982.)

KANSAS STATE BOARD OF NURSING

Doc. No. 000137

State of Kansas

## PERMANENT ADMINISTRATIVE REGULATIONS

### NOTICE

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## DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS' COMPENSATION

### ADMINISTRATIVE REGULATIONS

#### Article 15.—WORKMEN'S COMPENSATION FUND

**51-15-2.** Workmen's compensation fund. (a) Insurance carriers and self-insureds shall not withhold compensation to an injured employee during negotiations with the workmen's compensation fund but shall pay compensation due under the act and then seek reimbursement for any compensation paid.

(b) When an application for a preliminary hearing has been filed by an injured employee, the employer or insurance carrier, after reviewing the case, may begin payment of temporary total disability benefits or medical benefits without going through the preliminary hearing procedure and be reimbursed by the workmen's compensation fund the same as if a preliminary award had been entered should it later be determined that the employer or insurance carrier was not responsible for payment.

(c) The first full hearing provision of K.S.A. 44-567, does not include a proceeding involving a preliminary hearing pursuant to K.S.A. 44-534a.

(d) The workmen's compensation fund shall be entitled to a hearing on the question of their liability imposed by the provisions of K.S.A. 44-532a. The administrative law judge may award compensation pursuant to K.S.A. 44-532a against the workmen's compensation fund following a preliminary hearing if the fund was properly impleaded and given the statutory notice of the hearing.

(e) "First full hearing" as used in K.S.A. 44-567(c) means the first hearing before an administrative law judge, other than a preliminary hearing provided by K.S.A. 44-534a, at which pre-trial stipulations are taken and testimony is presented. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-566, 44-566a, 44-569, 44-569a; effective, E-74-31, July 1, 1974; effective May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1982.)

BRYCE B. MOORE, Director  
Division of Workers' Compensation

Doc. No. 000155

## State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

## NOTICE

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**STATE BOARD OF BARBER EXAMINERS**

## ADMINISTRATIVE REGULATIONS

## Article 1.—SANITARY REGULATIONS

**61-1-15.** Cleansing hands before serving customer. Every barber or student shall thoroughly cleanse his or her hands before serving a customer. (Authorized by K.S.A. 74-1806; authorized by and implementing K.S.A. 1981 Supp. 74-1805, effective Jan. 1, 1966; amended May 1, 1982.)

**61-1-18.** Barbers free from contagious and infectious diseases. Barbers or students must be free from contagious or infectious diseases, including tuberculosis, before serving any person in a barber shop, school or college. (Authorized by K.S.A. 74-1806; authorized by and implementing K.S.A. 1981 Supp. 74-1805; effective Jan. 1, 1966; amended May 1, 1982.)

**61-1-20.** Infectious or contagious disease; when examination of barbers required. Any member of the board or proper health officer shall have authority to require any barber to submit to a physical examination when in the judgment of this officer, the barber may be affected with a contagious or infectious disease. (Authorized by K.S.A. 74-1806; authorized by and implementing K.S.A. 1981 Supp. 74-1805; effective Jan. 1, 1966; amended May 1, 1982.)

**61-1-24.** Temporary permits issued; permits and licenses to be conspicuously displayed. Temporary permits shall be issued to students graduating from a Kansas licensed barber school or college only until the next examination. All permits, barber licenses, and shop licenses shall be displayed in a conspicuous manner. (Authorized by K.S.A. 65-1825; implementing K.S.A. 65-1818, K.S.A. 1981 Supp. 65-1815; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1982.)

## Article 3.—SCHOOLS; REQUIREMENTS

**61-3-6.** (Authorized by K.S.A. 74-1806; effective Jan. 1, 1966; revoked May 1, 1982.)

**61-3-24.** Eligibility to take registered barber examination. A person shall not be permitted to take an examination conducted by the state board of barber examiners to determine his or her fitness to practice as a registered barber, as provided in K.S.A. 65-1812,

until he or she has furnished the board with evidence of his or her satisfactory completion of the regular course of study at a school or college of barbering complying with the standards and offering the course of study established by this article for schools and colleges of barbering; or which has been approved by the state board of barber examiners. (Authorized by K.S.A. 65-1825; implementing K.S.A. 1981 Supp. 65-1812; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982.)

## Article 4.—CERTIFICATES OF REGISTRATION

**61-4-1.** (Authorized by K.S.A. 65-1825; effective Jan. 1, 1966; revoked May 1, 1982.)

**61-4-2.** Renewal of licenses and certificates of registration. (a) All barber, shop owner, chair lessee, and instructor licenses shall be renewed on an alphabetical basis as follows:

(1) Barbers, shop owners, chair lessees, and instructors whose last name begins A-C and M-O shall renew their licenses annually on or before March 31.

(2) Barbers, shop owners, chair lessees, and instructors whose last name begins D-F and P-R shall renew their licenses annually on or before June 30.

(3) Barbers, shop owners, chair lessees, and instructors whose last name begins G-I and S-U shall renew their licenses annually on or before September 30.

(4) Barbers, shop owners, chair lessees, and instructors whose last name begins J-L and V-Z shall renew their licenses annually on or before December 31.

(b) The restoration fee for late renewals shall be an amount which is less than the license fee, for the first thirty (30) days after the expiration date. After this thirty (30) day period the restoration fee shall be the full amount of the license fee. Any barber who has not renewed his or her license for more than three (3) years shall be reexamined before he or she can be issued a license.

(c) Students, upon passing the master barber examination, shall be issued a barber license, the cost of which shall be prorated. This license shall expire in the proper quarter as provided in subsection (a).

(d) The four (4) barber schools and colleges shall continue to renew their licenses annually on or before December 31. (Authorized by K.S.A. 65-1825; implementing K.S.A. 1981 Supp. 65-1819; effective, E-81-37, Dec. 10, 1980; effective May 1, 1981; amended May 1, 1982.)

## Article 5.—APPLICATIONS

**61-5-1.** Limitation on filing date. Any person who desires to practice barbering shall file with the board an application filled out, complete with proper amount of fees not later than fifteen (15) days before the examination. (Authorized by K.S.A. 65-1825; implementing K.S.A. 1981 Supp. 65-1817(b); effective Jan. 1, 1966; amended May 1, 1982.)

## STATE BOARD OF BARBER EXAMINERS

Doc. No. 000158

## State of Kansas

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

## NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are scheduled to become effective May 1, 1982, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the *Kansas Register*. The May 6, 1982 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**COMMISSIONER OF INSURANCE****ADMINISTRATIVE REGULATIONS****Article 2.—LIFE INSURANCE**

**40-2-12. Replacement of life insurance and annuities.** (a) This regulation shall apply to the replacement of all policies of life insurance as defined here.

(b) Definitions.

(1) "Agent" means any agent, broker, or other person representing any insurer in the sale of any type of policy as defined here.

(2) "Company" or "insurer" means any company, society, association or other financial institution which issues any policy as defined here and is subject to the supervision of the insurance department of this state.

(3) "Life insurance" means any life insurance policy, annuity, or variable annuity contract, unless specifically exempted in subsection c.

(4) "Replacement" means any transaction wherein new life insurance is to be purchased from an agent and it is known, or reasonably should be known, to the agent that, as a part of the transaction or in consequence of it, any previously existing life insurance has been or is likely to be:

(A) lapsed or surrendered;

(B) Converted into paid-up insurance, continued as extended term insurance or under another form of non-forfeiture benefit

(C) Converted otherwise so as to effect a reduction either in the amount of the existing life insurance or in the period of time the existing life insurance will continue in force

(D) Reissued with a reduction in amount such that substantial cash values are released. ("Substantial cash values" include all transactions wherein an amount in excess of fifty percent (50%) of the tabular cash value is to be released on one or more of the existing policies); or

(E) Assigned as collateral for a loan or subjected to substantial borrowing of the loan values whether in a single loan or under a schedule of borrowing over a period of time. "Substantial borrowings" include all transactions wherein an amount in excess of fifty percent (50%) of the tabular cash value is to be borrowed on one or more existing policies.

(5) "Sales proposal" means individualized, written sales aids of all kinds. Sales aids of a generally de-

scriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered a sales proposal.

(c) This regulation shall not apply when:

(1) The application for the new life insurance is made to the same insurer that issued the existing life insurance and a contractual policy change or conversion privilege is being exercised;

(2) The new life insurance is provided under:

(A) A group life insurance policy;

(B) Policies covering employees of an employer, debtors of a creditor, or members of an association, which are distributed on a mass merchandising basis and administered by group-type methods; or

(3) The existing life insurance is a non-convertible term policy with five (5) years or less to expire and which cannot be renewed; and

(4) The solicitation is made by direct mail and:

(A) All sales material is standard and printed; and

(B) Within three (3) business days the insurance company notifies the existing insurance company of the fact that the proposed insured has answered "yes" to the replacement question in the application; and

(C) Concurrent with the notice to the existing company, the insurance company mails to the applicant a copy of the "notice to applicant regarding replacement of life insurance." described in subsection (f).

(d) Each life insurance agent shall:

(1) Obtain with or as a part of each application for life insurance a statement signed by the applicant as to whether this insurance will replace existing life insurance;

(2) Submit to the insurer in connection with each application for life insurance a statement as to whether, to the best of his or her knowledge, replacement is involved in the transaction;

(3) Where a replacement is involved:

(A) Obtain with or as a part of each application a list of all existing life insurance policies proposed to be replaced;

(B) Present to the applicant, not later than at the time of taking the application, a copy of any sales proposal utilized and a "notice to applicants regarding replacement of life insurance" in form substantially as described in exhibits A, B, and C. The forms shall be left with the applicant for his or her records subsequent to providing the applicant a thorough explanation of their content;

(C) Submit with the application to the insurer a copy of any sales proposal used and the name of each insurer which issued any insurance being replaced; and

(D) Have the applicant acknowledge receipt of the "notice to applicants regarding replacement" of life insurance.

(e) Each insurer shall:

(1) Inform its field representatives of the requirements of this regulation;

(2) Require with or as a part of each application for life insurance a statement signed by the applicant as to whether the insurance will replace existing life insurance;

(3) Require in connection with each application for life insurance a statement signed by the agent as to

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whether, to the best of his or her knowledge, replacement is involved in the transaction; and

(4) Where a replacement is involved:

(A) Require with or as a part of each application for life insurance a list prepared by the agent representing, to the best of his or her knowledge, all of the existing life insurance policies proposed to be replaced;

(B) Obtain a copy of any sales proposal used, proof of the receipt by the applicant of the "notice to applicants regarding replacement of life insurance" and the name of each insurer whose insurance is being replaced;

(C) Within three (3) working days notify any insurer whose insurance is being replaced.

(D) Delay, if it is not also the existing insurer, the issue of its policy for twenty (20) days after it sends the notification required by subparagraph (C), unless it provides in that notice and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty (20) days commencing from the date of delivery of the policy, and it sends the required notice to the existing insurer within three (3) working days of the date its policy is issued, in which event the replacing insurer may issue its policy immediately;

(E) Maintain copies of any sales proposal used, proof of receipt by the applicant of the "notice to applicants regarding replacement" and the applicant's signed statement with respect to replacement in its home office for at least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later. Any insurer which receives notice that its existing insurance may be replaced shall maintain copies of this notification on its premises, indexed by insurer notifying it of this replacement, for three (3) years or until the conclusion of the next regular examination conducted by the insurance department of its state of domicile, whichever is later.

(f) The forms set forth in exhibits A, B, and C of the national association of insurance commissioners' model life insurance replacement regulation, December 1978 edition are hereby adopted by reference. Substantially equivalent forms may be adopted with the prior approval of the insurance commissioner. To the extent that the forms in exhibit A, B, and C are not entirely appropriate for replacements involving annuity contracts or contracts sold by direct mail methods, the company shall have the responsibility of adapting these forms to fit the cases when they arise.

(g) In the instance that an agent who holds both a life insurance license and a securities license shall propose to sell securities to a policyholder which proposal will result in any of the situations set forth in section (b), the agent shall give written notice to the policyholder before consummating this proposal. The word "securities" as used in this rule shall not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed or variable sum of money either in a lump sum or periodically for life or for some other specified period.

This written notice shall:

(1) Be dated and signed by the licensed agent and his address stated;

(2) State the name and address of the policyholder;

(3) Describe the insurance which has been or is to be affected including the policy number, amount of insurance, plan of insurance, issue age, effective date and the total premium;

(4) State how the insurance will be affected, the amount of cash value affected, and the facts which make it advisable; and

(5) List the company or companies which are involved.

(h) Every dually licensed agent shall keep a file containing a copy of each written notice. The agent shall keep a copy of each notice for three (3) years. The file shall be subject to inspection and review by this department, upon the department's written request.

(i) In case any duly licensed agent solicits life insurance in connection with the sale of securities, when not prohibited by K.S.A. 40-232, this agent shall, in addition to the requirements of section d, submit a copy of the notice required by this section (g) to his or her insurance company, which notice shall be attached to and become a part of exhibit A, required by this rule.

(j) Any violation of this rule will be presumed to constitute a misleading representation for the purpose of inducing or tending to induce an insured to lapse, forfeit or surrender his or her insurance then in force. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 40-2404; effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-72-20, Sep. 1, 1972; amended Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1982.)

**40-2-14. Life insurance and annuities; deceptive practices; requirements; prohibitions.** (a) This regulation shall apply to any solicitation, negotiation or procurement of life insurance or annuities occurring within this state. This regulation shall apply to any authorized issuer of life insurance or annuity contracts. This regulation shall not apply to invitations to inquire about an insurance product if the invitations do not, in themselves, constitute a solicitation of insurance. The policy summary required by this regulation shall not apply to annuities, life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the employee retirement income security act of 1974, credit life insurance nor group life insurance;

(b) In selling life insurance or annuities: (1) An agent, shall, at the beginning of any solicitation, inform the prospective purchaser that he or she is acting as an insurance agent. An applicant shall be furnished a policy summary at or before the time of policy delivery. For the purpose of this regulation, a policy summary means a written statement describing the elements of the policy which shall include the following information:

(1) The name and address of the insurance agent or if an agent is not involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the policy summary;

(2) The full name and home office or administrative office address of the company in which the life insurance or annuity policy is to be or has been written;

(3) The generic name of the basic policy or contract and each rider;

(4) The following amounts, where applicable, for the first five (5) policy years, the tenth and twentieth

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policy years, and for at least one (1) age from sixty (60) through sixty-five (65), or at maturity, whichever is earlier:

- (A) The annual premium for the basic policy;
- (B) The annual premium for each optional rider;
- (C) The guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided under the basic policy and each rider shown separately;
- (D) The total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider;
- (E) The cash dividends payable to the end of the year with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the twentieth policy year.); and
- (F) The guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

(5) A policy summary which includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed;

(6) The effective policy loan annual percentage interest rate, if the policy contains such a loan provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the policy summary is to include the maximum annual percentage rate;

(7) The date on which the policy summary is prepared; and

(8) A statement to the effect that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today, unless the policy summary includes index figures which recognize the time value of money. If index figures are included in the policy summary, the applicant shall receive written notification at the time the policy summary is delivered that the figures may only be used for comparing the relative costs of similar policies. The policy summary shall consist of a separate document. All information required to be disclosed shall not be set out in a manner that will minimize or render any portion of it obscure. Any amounts which remain level for two (2) or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in section (4) of this regulation shall be listed in total, not on a per thousand (1,000) nor per unit basis. If more than one (1) insured is covered under one (1) policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

(c) The following shall be deemed prohibited unfair or deceptive acts or practices in the selling of the insurance subject to this regulation:

(1) The making of any misrepresentation or false, deceptive or misleading statement;

(2) The use of comparisons or analogies or the manipulation of amounts and numbers in a way that will mislead the prospective purchaser concerning the cost of the insurance protection to be provided by the

insurance contract, or any other significant aspect of the contract;

(3) The reference to an insurance premium as a deposit, an investment, a savings or the use of other phrases of similar import when referring to an insurance premium. This subsection shall not prohibit discussion of the savings values of a life insurance policy having cash values;

(4) In respect to participating policies, a description of the policy dividend as other than a refund or return of part of the aggregate premiums paid to the company, which is not guaranteed and which is dependent on the investment earnings, mortality experience and expense experience of the company; and

(5) Recommending to a prospective purchaser the purchase or replacement of any life insurance policy or annuity contract with reasonable grounds to believe that the recommendation is unsuitable for the applicant on the basis of any information furnished by this person or otherwise obtained. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 40-2404; effective Jan. 1, 1974; amended May 1, 1981; amended May 1, 1982.)

### Article 3.—FIRE AND CASUALTY INSURANCE

**40-3-41. Fire and casualty insurance; automobile business defined; application of automobile business liability insurance.** (a) The term "automobile business" contained in K.S.A. 1981 Supp. 40-3107(h)(2) shall mean a business whose purpose is to sell, lease, repair, service, transport, store or park motor vehicles designed primarily for use on public highways. This definition shall include road testing and delivery.

(b) Any motor vehicle liability insurance coverage provided pursuant to K.S.A. 40-3107 shall be primary, duplicative, participative, or excess over any liability insurance coverage available from an automobile business. (Authorized by K.S.A. 40-3119; implementing K.S.A. 40-3107; effective May 1, 1982.)

### Article 4.—ACCIDENT AND HEALTH INSURANCE

**40-4-23. Accident and sickness insurance, deceptive practices; requirements; prohibitions.** (a) This regulation shall apply to any solicitation, negotiation or procurement of accident and sickness insurance occurring within this state. This regulation shall apply to any authorized issuer of accident and sickness contracts. Subsections (b)(3), (4) and (5) of this regulation shall not apply to credit accident and sickness insurance, group accident and sickness insurance, nor to medicare supplement policies as defined in K.A.R. 40-4-35.

(b) In the selling accident and sickness insurance:

(1) An agent shall, at the beginning of any solicitation, inform the prospective purchaser that he or she is acting as an insurance agent.

(2) An insurer shall inform the prospective purchaser of its full name.

(3) The agent or insurer shall provide to the prospective purchaser before or with the delivery of a contract, a dated, outline of coverage describing the elements of the contract including but not limited to:

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(A) The name and signature of the insurance agent or the name of the employee of the insurer if no agent is involved, who assumes responsibility for the outline;

(B) The full name of the company in which the accident and sickness insurance is to be written;

(C) A statement identifying the applicable category or categories of coverage provided by the policy or contract and any supplemental riders as prescribed in K.S.A. 1976 Supp. 40-2218(a);

(D) Disclosure of any provision in the policy or any supplemental riders which shall reduce the benefits payable while the policy and riders are maintained in force on a premium paying basis;

(E) The premiums for the accident and sickness insurance policy shall be shown separately from the premiums for each optional or supplemental benefit provided by the contract;

(F) Disclosure of the provisions of the policy and any supplemental riders relating to renewability, cancellability and termination and any modification of benefits, losses covered or premiums because of age or for other reasons, in a manner which will not minimize or render obscure the qualifying conditions;

(G) Disclosure of those exceptions, reductions and limitations affecting the basic provisions of the policy and any supplemental riders;

(H) Disclosure of the existence of any waiting, elimination, or probationary or similar time period between the effective date of the policy and effective date of coverage under the policy and any supplemental riders or a period of time between the date that loss occurs and the date the benefits begin to accrue for the loss;

(I) Disclosure of the extent to which any loss is not covered under the policy and any supplemental riders if the cause of the loss is traceable to a condition existing before the effective date of the policy or rider;

(J) Disclosure of all the principle benefits provided by the policy or contract and any supplemental riders;

(K) A statement that the outline of coverage is a summary of the policy or contract and any supplemental riders issued or applied for and that the policy or contract and any supplemental riders should be consulted to determine governing contractual provisions; and

(L) In the event the policy or contract and any supplemental riders do not provide the standards for benefits promulgated by the commissioner, as provided in K.A.R. 40-4-24 through 40-4-33, a statement which clearly sets forth wherein the policy does not provide the standards.

(4) The outline of coverage shall accompany the policy or, alternatively, it may be delivered to the prospective purchaser at the time application is made if an acknowledgment of receipt or certificate of delivery of the outline is obtained with the application. If an outline of coverage was delivered at the time of application and the policy or contract is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or contract and any supplemental riders shall accompany the policy or contract and any supplemental riders when it is delivered and clearly state that it is not the policy or contract and any supplemental riders for which application was made.

(5) The outline of coverage may consist of a separate written presentation or it may be included in the solicitation material advertising the policy. All information required to be disclosed shall be set out prominently therein in uninterrupted sequence in one location in the separate written presentation or advertising material. Additional material other than that required shall not be interspersed between each of the items required to be disclosed. The style, arrangement and overall appearance of the outline of coverage shall not give any undue prominence to any portion of the text, and every printed portion of the text of the outline of coverage shall be plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than tenpoint with a lowercase unspaced alphabet length not less than one hundred and twenty (120) point.

(c) The following shall be deemed prohibited unfair or deceptive acts or practices in the selling of the insurance subject to this regulation:

(1) The making of any misrepresentation or false, deceptive or misleading statement;

(2) The use of comparisons or analogies or the manipulation of amounts and numbers in a way that will mislead the prospective purchaser concerning the cost of the insurance protection to be provided by the insurance contract or any other significant aspect of the contract;

(3) The reference to an insurance premium as a deposit, an investment, a savings, or the use of other phrases of similar import when referring to an insurance premium; and

(4) Recommending to a prospective purchaser the purchase or replacement of any accident and sickness insurance policy or contract with reasonable grounds to believe that the recommendation is unsuitable for the applicant on the basis of any information furnished by the person or otherwise obtained. (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2219, 40-2221; effective May 1, 1975; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982.)

**40-4-25. Accident and sickness insurance standards for benefits; purpose.** (a) These regulations shall apply to all individual accident and sickness insurance policies and subscriber contracts of hospital and medical and dental service corporations delivered or issued for delivery in this state. They shall not apply to credit accident and health insurance policies subject to K.A.R. 40-5-101 through 40-5-111, nor to individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when this group or individual policy or contract includes provisions which are inconsistent with the requirements of these regulations. Additionally, they shall not apply to policies being issued to employees or members as additions to franchise plans in existence on the effective date of these regulations, nor to medicare supplement policies as defined in K.A.R. 40-4-35.

(B) The requirements contained in these regulations shall be in addition to any other applicable regulations previously adopted but shall not preclude the solicitation or issuance of policies or contracts that do not meet the standards for benefits set forth in K.A.R. 40-4-26 through 40-4-33. (Authorized by K.S.A. 40-

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2218; implementing K.S.A. 40-2216 *et seq.*; effective Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982.)

**40-4-34. Accident and health insurance; coordination of benefits; guidelines.** National association of insurance commissioners' coordination of benefit guidelines, June 1980 edition, are hereby adopted by reference subject to the following exceptions: (a) Guideline 2 is hereby amended to read as follows: The definition of "Plan" may include both group and individual automobile "no fault" contracts but, as to the traditional automobile "fault" contracts, only the medical benefits written on a group or group-type basis may be included. If the definition of "Plan" includes automobile "no fault" contracts, the term "Plan" shall be construed and so worded to include only a plan providing benefits for or by reason of hospital care or treatment, medical, dental or other health services which benefits are provided as a result of injuries arising out of a motor vehicle accident to the extent that such benefits are payable under any medical expense payment provision (by whatever terminology used—including such benefits mandated by law) of any automobile insurance policy.

(b) Guideline 4 is hereby amended to read as follows: School accident type coverages, written on either a blanket, group or franchise basis shall not be taken into consideration in coordination of benefits. In this context, school accident type coverages are defined to mean coverage covering grammar school and high school students for accidents only, including athletic injuries, either on a twenty-four (24) hour basis or "to and from school".

(c) The definition of "Plan" appearing in Section B of Appendix A is hereby amended by excluding subparagraph ii of subsection (1) and renumbering the other subparagraphs accordingly. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 40-2404; effective May 1, 1981; amended May 1, 1982.)

**40-4-35. Medicare supplement policies; minimum standards; requirements.** (a) Sections 3, 4, 5, 6, 7, 8, 9, and 10 of the national association of insurance commissioners model regulation for minimum standards for medicare supplement insurance, December 1980 edition are hereby adopted by reference subject to the following additions or exceptions:

(b) Section 3 is hereby amended by the addition of subsection C which reads: This regulation shall supersede any other Kansas Administrative Regulation to the extent the regulation or any provision of it is inconsistent with or contrary to this regulation.

(c) Section 4 is hereby amended to read as follows: For purposes of this regulation: (A) "Applicant" means: (1) in the case of an individual medicare supplement policy or subscriber contract, the person who seeks to contract for insurance benefits, and (2) in the case of a group medicare supplement policy or subscriber contract, the proposed certificateholder. (B) "Certificate" means any certificate issued under a group medicare supplement policy, which policy has been delivered or issued for delivery in this state. (C) "Medicare supplement policy" means a group or individual policy of (accident and sickness) insurance or a subscriber contract (of hospital and medical service associations) which is advertised, marketed or de-

signed primarily as a supplement to reimbursements under medicare for the hospital, medical and surgical expenses of persons eligible for medicare by reason of age. (D) "Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the social security amendments of 1965, as then constituted or later amended.

(d) Section 5(A)(2) is hereby amended to read as follows: This definition may provide that injuries shall not include injuries for which benefits are provided under any worker's compensation, employer's liability or similar law.

(e) Section 6(A)(6) is hereby amended to read as follows: benefits provided under medicare or other governmental program (except medicaid); any state or federal workers' compensation, employer's liability or occupational disease law; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

(f) The proviso in section 6(A) is hereby amended to read as follows: Medicare supplement policies shall not contain, when issued, limitations or exclusions of the type enumerated in subsection (1) through (10) above that are more restrictive than those of medicare or, with respect to group policies, that are prohibited by K.S.A. 40-2,105 and any amendments to it. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under medicare.

(g) Section 7(A)(3) is hereby amended to read as follows: A medicare supplement policy shall provide that benefits designed to cover cost sharing amounts under medicare will be changed automatically to coincide with any changes in the applicable medicare deductible amount and copayment percentage factors. Subject to any applicable statutory requirements, premium modification on medicare supplement policies to correspond with these changes is permitted.

(h) Section 7(B) is hereby amended to read as follows: Minimum benefit standards. (1) Coverage of part A medicare deductible; (2) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through 90th day in any medicare benefit period; (3) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days; (4) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days; and (5) Coverage of 20% of the amount of medicare eligible expenses under part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200, including initial deductible, of these expenses and to a maximum benefit of at least \$5,000 per calendar year.

(i) Section 9(B) is hereby amended to read as follows: (8) (The amount of premium for this policy. The premiums for the policy or certificate shall be shown separately from the premiums for each optional benefit provided by the contract.) (9) (The name and address of the insurance agent or the name and address of the insurer if no agent is involved, who assumes responsi-

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bility for the outline.) (Authorized by and implementing K.S.A. 40-2221; effective May 1, 1982.)

#### Article 7.—AGENTS

**40-7-6. Insurance policies and riders; signature of resident agents; requirements.** Every policy of insurance, and every rider or endorsement attached after the issue date of the policy, which changes premium or coverage, shall be countersigned by a resident agent pursuant to K.S.A. 40-246. Except as permitted by K.A.R. 40-7-5, the countersignature shall be affixed subsequent to or concurrent with the issuance of the policy, rider, or endorsement and a record of the policies shall be kept by the resident agent. This regulation shall apply to policies covering any property or risk located in this state including fidelity and surety bonds and accident and health policies issued by all companies. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-246; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1979; amended May 1, 1981; amended May 1, 1982.)

**40-7-13. Agents; scope, subclassification; type and conduct of examinations; reexamination; study manuals.** (a) The examination for agent's license shall cover the following areas:

- (1) Part I—the laws of Kansas.
  - (A) Pertinent provisions of the statutes of Kansas; and
  - (B) Rules and regulations of the insurance department.
- (2) Part II—general insurance.
  - (A) Duties and responsibilities of a licensed agent; and
  - (B) Basic insurance knowledge.
- (3) Part III—the specific classes or subclasses of insurance for which application is made.
  - (A) Life, including health and accident.
    - (1) Life insurance; and
    - (2) Accident, health and hospitalization insurance.
  - (B) Fire and allied lines.
    - (A) General fire lines, including "homeowners" and "farmowners" policies;
    - (B) Automobile physical damage; and
    - (C) Any other subclass designated by the commissioner of insurance.
  - (3) Casualty and allied lines.
    - (A) Accident, health and hospitalization;
    - (B) Automobile (both liability and physical damage);
    - (C) General casualty lines;
    - (D) Fidelity, forgery and surety bonds;
    - (E) Title insurance; and
    - (F) Any other subclass designated by the commissioner of insurance.

(4) Any agent otherwise required to be examined writing multi-peril policies shall be qualified by examination for each subclass included under the policy.

(c) Persons failing to score at least seventy percent (70%) on any part of any examination shall have failed that part of the examination and shall not be qualified for a license. Notification of the results of examinations shall be sent to the company certifying the application and to the applicant.

(d) Class I (life, including health and accident) examinations shall be conducted as follows:

(1) Advance notice shall not be required to sit for the examination in Topeka or Wichita, Kansas, although the "request to appear" form sent with the notification of eligibility required in section (e) (2) shall be completed by the applicant before appearing before the examination in Topeka or Wichita, Kansas, so that it may be handed immediately to the examiner.

(2) Scheduled examinations shall be conducted at least quarterly in other convenient locations in this state except in Wichita, Kansas, where examinations shall be given as directed by the commissioner of insurance. A schedule of time and place of the examination shall be mailed to the company and the applicant.

(3) Any applicant desiring to appear for an examination as prescribed in (2) above, at a location outside of Topeka or Wichita, Kansas, shall give written notice to the commissioner of insurance stating at which scheduled time and place he or she wishes to appear for examination.

(4) There shall be at least seven (7) days between attempts to pass the examination. Any person failing to pass the examination for a class or subclass shall be eligible for reexamination on and after the seventh (7th) day following the last attempt. There shall be a ten dollar (\$10) examination fee payable at the time of each reexamination. Persons desiring to appear for reexamination at any location other than Topeka or Wichita, Kansas, shall follow the procedures for notifying the commissioner of insurance of the intent as outlined in section (e) (2) of this regulation. The applicant's licensing material shall remain effective until such time as he or she fails to appear within sixty (60) days of the date of notification of eligibility required in section (e) (2) or the applicant's last appearance for examination whichever is later.

(e) Class II (casualty and allied lines) and class III (fire and applied lines) examinations shall be conducted as follows:

(1) A schedule of the time and place of such examinations shall be mailed to the applicant and to the company. The applicant, upon receipt of notification of eligibility as required in section (e) (2) may schedule a time to take the examination by giving written notice to the commissioner of insurance stating at which scheduled time and place he or she desires to appear for examination. This requirement shall apply to any location at which class II and III examinations are being given.

(2) An applicant shall not appear for the examination before being notified of eligibility to do so by the department.

(3) An applicant may appear for reexamination on sections previously failed at the next scheduled examination date by following the procedures for notifying the commissioner of insurance of this intent as outlined in section (e) (1). There shall be a ten dollar (\$10) examination fee for each class of insurance, payable at the time of reexamination. The applicant's licensing material shall remain effective until such time as he or she fails to appear for two (2) consecutive examinations, at which time he or she shall re-submit an application for a license and pay all applicable license

(continued)

and examination fees before appearing for further examinations. (Authorized by K.S.A. 40-103, 40-241; implementing K.S.A. 40-241; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-28, July 1, 1970; amended Jan. 1, 1971; amended, E-71-24, July 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-78-24, Sep. 7, 1977; amended May 1, 1978; amended May 1, 1979; amended May 1, 1981; amended May 1, 1982.)

### Article 9.—ADVERTISING

**40-9-100.** Accident and sickness insurance; advertising. The national association of insurance commissioners' rules governing advertisements of accident and sickness insurance with interpretive guidelines, June 1974 edition, are hereby adopted by reference subject to the following exception: (a) The preamble and sections 1 and 18 are not adopted.

(b) Section 12 is hereby amended by adding a new subsection C reading as follows: An advertisement which is seen or heard in this state shall not directly or indirectly create the impression that the policy being advertised is approved for issuance in the state, unless that is the fact. If the policy is not approved for issuance in this state, that fact shall be disclosed in the advertisement by a statement reading, "This policy is not available in Kansas." (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404(1); effective May 1, 1982.)

#### Revisor's Note:

Former regulation 40-9-100 was revoked May 1, 1979, and the number reassigned to the present regulation.

**40-9-101.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; amended May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

**40-9-102.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

**40-9-103, 40-9-104.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; revoked May 1, 1982.)

**40-9-105 to 40-9-107.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

**40-9-108.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; revoked May 1, 1982.)

**40-9-109.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

**40-9-110; 40-9-111.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective, E-73-13, May 1, 1973; effective Jan. 1, 1974; revoked May 1, 1982.)

**40-9-112.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective E-73-13, May 1, 1973; effective Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1982.)

**40-9-113 to 40-9-116.** (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-2404 (1) and (2); effective, E-73-13, May 1, 1973; effective Jan. 1, 1974; revoked May 1, 1982.)

FLETCHER BELL  
Commissioner of Insurance

Doc. No. 000152

(Published in the KANSAS REGISTER, April 8, 1982.)

### SENATE BILL No. 687

AN ACT concerning pawnbrokers and precious metal dealers; relating to inspection of business premises; amending K.S.A. 16-718 and repealing the existing section.

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

Section 1. K.S.A. 16-718 is hereby amended to read as follows: 16-718. Every pawnbroker or precious metal dealer, and every person employed by a pawnbroker or precious metal dealer in the conduct of the pawnbroker's or dealer's business, shall admit to any and every part of the premises designated in the license, at any time; any law enforcement officer of the city or county issuing the pawnbroker's or dealer's license to examine any goods, articles, things, pledges, pawns, books or other records on the premises and to search for and to take into possession any article known or believed by such officer to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section, and property so seized shall be receipted for by such officer who shall adequately describe the seized property and sign the receipt. Law enforcement officers of a city or county shall have access during regular business hours to the place of business of any pawnbroker or precious metal dealer conducting business in the city or county. Access shall be for the purpose of periodically inspecting property pledged or purchased in the transaction of the business of the pawnbroker or precious metal dealer, and records relating to those transactions, to determine if the pawnbroker or dealer is complying with the provisions of this act.

Sec. 2. K.S.A. 16-718 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 3, 1982.

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

Passed the HOUSE March 25, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED March 31, 1982.

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 31st day of March, 1982.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 8, 1982.)

(Published in the KANSAS REGISTER, April 8, 1982.)

## SENATE BILL No. 610

AN ACT concerning membership in a municipal energy agency; amending K.S.A. 1981 Supp. 12-8,108 and repealing the existing section.

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

Section 1. K.S.A. 1981 Supp. 12-8,108 is hereby amended to read as follows: 12-8,108. (a) Any city may become a member of a municipal energy agency or withdraw as a member if such membership or withdrawal is authorized by ordinance of the governing body of such the city and consented to by resolution of the governing bodies of a majority not less than  $\frac{2}{3}$  of the existing member cities. The governing body of the proposed member city and the governing bodies of all not less than  $\frac{2}{3}$  of the existing member cities then shall also approve by resolution, and execute, an amendment to the original agreement creating the agency, adding such the member city to the agreement or withdrawing the member city and containing such other additional amendments as may be appropriate. Any other amendment to the agreement creating the agency shall be governed by the provisions of K.S.A. 1981 Supp. 12-889. Any ordinance or resolution adopted and effective prior to the effective date of this act which relates to membership or withdrawal, as provided herein, shall remain in full force and effect and shall constitute an ordinance or resolution required by this act unless specifically repealed prior to the execution by the city of the amendment to the agreement. Such The amendments amendment shall be submitted to and approved by the attorney general in the manner provided in subsection (b) of K.S.A. 1977 1981 Supp. 12-888.

(b) When a municipal electric generating system in any city is owned or operated by a board of public utilities, such the board of public utilities may participate in the creation and become a member of a municipal energy agency under the provisions of this act. In any such case, such the board of public utilities shall act for and on behalf of the governing body of the city for which it operates and all appointments, participation and other acts which would otherwise be made by the mayor of the city shall be made by the chairperson or president of such the board of public utilities.

Sec. 2. K.S.A. 1981 Supp. 12-8,108 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 4, 1982.

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

Passed the HOUSE March 23, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED April 2, 1982.

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 2nd day of April, 1982.

(SEAL)

JACK H. BRIER  
Secretary of State.

## HOUSE BILL No. 2661

AN ACT concerning the dissolution of Middle Creek joint watershed district No. 50; amending K.S.A. 24-1228 and repealing the existing section.

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

Section 1. K.S.A. 24-1228 is hereby amended to read as follows: 24-1228. Whenever a watershed district organized and incorporated under the provisions of article 12 of chapter 24 of the Kansas Statutes Annotated, or any amendments thereto, for more than four (4) years, and said such district has not adopted a general plan of work and projects to be undertaken by the district, nor constructed or contracted to construct any works of improvement, nor incurred any continuing obligations for maintenance of any works of improvement, the board of said such district may, by resolution adopted by a two-thirds  $\frac{2}{3}$  vote of all members of said such board present and voting, but in no event less than a majority of all members of said such board at a special meeting of said such board called for that purpose, and notice of which special meeting shall specify the purpose for which the meeting is to be called, provide for the calling of an election of the qualified voters of said such district for the purpose of determining whether said such district shall be dissolved; and the said board shall provide for the calling of such an election if written petitions therefor signed by twenty percent (20%) 20% of the landowners of said such district, as shown by a verified enumeration of said such landowners by a landowner of said such district, are filed with the secretary of said such board. Notwithstanding any provision of this section, the Middle Creek joint watershed district No. 50 may be dissolved in the same manner and procedure as provided herein.

The election to determine whether the district shall be dissolved shall be held and conducted in the same manner as provided by K.S.A. 24-1207, as amended; insofar as said such provisions can be made applicable. If a majority of those voting on the proposition voted in favor of dissolution of the district, the board shall immediately certify the results of said such election to the secretary of state, and the secretary of state shall thereupon issue and deliver to the secretary of said such board a certificate of dissolution.

Sec. 2. K.S.A. 24-1228 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 February 11, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 22, 1982.

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

APPROVED April 2, 1982.

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 2nd day of April, 1982.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, April 8, 1982.)

## SENATE BILL No. 636

AN ACT concerning fire departments in certain counties; amending K.S.A. 80-1919 and repealing the existing section.

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

Section 1. K.S.A. 80-1919 is hereby amended to read as follows: 80-1919. The provisions of this act shall apply only to townships which are located in *Barton, Crawford, Douglas, Geary, Leavenworth, Lyon, Montgomery, Reno, Riley and Saline counties having a population of not less than twenty-nine thousand (29,000) nor more than sixty-five thousand (65,000) in which there is located a city of the first class*, but the provisions of this act shall not apply to any such township unless and until a petition is presented to the township board, signed by not less than ~~fifty-one percent (51%)~~ 51% of the qualified electors of such ~~the township~~ as determined by the vote for secretary of state at the last preceding election. As used in this act, the phrase "township board" means the township trustee, township clerk, and the township treasurer acting as a board.

Sec. 2. K.S.A. 80-1919 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 24, 1982.

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

Passed the HOUSE March 23, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 2, 1982.

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 2nd day of April, 1982.

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 8, 1982.)

## SENATE BILL No. 857

AN ACT concerning the waterworks board in Leavenworth, Kansas; amending K.S.A. 13-2414 and repealing the existing section.

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

Section 1. K.S.A. 13-2414 is hereby amended to read as follows: 13-2414. This act shall apply to ~~cities having a population of more than fifteen thousand and which have a United States military reservation adjacent thereto~~ the city of Leavenworth, Kansas.

New Sec. 2. (a) Any ordinance adopted by the city of Leavenworth prior to the effective date of this act which relates to the Leavenworth waterworks department established pursuant to K.S.A. 13-2414 *et seq.*, and amendments thereto, is hereby ratified and deemed valid.

(b) The election of the members of the Leavenworth waterworks board which was held on April 2, 1981, and the qualification of such members pursuant thereto are hereby ratified and deemed valid.

(c) Any agreement entered into by the Leavenworth waterworks board, all rules and regulations adopted by such board and

any other action taken by the board prior to the effective date of this act are hereby ratified and deemed valid.

Sec. 3. K.S.A. 13-2414 is 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 SENATE, and passed that body March 9, 1982.

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

Passed the HOUSE March 23, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 2, 1982.

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 2nd day of April, 1982.

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 8, 1982.)

## HOUSE BILL No. 2617

AN ACT concerning a state higher education loan program as defined therein; relating to the provision and financing thereof; amending K.S.A. 72-7407 and repealing the existing section.

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

Section 1. K.S.A. 72-7407 is hereby amended to read as follows: 72-7407. (a) All revenue bonds, and all interest paid to holders thereof, issued by a qualified nonprofit corporation for the purpose of providing a ~~student higher education loan program~~ in Kansas shall be exempt from taxation of every kind by the state of Kansas and by any taxing subdivision thereof.

(b) A "qualified nonprofit corporation" for purposes of this act shall mean a nonprofit corporation organized under the laws of the state of Kansas which is:

(1) Approved as the single nonprofit corporation providing a statewide student loan program under the federal guaranteed student loan program pursuant to the applicable provisions of the Higher Education Act of 1965, as amended; and

(2) a nonprofit corporation qualified to issue tax exempt bonds for student loans pursuant to the applicable provisions of section 103 of the Internal Revenue Code of 1954, as amended.

(b) As used in this act:

(1) "Higher education loan program" means a program which is provided for the purpose of making loans available to students and to parents of students and which is operated under applicable federal loan programs established pursuant to the provisions of the Higher Education Act of 1965, as amended; and

(2) "qualified nonprofit corporation" means a nonprofit corporation organized under the laws of the state of Kansas which is approved as the single nonprofit corporation providing a statewide higher education loan program and which is authorized to issue obligations which are exempt from federal income taxation.

Sec. 2. K.S.A. 72-7407 is hereby repealed.

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

(continued)

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 18, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 24, 1982.

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

APPROVED April 2, 1982.

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 2nd day of April, 1982.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 8, 1982.)

SENATE BILL No. 764

AN ACT concerning the distribution of certain funds by the county treasurer; amending K.S.A. 72-8204b and K.S.A. 1981 Supp. 12-1678a and repealing the existing sections.

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

Section 1. K.S.A. 1981 Supp. 12-1678a is hereby amended to read as follows: 12-1678a. (a) For the purposes of this section, taxes shall include ad valorem property taxes, intangibles property taxes, special assessments and all other taxes and fees collected with or at the same time as ad valorem property taxes.

(b) The board of county commissioners of any county may invest the undistributed taxes of any taxing subdivision in the hands possession of the county treasurer pursuant to the provisions of this section. The moneys shall be invested pursuant to K.S.A. 1980 1981 Supp. 12-1675 and 12-1676, and any amendments thereto.

(c) Effective January 1, 1982, The county treasurer shall distribute the taxes collected for the several taxing subdivisions within or partially within the county as follows:

(1) On or before the 20th day of January and 20, July 20 and the 31st day of October 31, the actual or estimated amount collected for and owed to such taxing subdivision, and on or before the last business day before March 5, May 20 and September 5, not less than 95% of the actual or estimated amount collected for and owed to such taxing subdivisions. No payments of any interest earned on the investment of such tax collections shall be paid to such taxing subdivisions.

(2) To those taxing subdivisions which request special payment in advance of the dates provided by subsection paragraph (1) of this section subsection, in order to meet the fiscal needs of the taxing subdivisions as certified by the chief financial officer or governing body thereof, as follows: The amount so requested, but not to exceed the amount actually collected for and owed to such taxing subdivision.

(d) Prior to the effective date of this act, all interest earned by the county from taxes held for the state or other taxing subdivisions shall be paid to the county general fund, unless the board of county commissioners has provided, prior to the effective date of this act, for the distribution of some or all such interest earnings to the several taxing subdivisions.

(e) The board of county commissioners and the governing body of any taxing subdivision within or partially within the county may enter into agreements providing for the distribution of taxes and any interest earnings thereon in a manner alternative to the methods herein provided, and any such agreements now in

existence shall not be deemed to be invalidated by this enactment.

(f) (e) All moneys received by the county as interest upon the investment of undistributed taxes, and not paid to taxing subdivisions as provided or authorized shall be retained by the county treasurer and shall be paid into the general fund of the county.

Sec. 2. K.S.A. 72-8204b is hereby amended to read as follows: 72-8204b. Whenever any school district in this state lies partly within two or more counties, it shall be the duty of the treasurer of the county, or counties, which are not the home county of the school district, to transfer distribute to the treasurer of the home county of the school district before the fifteenth day of January, fifteenth day of July, and the twentieth day of September of each year, all moneys in his hands such treasurer's possession belonging to such school district, including all moneys for the payment of bonds or interest on bonds of said district in the manner provided for the distribution of taxes pursuant to K.S.A. 1981 Supp. 12-1678a and amendments thereto. The county treasurer of the home county of the school district upon receiving such money shall issue receipts in triplicate therefor, which shall be distributed as follows a receipt to each of the following: One to The county treasurer sending such money, one to and the county clerk of the county sending such money, and one to the county treasurer and the county clerk of the home county of the school district. The county clerk of the county sending such money, upon receiving such a receipt, shall notify his the board of county commissioners thereof of such county, and it shall give the county treasurer proper credit therefor.

Sec. 3. K.S.A. 72-8204b and K.S.A. 1981 Supp. 12-1678a 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 SENATE, and passed that body March 4, 1982.

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

Passed the HOUSE March 25, 1982.

WENDELL LADY  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED April 5, 1982.

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 5th day of April, 1982.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER April 8, 1982.)

## SENATE BILL No. 622

AN ACT amending the state water plan storage act; concerning contracts for withdrawal and use; amending K.S.A. 82a-1307 and repealing the existing section.

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

Section 1. K.S.A. 82a-1307 is hereby amended to read as follows: 82a-1307. (a) The term of any contract under K.S.A. 82a-1305 may begin on the date of execution of the contract or upon any date not later than two years after the date of execution as agreed upon by the parties and stated in the contract document. Except as provided in paragraph (b), on the first day of each regular legislative session, the ~~board~~ *Kansas water office* shall transmit to the house of representatives and the senate of this state, and to the secretary of state, copies of each contract made and executed under K.S.A. 82a-1305 since the day preceding the first day of the regular legislative session occurring most recently prior to such transmission. Such contract copies transmitted to the secretary of state shall be and remain filed in the office of the secretary of state from the date transmitted until the end of the fifth year following the end of the term thereof, and during such time shall be available for public inspection during regular business hours. At any time during the first ~~sixty (60)~~ 60 calendar days of the regular legislative session when a contract is transmitted as provided in this section, the legislature may disapprove and revoke such contract by adoption of a concurrent resolution so providing. No contract under K.S.A. 82a-1305 shall be subject to revocation by the legislature after the ~~sixtieth~~ 60th calendar day of such regular legislative session, except as provided in paragraph (b). Any annual installment or other amount due prior to the January 1 immediately preceding the legislative session when a contract is revoked shall be a valid obligation and shall be paid, but no annual installment or other amount due on or after such January 1 shall be valid.

(b) At any time not later than five days after the effective date of this act, the ~~board~~ *Kansas water office* shall transmit to the house of representatives and to the senate, and to the secretary of state, copies of each contract made and executed after the ~~effective date of this act~~ *convening of the 1982 regular session of the Kansas legislature*. Notwithstanding any provisions to the contrary in paragraph (a), the ~~1976~~ 1982 regular session of the legislature may within ~~twenty~~ 20 days after the effective date of this act disapprove and revoke any contract filed by the ~~board~~ *Kansas water office* after the effective date of this act by adoption of a concurrent resolution so providing. Except as provided in this paragraph (b) the provisions of paragraph (a) and the act of which it is a part shall apply to any contract filed under this paragraph.

Sec. 2. K.S.A. 82a-1307 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 10, 1982.

SENATE concurred in HOUSE amendments April 2, 1982.

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

Passed the HOUSE as amended April 1, 1982.

WENDELL LADY  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 6, 1981.

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 6th day of April, 1982.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

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