

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 1, No. 33

August 19, 1982

Pages 911-936

<i>IN THIS ISSUE</i>	<i>Page</i>
<i>Legislative Interim Committee Schedule</i>	912
✓ <i>Kansas Fish and Game Commission</i>	
<i>Notice of Meeting</i>	913
✓ <i>Kansas Public Disclosure Commission</i>	
<i>Notice of Meeting</i>	913
✓ <i>Kansas Department of Transportation</i>	
<i>Request for Bids</i>	913
✓ <i>Secretary of State</i>	
<i>Public Disclosure Commission Opinion No. 82-17</i>	913
<i>Social and Rehabilitation Services</i>	
✓ <i>Request for Proposals</i>	914
✓ <i>Notice of Hearing on Proposed Regulation</i>	914
✓ <i>Kansas Water Authority</i>	
<i>Notice of Meeting</i>	914
<i>Notice to Bidders for State Purchases</i>	915
<i>Notices of Bond Sales</i>	
<i>City of Carbondale</i>	917
<i>City of Garden City</i>	918
<i>County of Reno</i>	919
<i>County of Jefferson</i>	920
✓ <i>State Corporation Commission</i>	
<i>Notice of Motor Carrier Hearings</i>	921
<i>New Temporary Administrative Regulations</i>	
✓ <i>Commissioner of Insurance</i>	925
✓ <i>Department of Corrections</i>	926

State of Kansas

LEGISLATURE

INTERIM AGENDA

Following is a listing of meetings which are scheduled for the period of August 23 through September 3, 1982. All meetings are to be held in the Statehouse in Topeka unless otherwise indicated.

DATE	ROOM	TIME	COMMITTEE	AGENDA
August 23	123-S	10:00 A.M.	Joint Committee on Administrative Rules and Regulations	Conclude review of the Department of Administration's rules and regulations (Division of Accounts and Reports.)
August 24	123-S	9:00 A.M.		
August 23	Kansas	10:00 A.M.	Social and Rehabilitation Services Review Commission	Rainbow Mental Health Facility.
August 24	City	9:00 A.M.		Johnson County and Wyandotte County SRS offices.
August 25	531-N	9:30 A.M.	Special Committee on Hospital Laws	Hearings on county hospital bill draft.
August 26	531-N	9:00 A.M.		
Sept. 2	527-S	1:00 P.M.	Legislative Budget Committee	Proposal 20—State pay plan and general fund receipts.
Sept. 2	519-S	10:00 A.M.	Special Committee on Assessment and Taxation	1st Day: Conferees on Proposals 2 and 5.
Sept. 3	519-S	9:00 A.M.		2nd Day: Conferees on Proposal 6.
Sept. 2	531-N	10:00 A.M.	Special Committee on Data Processing	Agenda unavailable.
Sept. 3	531-N	9:00 A.M.		
Sept. 3		9:00 A.M.	State Finance Council	Agenda unavailable.
Sept. 3	527-S	9:30 A.M.	Legislative Coordinating Council	Legislative matters.
Sept. 3	123-S		Legislative Post Audit	Agenda unavailable.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 000554

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1981 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

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

© Secretary of State of the State of Kansas 1982. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature, and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

FISH AND GAME COMMISSION**OPEN MEETING NOTICE**

A meeting of the Kansas Fish and Game Commission is scheduled for Tuesday, August 24 (1:00 p.m.) and Wednesday, August 25 (9:00 a.m.), at the Commission Headquarters in Pratt. The 1984 fiscal year budget, proposed regulations, and other business matters will be discussed.

RON HOPKINS, Chairman

Doc. No. 000542

State of Kansas

**KANSAS PUBLIC
DISCLOSURE COMMISSION****NOTICE OF COMMISSION MEETING**

The Kansas Public Disclosure Commission will hold its monthly meeting on Wednesday, August 25, 1982, 109 West 9th, Topeka, Kansas, Room 504, at 10:00 a.m. For a copy of the meeting agenda call 913-296-4219.

CAROL E. WILLIAMS
Commission's Administrative Assistant

Doc. No. 000547

State of Kansas

DEPARTMENT OF TRANSPORTATION**REQUEST FOR BIDS**

Sealed bids on DOT Quotation 6826 for the Sale of Equipment, Traffic Cones, Junk Tires and Batteries, Miscellaneous Junk Scrap Iron, Metals and Steel Signs located in the following Department of Transportation District Yards: Topeka, Kansas; Salina, Kansas; Norton, Kansas; Chanute, Kansas and Garden City, Kansas, will be received until 10:00 A.M., Thursday, September 9, 1982.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, Kansas; J. D. Jones, District Engineer, Topeka, Kansas; R. L. Anderson, District Engineer, Salina, Kansas; E. L. Olson, District Engineer, Norton, Kansas; D. E. Kimbell, District Engineer, Chanute, Kansas and E. D. Crockett, District Engineer, Garden City, Kansas.

JOHN B. KEMP
Secretary

Doc. No. 000545

State of Kansas

SECRETARY OF STATE**KANSAS PUBLIC
DISCLOSURE COMMISSION****Advisory Opinion No. 82-17**

Written July 22, 1982 to Ms. Donita Ragan Buck, 219 South Anderson, P.O. Box 103, Kechi, Kansas 67067.

This opinion is in response to your letter received in our office on June 13, 1982, in which you request an opinion from the Kansas Public Disclosure Commission.

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

We understand you to request this opinion in your capacity as a Secretary III at Wichita State University. You advise us that one-and-one-half to two years ago you typed and did some research at the direction of your supervisor on a book written by your supervisor about an artist. Upon completion of the book you indicate that you received quite unexpectedly two prints from the artist thanking you for your work on the book. You also received a complimentary copy of the book from your supervisor. You would estimate the value of the prints at \$300.00 each and the book at \$85.00.

You ask whether you may permanently accept these gifts or whether you should donate them elsewhere or return them to the givers.

As we understand the situation, you were unaware that the gifts would be received prior to their receipt and, therefore, the gifts played no role in the performance of your official duties. In addition, as we understand the situation, you are not in a position to exercise discretion concerning any interactions between the artist and the State of Kansas. On these assumptions it is our opinion under K.S.A. 46-215 *et seq.*, that you may accept the gifts you have described.

RICHARD DIETZ, Chairman
By direction of the Commission

Filed with the Secretary of State July 28, 1982

Doc. No. 000539

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**HALFWAY HOUSE AND TRANSITIONAL
 LIVING PROGRAM SOLICITATION**

SRS is currently soliciting proposals for a community based halfway house and transitional living program for youths from Wyandotte, Leavenworth and Johnson Counties who are leaving the Youth Centers.

The purpose is to establish a program to assist youths in making a successful re-entry into community living through training in social and work skills and assisting them in obtaining employment.

SRS has available \$175,000 in Juvenile Justice and Delinquency Prevention funds for one project of one year's duration.

Applications will be accepted until 5:00 P.M. Friday, September 10, 1982. A pre-bid conference will be held on Wednesday, August 25, 1982. Request for Proposal (RFP) packages for application are available upon request from:

James Wann, Manager
 Kansas City Area Office
 II Gateway Center
 Kansas City, KS 66101

or

Mike VanLandingham, Manager
 Olathe Area Office
 One Patrons Plaza
 Olathe, KS 66061

ROBERT BARNUM
 Commissioner of Youth Services

Doc. No. 000551

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF HEARING ON PROPOSED
 TEMPORARY ADMINISTRATIVE REGULATION**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on September 7, 1982, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- FY 1983 budget update.
- Ideas related to 1983 Legislative Session.
- Public hearing concerning the adoption on a temporary basis of proposed administrative regulation 30-2-16 (to become effective October 1, 1982). A summary of the proposed regulation (including fiscal impact) is set forth below.

30-2-16. Permanency planning goals for title IV-E of the federal social security act. The Secretary is proposing the promulgation of a new regulation to set forth the agency's permanency planning goal for federal fiscal year 1984. The agency plans to have no more than 550 children who have been in foster care place-

ments in excess of 24 consecutive months receiving federal funding during the course of the year. Further, the regulation sets forth the steps to be utilized by the agency to achieve the above-stated goal. (Federal Mandate)

Fiscal Impact: The adoption of the proposed regulation will preclude the federal government from withholding approximately \$4,864,000 which the agency would otherwise receive under titles IV-B and IV-E of the federal social security act for federal fiscal year 1984.

A copy of the proposed regulation may be obtained prior to the above mentioned hearing by contacting Mrs. Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969. Written comments submitted prior to the hearing should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulation. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three (3) minutes.

—Adoption of proposed temporary administrative regulation 30-2-16.

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

ROBERT C. HARDER
 Secretary
 Social and Rehabilitation Services

Doc. No. 000550

State of Kansas
KANSAS WATER AUTHORITY

OPEN MEETING NOTICE

The August meeting of the Kansas Water Authority is scheduled at 9:30 a.m., August 27, 1982, at the Park Hotel, East Chalet Meeting Room, located on West Kellogg adjacent to the Airport, Wichita, Kansas. General business matters will be discussed. Committee meetings may be convened at 2 p.m., August 26, 1982, at the Park Hotel.

PATRICK J. REGAN, Chairman

Doc. No. 000548

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., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, AUGUST 30, 1982

#25284

Statewide—COMPUTER OUTPUT MICROFICHE

#25285

Social and Rehabilitation Services, Topeka—MICROFICHE, LASER PRINTING AND MAILING SERVICES

#25291

Statewide—TYPEWRITERS

#51247

University of Kansas Medical Center, Kansas City—17 CHANNEL ELECTROENCEPHALOGRAPH

#51248

Kansas Technical Institute, Salina—MICROCOMPUTER SYSTEMS

#51249

University of Kansas Medical Center, Kansas City—PH/BLOOD GAS ANALYZER SYSTEM

#51251

Wichita State University, Wichita—BUILDING MATERIALS

#51252

Department of Administration, Division of Information and Computing, Topeka—SOFTWARE

#51254

University of Kansas Medical Center, Kansas City—E-6 FILM PROCESSOR

#51255

Kansas Correctional Industries, Lansing—STEEL SHEETS

#51256

Adjutant General's Department, Topeka—LABOR-MATERIALS TO INSTALL CURBING AND LATERAL FIELD, for the Organizational Maintenance Shop No. 11, Municipal Airport, Manhattan

#51295

Kansas State Penitentiary, Lansing—STEEL BUNK BEDS

#51300

Kansas Highway Patrol, Topeka—35MM CAMERAS

#51314

Kansas Highway Patrol, Topeka—PROJECTORS

#51325

Adjutant General's Department, Topeka—LABOR-MATERIAL TO CONSTRUCT ADMINISTRATIVE SPACE, for Ks. National Guard Arsenal, Topeka

#A-4441

Kansas State Historical Society, Topeka—SHELVING INSTALLATION, in KSHS Warehouse

TUESDAY, AUGUST 31, 1982

#25136

University of Kansas Medical Center, Kansas City—HOME DIALYSIS KITS AND IN-HOUSE DIALYSIS SUPPLIES

#25279

Kansas Correctional Industries, Lansing—ONE GALLON POLYETHYLENE CONTAINERS

#25280

Department of Transportation, Topeka—MAINTENANCE OF HIGHWAY LIGHTING, in Shawnee County

#25281

Statewide—CEREALS

#25286

Kansas State Agencies—LIQUID BLEACH

#51260

Department of Health and Environment, Topeka—SNAP-OUT FORMS WITH SPECIAL FILTER PAPER

#51262

University of Kansas, Lawrence—LOCKS AND LOCKING DEVICES

#51263

University of Kansas, Lawrence—ICE MAKERS

#51265

Wichita State University, Wichita—BASSOON

#51266

Kansas State University, Manhattan—FEED

#51267

Kansas State University, Manhattan—FEED

#51270

Kansas State University, Manhattan—FERTILIZER, for Fort Hays Experiment Station, Hays

#51271

University of Kansas, Lawrence—DETERGENT FOR DISHES, POTS AND PANS AND RINSE ADDITIVES

#51272

University of Kansas, Lawrence—CONNECTORS

#51278

Department of Human Resources, Topeka—CONTINUOUS FORMS—125 LB. WHITE TAG FILE FOLDERS

#A-4304

Norton State Hospital, Norton—UTILITY TUNNEL REPAIR

#A-4327

Kansas Industrial Reformatory, Hutchinson—FIRE SAFETY SUPPORT SYSTEMS

#A-4496

Fort Hays State University, Hays—UNION PARKING LOT ADDITION (Revised for 1st Rebid)

WEDNESDAY, SEPTEMBER 1, 1982

#25282

Statewide—CANNED GOODS

#25287

Kansas State University, Manhattan—BALED WOOD SHAVINGS

#51281

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

(continued)

#51282

Kansas State Industrial Reformatory, Hutchinson—
MEAT PRODUCTS

#51285

University of Kansas, Lawrence—FLUORESCENT
LAMPS

#51286

University of Kansas, Lawrence—BLUEGRASS
NURSERY GROWN SOD

#51288

University of Kansas, Lawrence—GAS CHROMA-
TOGRAPH

#51289

University of Kansas Medical Center, Kansas City—
RESEARCH MICROSCOPE

#51290

Department of Revenue, Topeka—SNAP-OUT
FORMS—"TEMPORARY REGISTRATION PER-
MITS"

#51291

Department of Revenue, Topeka—CONTINUOUS
TAB CARDS—GRAIN LONG

#51292

University of Kansas, Lawrence—ELECTRICAL
SUPPLIES

#51293

University of Kansas, Lawrence—REPAIR AIR
CONDITIONER

#51294

University of Kansas, Lawrence—TRANSFORMER

#51296

Kansas State Industrial Reformatory, Hutchinson—
AMMO

#A-4324(a)

Rainbow Mental Health Facility, Kansas City—
LANDSCAPE IMPROVEMENTS

#A-4343

Topeka State Hospital, Topeka—REROOF BID-
DLE, Perry and Topeka Area Offices

THURSDAY, SEPTEMBER 2, 1982

#25293

University of Kansas, Lawrence—OCTOBER (1982)
MEAT PRODUCTS

#51301

Judicial Council, Topeka—PRINTED BINDERS

#51302

University of Kansas Medical Center, Kansas City—
UPGRADE EXISTING CT8800 to CT9800

#51305

Pittsburg State University, Pittsburg—BOILER IN-
SPECTION AND REPAIR

#51306

Kansas State Industrial Reformatory, Hutchinson—
MOBIL TRANSCEIVERS

#51307

Social and Rehabilitation Services, Topeka—WIRE
MAT INSULATORS, for Kansas Industries for the
Blind, Kansas City

#51310

Pittsburg State University, Pittsburg—LOUNGE
FURNITURE

#51311

Kansas State Industrial Reformatory, Hutchinson—
VIDEO EQUIPMENT

FRIDAY, SEPTEMBER 3, 1982

#51312

Department of Administration, Buildings and
Grounds Services, Topeka—BOILER FEEDWATER
SYSTEMS

#51316

Kansas State Park and Resources Authority, To-
peka—AB-3 AGGREGATE, for Wilson State Park

#51317

Kansas State Park and Resources Authority, To-
peka—AB-3 AGGREGATE, for Fall River, and
Toronto State Parks

#51321

Kansas State University, Manhattan—FERTILIZER

#51322

Kansas State Penitentiary, Lansing—BLANKETS

#51326

Kansas State University, Manhattan—GAS CHRO-
MATOGRAPH

#51327

University of Kansas, Lawrence—LABORATORY-
FREEZER

#51328

University of Kansas Medical Center, Kansas City—
MODULAR TRANSDUCER CONTROL SYSTEMS

TUESDAY, SEPTEMBER 7, 1982

#25294

University of Kansas Medical Center, Kansas City—
PLASTIC LAMINATE, WALL COVERINGS AND
WALL PROTECTORS

#25295

Kansas Correctional Industries, Lansing—TOWEL-
ING

#25296

University of Kansas Medical Center, Kansas City
and University of Kansas, Lawrence—POLICE OF-
FICERS' UNIFORMS

#51313

Department of Social and Rehabilitation Services
(Mental Health), Topeka—MICRO PROCESSING
EQUIPMENT

#51318

Department of Social and Rehabilitation Services
(Mental Health), Topeka—CARD READER AND
SOFTWARE

WEDNESDAY, SEPTEMBER 22, 1982

#25283

Department of Transportation, Topeka—AUTOMO-
BILE LIABILITY INSURANCE

JAMES I. TOLBERT
Division of Purchases

Doc. No. 000549

(Published in the KANSAS REGISTER, August 19, 1982.)

**NOTICE OF BOND SALE
CITY OF CARBONDALE, KANSAS
\$300,000 GENERAL OBLIGATION BONDS
SERIES 1982-A (MEDICAL CLINIC)**

The City of Carbondale, Kansas, will receive bids for the sale of \$300,000 General Obligation Bonds, Series 1982-A (Medical Clinic), dated September 1, 1982. Bids will be received at the office of the City Clerk, City Hall, Carbondale, Kansas, until 7:30 P.M., C.D.T., August 24, 1982.

Bonds will be in the denomination of \$5,000 and will mature as follows:

NUMBER	MATURITY	AMOUNT
1- 3	September 1, 1984	\$15,000
4- 6	September 1, 1985	15,000
7- 9	September 1, 1986	15,000
10-12	September 1, 1987	15,000
13-15	September 1, 1988	15,000
16-19	September 1, 1989	20,000
20-23	September 1, 1990	20,000
24-27	September 1, 1991	20,000
28-31	September 1, 1992	20,000
32-35	September 1, 1993	20,000
36-40	September 1, 1994	25,000
41-45	September 1, 1995	25,000
46-50	September 1, 1996	25,000
51-55	September 1, 1997	25,000
56-60	September 1, 1998	25,000

Bonds will bear interest at the rates to be determined when said bonds are sold as hereinafter provided and said interest will be payable on March 1, 1984 and semiannually thereafter on the first days of September and March of each year until said principal sum shall have been paid. Both principal of and interest on said bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in Topeka, Kansas.

The Series 1982-A Bonds maturing in the years 1990 to 1998, inclusive, may, at the option of the City, be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on September 1, 1989, or on any interest payment date thereafter at the redemption prices (expressed as percentages of principal amount) set out below, together with accrued interest thereon to date of redemption:

Redemption Dates (Inclusive)	Redemption Price
September 1, 1989 to August 31, 1990	104%
September 1, 1990 to August 31, 1991	103½%
September 1, 1991 to August 31, 1992	103%
September 1, 1992 to August 31, 1993	102½%
September 1, 1993 to August 31, 1994	102%
September 1, 1994 to August 31, 1995	101½%
September 1, 1995 to August 31, 1996	101%
September 1, 1996 to August 31, 1997	100½%
September 1 1997 and thereafter	100%

Bids will be received on bonds bearing such rates of interest as may be specified by the bidders subject to the following conditions: Not more than five different interest rates shall be specified. Interest rates shall be in a multiple of one-eighth or one-twentieth of one

percent and shall not exceed Kansas legal rate. No bid less than par and accrued interest will be considered.

Bids shall be sealed and accompanied by a cashier's or certified check on a bank located in the United States of America in the amount of two percent of the total par value of the bonds being sold, payable to the order of the City of Carbondale, Kansas. Each bidder must certify to the correctness of the computations. The award will be made on the basis of the lowest net interest cost to the City. The City of Carbondale, Kansas, reserves the right to reject any and all bids.

The purchase price, together with any premium and accrued interest from date of bonds to date of delivery, must be paid at delivery or bidding check will be forfeited.

All of said bonds will constitute General Obligations of the City payable both as to principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within said City.

The City of Carbondale, Kansas, will furnish the bonds, properly printed, without cost to the successful bidder, and said bonds will be subject to the approving opinion of NICHOLS AND WOLFE CHARTERED, Topeka, Kansas, whose final approving opinion will be furnished and paid for by the City and delivered with the bonds together with a certified copy of the transcript of proceedings authorizing said bonds.

The City is requesting CUSIP identification numbers be printed on the Series 1982-A Bonds, neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Series 1982-A Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the City; provided, however, that CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

Bonds will be delivered no later than sixty (60) days from the date of sale at any bank in Topeka, Wichita or Kansas City, Missouri, at the expense of the City, or the successful purchaser may designate another place for delivery, the expense of which will be paid by the purchaser.

The assessed valuation of the City of Carbondale, Kansas, for 1981 is \$1,796,578. The total general obligation bonded indebtedness of Carbondale, Kansas as of the date of the Bonds being sold, including the Bonds being sold, is \$426,000. The City also has outstanding \$487,000 Revenue Bonds and a \$30,000 Temporary Note, which note shall be retired out of the proceeds of the Bonds herein offered for sale.

MARY BUCHHOLZ
City Clerk

Doc. No. 000540

(Published in the KANSAS REGISTER, August 19, 1982.)

NOTICE OF BOND SALE
\$2,000,000.00
GENERAL OBLIGATION BONDS
OF THE
CITY OF GARDEN CITY, KANSAS

The CITY OF GARDEN CITY, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY ADMINISTRATION BUILDING, 301 NORTH EIGHTH STREET, GARDEN CITY, KANSAS, until 2:00 o'clock P.M., C.D.T., on

WEDNESDAY, SEPTEMBER 1, 1982

for \$2,000,000.00 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$200,000	November 1, 1983
200,000	November 1, 1984
200,000	November 1, 1985
200,000	November 1, 1986
200,000	November 1, 1987
200,000	November 1, 1988
200,000	November 1, 1989
200,000	November 1, 1990
200,000	November 1, 1991
200,000	November 1, 1992

Interest on the Bonds will first be payable on May 1, 1983, and thereafter semiannually on the first days of November 1 and May 1 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 three percent (3%). No interest rate shall exceed the maximum rate allowed by Kansas Law; said maximum rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published on the Monday next preceding the day on which the Bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at the CITY ADMINISTRATION BUILDING, 301 NORTH EIGHTH STREET, GARDEN

CITY, KANSAS 67846, ATTENTION: TIM KNOLL, 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 GARDEN CITY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned 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. Delivery of the Bonds will be made to the successful bidder on or about October 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 nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefitted property; but any portion of said specially assessed part not so paid and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of paying the cost of internal improvements in the City of Garden City, Kansas not paid in cash by property owners within the time provided by law.

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

(continued)

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

Equalized Assessed Valuation of Taxable, Tangible Property	\$58,425,504
Tangible Valuation of Motor Vehicles	\$10,234,857
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 1,091,635
Equalized Assessed Tangible Valuation for Computation of Bonded Debt	\$69,751,996

The total general obligation bonded indebtedness of the City of Garden City, Kansas, including this issue of Bonds, is \$8,140,000. The City of Garden City, Kansas has Temporary Improvement Notes outstanding in the amount of \$4,294,592.13, of which there will be paid from the proceeds of the Bonds described herein, or otherwise cancelled, the amount of \$2,901,637.13.

The First Securities Company of Kansas, Inc., is acting as financial consultant and may be contacted at One Main Place, Suite 200, P.O. Box 1321, Wichita, Kansas 67201, telephone (316) 262-4411, for additional information regarding these Bonds.

DATED this 4th day of August, 1982.

TIM KNOLL
City Clerk
Garden City, Kansas

Doc. No. 000544

(Published in the KANSAS REGISTER, August 19, 1982.)

NOTICE OF BOND SALE
\$2,529,196.84
GENERAL OBLIGATION BONDS
OF
RENO COUNTY, KANSAS

The County of Reno, Kansas will receive sealed bids at the OFFICE OF THE COUNTY CLERK, 206 WEST FIRST STREET, HUTCHINSON, KANSAS, until 10 o'clock A.M., C.D.T., on

Wednesday, August 25, 1982

for \$2,529,196.84 par value GENERAL OBLIGATION BONDS of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

Details of the Bonds

All of the Bonds will be negotiable coupon Bonds in denominations of \$5,000.00 each, except Bond No. 1 which shall be in the denomination of \$4,196.84, dated September 1, 1982, and mature serially on September 1 in the years as follows.

Year	Principal
1984	\$ 84,196.84
1985	\$ 95,000.00
1986	\$105,000.00
1987	\$120,000.00
1988	\$130,000.00
1989	\$145,000.00
1990	\$160,000.00
1991	\$175,000.00

1992	\$195,000.00
1993	\$215,000.00
1994	\$235,000.00
1995	\$260,000.00
1996	\$290,000.00
1997	\$320,000.00

The Bonds will bear interest at rates to be determined when sold as hereinafter provided, and said interest will be payable semiannually on the 1st day of March and September of each year, beginning September 1, 1983. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the State Treasurer in the City of Topeka, Kansas.

Conditions of Bid

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: Not more than five (5) different interest rates shall be specified and the same rate shall apply to all Bonds of the same maturity. The repetition of an interest rate shall not constitute one of said maximum number of rates. Each interest rate specified shall be a multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). No interest rate shall exceed the maximum permitted by law, and the difference between the highest rate specified and the lowest rate specified shall not exceed two percent (2%). No bid of less than par and accrued interest, and no bid of less than all the Bonds, will be considered.

Tax Exemption

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.

Basis of Award

Each bid shall specify the total interest cost, the premium, if any, offered by the bidder, the net interest cost, the average annual interest rate, and the total principal and net interest cost. The net interest cost to the County shall be determined by subtracting the amount of premium, if any, from the total interest cost, which shall be stated as a dollar amount in the bid. The County shall be entitled to rely upon such dollar amount as stated in the bid as the basis for determining the lowest net interest cost. The bid will be awarded to the best bid, considering the lowest total principal cost and the lowest net interest cost to the County. The County reserves the right to waive irregularities and reject any and/or all bids.

Legal Opinion

The Bonds, properly prepared and executed, will be furnished by the County without cost to the successful bidder, and the Bonds will be sold subject to the legal approving opinion of NICHOLS AND WOLFE CHARTERED, Bond Counsel, Topeka, Kansas, whose final unqualified, approving opinion will be furnished and paid for by the County and will both be printed on

(continued)

the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity.

CUSIP Numbers

At the request of the purchaser, CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the County.

Delivery

Immediately following the sale of the Bonds, the County will proceed promptly to have the Bonds prepared and executed and will deliver the Bonds to the successful bidder within sixty (60) days after the date of the sale at any bank in the State of Kansas as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder.

Good Faith Deposit

Bids shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of two percent (2%) of the principal amount of bonds to be issued payable to the Treasurer, Reno County, Kansas. The check of the successful bidder will be cashed and proceeds thereof will be held as security for the performance of his contract to purchase the Bonds. In the event that the successful bidder shall fail to carry out his contract of purchase, the amount of said deposit shall be retained by the County as liquidated damages. No interest will be paid on the deposit made by the successful bidder. The checks of unsuccessful bidders will be returned promptly.

All bids will be opened and read at a regular meeting of the Board of County Commissioners on Wednesday, August 25, 1982 at 10 o'clock A.M., Central Daylight Time, and at said meeting the Board of County Commissioners will act on the bids received.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to the County at 206 WEST FIRST STREET, HUTCHINSON, KANSAS 67501, ATTENTION: GLENIS HELDENBRAND, COUNTY CLERK, and shall be plainly marked BOND BID, and must be received by the County Clerk prior to 10 o'clock A.M., C.D.T., on Wednesday, August 25, 1982.

Estimated assessed valuation figures of Reno County, Kansas, for the year 1981, are as follows:

Equalized assessed valuation of taxable, tangible property	\$242,796,012
Assessed tangible valuation of motor vehicles	\$ 35,351,564

Equalized tangible valuation for computation of bonded indebtedness limitations \$278,147,576

Application of Bond Proceeds

The total bonded indebtedness of the County at the date hereof, including this proposed issue of Bonds in the amount of \$2,529,196.84, is in the amount of \$5,050,896.84. The County also has Temporary Notes outstanding in the total principal amount of \$2,943,679.52, \$2,431,327.29 of which shall be retired in part from proceeds of the Bonds, and in part from interest earned during the construction period.

Dated this 2nd day of August, 1982.

GLENIS HELDENBRAND
County Clerk
Reno County, Kansas

Doc. No. 000543

(Published in the KANSAS REGISTER, August 19, 1982.)

NOTICE OF BOND SALE
\$685,000.00
GENERAL OBLIGATION BRIDGE BONDS
SERIES A-1982
JEFFERSON COUNTY
STATE OF KANSAS

Written sealed bids will be received by Jefferson County, State of Kansas, at 11:00 A.M. local time on August 24, 1982 at the office of the board of County Commissioners of Jefferson County for the sale of \$685,000.00 in principal amount of General Obligation Bridge Bonds, Series A-1982 of the County, at which time and place said bids will be publicly opened.

No bid will be considered at a price less than par and interest accrued on the bonds to the date of the payment therefore by the purchaser.

The bonds will be dated September 1, 1982. The total par value of the issue is \$685,000.00. The bonds will be coupon bonds in denominations of \$5,000 each and will mature as follows:

Bond Nos.	Amount	Maturity September 1:
1- 11	\$55,000.00	1983
12- 29	\$90,000.00	1984
30- 47	\$90,000.00	1985
48- 65	\$90,000.00	1986
66- 83	\$90,000.00	1987
84-101	\$90,000.00	1988
102-119	\$90,000.00	1989
120-137	\$90,000.00	1990

Interest will become due and payable on the first day of March 1983, and thereafter on the first day of September and March in each year until paid. Both principal and interest on the bonds will be payable at the office of the State Treasurer in 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

(continued)

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 2%. No interest rate shall exceed the maximum rate therefore as prescribed 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.

Each bid shall specify the total interest cost of the County during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the total net interest cost and the average annual net interest cost to the County on the basis of such bid.

The County will rely upon the representation as to the total net interest cost in awarding the bonds to the successful bidder. The bonds will be sold to the highest and best bidder provided that the County reserves the right to reject any or all of the bids.

The bonds, printed, executed and registered will be furnished by the County and the bonds will be sold subject to the legal opinion of Cosgrove, Webb & Oman of Topeka, Kansas whose unqualified approving opinion will be furnished, and all services respecting the issue will be paid for by the County except as herein stated. The bonds will be delivered to the purchaser in the cities of Topeka or Wichita, Kansas or Kansas City, Missouri, at the County's expense, on or before October 8, 1982 and the successful bidder will be given notice of the delivery date.

The proceeds of the bonds will be used for the purpose of providing funds to repair, reconstruction and rebuilding of certain bridges in the County. The bonds will constitute the general obligations of the County payable from taxes levied upon all of the taxable tangible real and personal property in said County.

The assessed valuation of the County for the year 1982 is \$43,300,938.00. The present bonded indebtedness of the County is \$385,000.00.

A good faith deposit by cashier's or certified check in the amount of 2% of the total par value of the bonds shall accompany such bid; and in case a purchaser whose bid is accepted shall fail to carry out his contract of purchase, the deposit will be forfeited to the County.

Proposals should be made c/o Mrs. Alyce Riedesel, County Clerk, Jefferson County Court House, Oskaloosa, Kansas 66066.

Further information may be obtained from the County's financial advisor, Mr. John C. McArthur, Beecroft, Cole & Company, First National Bank Building, 6th and Kansas Avenue, Topeka, Kansas 66603.

CLIFFORD HOUK
Chairman, Board of County Commissioners
Jefferson County, State of Kansas
ALYCE RIEDESEL
County Clerk

State of Kansas

STATE CORPORATION COMMISSION

**NOTICE PERTAINING TO
MOTOR CARRIER HEARINGS
BEFORE THE**

STATE CORPORATION COMMISSION

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

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

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

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

The following applications are being renoticed from August 5, 1982 to September 7, 1982—TOPEKA, KANSAS

Application for Transfer of Certificate of Convenience and Necessity:

Arnold Graybill,) Docket No. 98,593 M
dba Graybill)
Route 1)
Elgin, NE 68638) Route No. 9951
TO:	

Stutterheim Trucking, Inc.
R. R. 2
Prairie View, Kansas 67664

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

Grain,

Between all points and places within Decatur, Norton, Phillips, Sheridan, Graham and Rooks County, Kansas; that portion of Smith County west of Kansas Highway 8 and U.S. Highway 281 and south of U.S. Highway 36; that portion of Osborne County west of U.S. Highway 281 and north of U.S. Highway 24; that portion of Ellis County west of U.S. Highway 183 and north of U.S. Interstate Highway 70/40; that portion of Trego County north of U.S. Interstate Highway 70/40; and that portion of Gove County north of U.S. Interstate Highway 70/40 and east of Kansas Highway 23.

Also,

Between all points and places within the above described territory, on the one hand, and all points and places in the State of Kansas, on the other hand.

(continued)

Applications set for September 7, 1982—TOPEKA, KANSAS

Application for Transfer of Certificate of Convenience and Necessity:

Arnold Graybill &) Docket No. 98,593 M
 Glaude L. Graybill, dba)
 A & G Graybill)
 Route 1)
 Elgin, NE 68636) Route No. 9951
 TO:
 Arnold Graybill, dba
 Graybill
 Route 1
 Elgin, NE 68636

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

Grain,

Between all points and places within Decatur, Norton, Phillips, Sheridan, Graham and Rooks County, Kansas; that portion of Smith County west of Kansas Highway 8 and U.S. Highway 281 and south of U.S. Highway 36; that portion of Osborne County west of U.S. Highway 281 and north of U.S. Highway 24; that portion of Ellis County west of U.S. Highway 183 and north of U.S. Interstate Highway 70/40; that portion of Trego County north of U.S. Interstate Highway 70/40; and that portion of Gove County north of U.S. Interstate Highway 70/40 and east of Kansas Highway 23.

Also,

Between all points and places within the above described territory, on the one hand, and all points and places in the State of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Stutterheim Trucking, Inc.) Docket No. 98,593 M
 RR 1)
 Prairie View, Kansas 67664) Route No. 9951

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

Livestock Feed, Feed Ingredients, Dry Fertilizer, Building Materials, Farm Machinery, Hay and Salt,

Between all points and places within Decatur, Norton, Phillips, Sheridan, Graham and Rooks County, Kansas; that portion of Smith County west of Kansas Highway 8 and U.S. Highway 281 and south of U.S. Highway 36; that portion of Osborne County west of U.S. Highway 281 and north of U.S. Highway 24; that portion of Ellis County west of U.S. Highway 183 and north of U.S. Interstate Highway 70/40; that portion of Trego County north of U.S. Interstate Highway 70/40; and that portion of Gove County north of U.S. Interstate Highway 70/40 and east of Kansas Highway 23.

Also,

Between all points and places, within the above described territory, on the one hand, and all points and places in the State of Kansas, on the other hand.

The Following is being renoticed from August 5, 1982 to September 21, 1982 at 1:30 p.m.—TOPEKA, KANSAS

Application for Contract Carrier Permit:

In the matter of the Amended Application of:

John C. Heffron, dba) Docket No. 133,083 M
 Heffrons Long Haul)
 102 South Cottonwood)
 Emporia, Kansas 66801)

Applicant's Attorney: R. E. Miller, 423 Commercial, Emporia, Kansas 66801.

Transportation of the Atchison, Topeka & Santa Fe Railway Co. engine and train crews,

Between all points and places in the State of Kansas.

Applications set for November 9, 1982—TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

Matador Service, Inc.) Docket No. 23,157 M
 P. O. Box 2256)
 Wichita, Kansas 67201) Route No. 1516

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

Anhydrous Ammonia and Liquid Fertilizer Solutions,

Between points in Reno County, KS, on the one hand, and points and places in the State of Kansas on the other hand.

Applications set for November 16 & 17, 1982—TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Liberty Transport, Inc.) Docket No. 134,502 M
 P. O. Box 9182)
 2501 Nicholson)
 Kansas City, MO)

Applicant's Attorney: Tom B. Kretsinger, 20 East Franklin, P. O. Box 258, Liberty, MO 64068

General Commodities:

Between points and places in Kansas.

(continued)

Application for Certificate of Convenience and Necessity:

Home Oil & Gas Corporation, dba Missouri Transports 915 Atchison St. Joseph, MO 64503) Docket No. 134,504 M

Applicant's Attorney: Tom B. Kretsinger, 20 East Franklin, P. O. Box 258, Liberty, MO 64068

Commodities in bulk,

Between all points in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Kansas City Piggyback, Inc. 3600 Great Midwest Drive Kansas City, MO 64161) Docket No. 122,524 M
Route No. 16459

Applicant's Attorney: Tom B. Kretsinger, 20 East Franklin, P. O. Box 258, Liberty, MO 64068

General Commodities,

Between points and places in Kansas.

Application set for November 18, 1982—TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

Billman's Mobile Home Service, Inc. Route #4 Parsons, Kansas 67357) Docket No. 103,624 M
Route No. 11090

Applicant's Attorney: W. Boyd Evans, Suite 600, 120 Building, 120 South Market, Wichita, Kansas 67202

House Trailers, Mobile Homes and Modular Homes, Assembled and Unassembled, and Parts or portions thereof;

Between all points and places in Butler, Cowley, Harvey, Sedgwick, Sumner, Lyon, Franklin, and Reno Counties.

Also,

Between all points and places in Butler, Cowley, Harvey, Sedgwick, Sumner, Lyon, Franklin, and Reno Counties, on the one hand, and all points and places in the State of Kansas on the other hand.

Application for Certificate of Convenience and Necessity:

Otis C. Schaffer 1510 St. John Garden City, KS 67846) Docket No. 134,503 M

Applicant's Attorney: None

Livestock and un-manufactured agricultural commodities:

Between all points and places in the State of Kansas.

Applications set for November 23, 1982—TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

Cooke Auto Salvage, Inc. Route 1 El Dorado, Kansas 67042) Docket No. 67,455 M
Route No. 6123

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

Wrecked and Disabled Vehicles,

Between all points and places within and on that area bounded on the south by the Oklahoma-Kansas State Line; on the west by U.S. Hwy. 81; on the north by U.S. Hwy. 50 and on the east by U.S. Hwy. 75 and, Also,

Between the above described territory on the one hand and points and places within Lyon, Osage, Douglas, Shawnee, Leavenworth, Wyandotte and Sumner Counties, KS. on the other.

Application for Certificate of Convenience and Necessity:

Paul G. Abram, dba Paul Abram Trucking and Abram Ready-Mix 915 E. 8th Beloit, Kansas 67420) Docket No. 134,505 M

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

Fly Ash,

Between points and places in Pottawatomie County, Kansas on the one hand, and points and places in the State of Kansas on the other hand.

Application for Certificate of Convenience and Necessity:

L. E. Troutman, dba L. E. Troutman Grain & Elevator Co. Route 1 Wellington, Kansas 67152) Docket No. 134,506 M

Applicant's Attorney: None

Processed and unprocessed farm feed,

Between all points and places in Kansas.

(continued)

Applications set for November 30, 1982—TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

VIA Express Delivery) Docket No: 122,490 M
Systems, Inc.)
7905 Madison)
P. O. Box 5444)
Kansas City, MO) Route No. 16229

Applicant's Attorney: John L. Richeson, Second & Main, P. O. Box 7, Ottawa, Kansas 66067

General Commodities, except those of unusual value, Class A & B explosives, household goods, commodities in bulk, commodities requiring special equipment, and commodities injurious to other lading, subject to the following restrictions:

- 1. No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment;
2. No service shall be rendered in vehicles weighing in excess of 6,000 pounds gross weight.

Between points and places in Wyandotte, Johnson, Douglas, Shawnee, Jefferson, Leavenworth and Atchison Counties, Kansas.

Application for Certificate of Convenience and Necessity:

Ron Hensley, dba) Docket No. 134,509 M
Hensley Trucking)
RR)
Ford, Kansas 67842)

Applicant's Attorney: None

Grain, feed, feed mill products and seed (both bulk & bag) and livestock,

Between Ford, Dodge City, Minneola, Bloom, Kingsdown, Bucklin, Mullinville, Jay, Greensburg, Centerview, Kinsley, Offerle, Bellefont, Spearville & Wright, Kansas.

Application for Certificate of Convenience and Necessity:

H. C., Inc.) Docket No. 134,507 M
500 W. Stolp)
Box 328)
Medicine Lodge,)
Kansas 67104)

Applicant's Attorney: Luke Chapin, Box 148, Medicine Lodge, Kansas 67104

Oilfield Supplies and oilfield equipment,

Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Barney Messersmith, dba) Docket No. 129,578 M
M & M)
423 Graham)
P. O. Box 833)
Emporia, Kansas 66801) Route No. 18332

Applicant's Attorney: John L. Richeson, Second & Main, P. O. Box 7, Ottawa, Kansas 66067

Food and related products,

Between all points and places in Kansas.

Applications set for December 2, 1982—TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Kenneth L. Pettibon) Docket No. 134,472 M
533 E. C Street)
Pomona, Kansas)

Applicant's Attorney: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka, Ave., Topeka, KS 66603

House trailers, mobile homes, buildings in sections on their own removable under carriages and pre-fabricated buildings in sections,

Between all points and places in the State of Kansas.

Application for Certificate of Convenience and Necessity:

Mid-Cities Motor) Docket No. 134,508 M
Freight, Inc.)
PO Box 25,)
Stockyards Station)
St. Joseph, Missouri)

Applicant's Attorney: Tom B. Kretsinger, 20 East Franklin, PO Box 258, Liberty, MO

General Commodities,

Between points in Kansas on and east of U.S. Hwy. 281.

Application for Transfer of Certificate of Convenience and Necessity:

Paul Hays,) Docket No. 57,662 M
dba H-5 Service Co.)
709 S. Broadway)
Planville, Kansas 67663) Route No. 5126

Crude Oil, Used in, and for Production, Processing, Treating, Salvage, Construction and for Lease Road Purposes, in Bulk, Fresh Water for Drilling purposes and Salt Water for Disposal Purpose*

(continued)

Between all points and places in the counties of Ellis, Rooks, Graham, Russell, Trego, Rush, Phillips, Osborne, Norton, Sheridan, Sherman, Thomas, Gove, Decatur, Rawlins, Cheyenne, Logan and Wallace.

Applications set for December 7, 1982—TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Bernard K. Freeman, dba) Docket No. 134,501 M
Freeman and Sons Trucking)
RR # 1, Box 148)
Lawrence, Kansas 66044)

Applicant's Attorney: Don Hults, PO Box 225, Lawrence National Bank Bldg., Lawrence, Kansas 66044

Grain, feed, hay and farm products and supplements,
Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Emporia Motor Freight, Inc.) Docket No. 56,841 M
PO Box 1103)
Emporia, Kansas 66801) Route No. 4980

Applicant's Attorney: John L. Richeson, Second & Main, PO Box 7, Ottawa, Kansas 66067

General Commodities, (except Classes A & B explosives),

Between all points and places in Kansas.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 000546

State of Kansas

COMMISSIONER OF INSURANCE

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board August 11, 1982. Will expire May 1, 1983.)

40-8-7. Excess line insurance; agents; submission of affidavit required. (a) The excess line agent who actually places business with a non-admitted insurer shall file the combined affidavit annual statement (forms ECA-B, and C). Other excess line agents shall file form ECA-C1. These forms shall be filed with the department on or before March 1st of each year for the contracts effected during the preceding calendar year.

The excess lines agent shall include the following with the affidavit:

(A) A full account of the gross premiums upon all policies written on risks placed between December 31, 1981 and July 1, 1982; and

(B) A tax remittance in the amount of 2% of the gross premiums included in the account developed pursuant to subparagraph (A);

(C) A full account of the gross premiums upon all policies written on risks placed on and after July 1, 1982; and

(D) A tax remittance in the amount of 4% of the gross premiums included in the account developed pursuant to subparagraph (C).

(2) Gross premium is the amount charged the insured for the insurance procured. When an audit or gross receipts contract requires a deposit premium, the amount collected during the calendar year either as a deposit or partial payment shall be reported on the affidavit-annual statement form as gross premium for that calendar year.

Gross premium shall not include the tax due on such premium nor shall that tax be charged to the insured unless specifically identified and provided for in the policy.

(3) When a policy is renewed or if an adjustment, addition, or reduction is made on a risk previously placed, the appropriate adjusting entry shall be made on form ECA-B.

(b) The commissioner shall collect double the amount of excess premium tax required by K.S.A. 40-246c if the excess lines agent fails to submit a statement and pay the premium tax as required by section (a) of this regulation. This section shall not apply:

(1) When the required statement and excess premium tax payment is submitted by mail on or before the 1st day of March of each year;

(2) When the required statement and the excess premium tax payment is received by the commissioner before the 1st day of January of each year and the statement and premium include all transactions of the excess coverage licensee during the year;

(3) When the required statement and excess premium tax payment is not received by the commissioner because no transactions contemplated by the statute occurred during the preceding year. (Authorized by K.S.A. 40-103; implementing 40-246b as amended by

(continued)

Sec. 1, H.B. No. 2789 (1982); 40-246c as amended by Sec. 2, H.B. No. 2789 (1982); New Sections 3 and 4, H.B. No. 2789 (1982); effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-76-29, June 19, 1975; amended May 1, 1976; amended May 1, 1979; amended, T-83-22, Aug. 11, 1982.)

40-8-8. Excess line insurance contracts; signature of agent; required endorsement. Every insurance contract procured and delivered as excess coverage pursuant to K.S.A. 40-246b shall bear the signature of the agent who placed the coverage with a non-admitted insurer.

(Authorized by K.S.A. 40-103; implementing 40-246b as amended by Sec. 1, H.B. No. 2789 (1982); 40-246c as amended by Sec. 2, H.B. 2789 (1982); New Sections 3 and 4, H.B. No. 2789 (1982); 40-246d; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979; amended, T-83-22, Aug. 11, 1982.)

40-8-11. Excess line agents; records required. The excess line agent shall keep a record and a separate account showing the transactions of fire and casualty insurance enumerated in K.S.A. 40-901 and K.S.A. 40-1102, respectively, and reinsurance in companies not authorized to do business in this state. These records shall include:

(a) A duplicate copy of the combined affidavit-annual statement (form ECA-B, C, and D).

(b) The exact amount of each kind of insurance permitted under this act which has been procured for each assured.

(c) The gross premiums charged.

(d) The name and home address of the insurer and the kind or kinds of insurance effected.

(e) The date, term and policy number of the insurance.

(f) The name and address of the insured, and a brief and general description of the property insured, where located, and the nature of the risk.

(g) The insurance canceled or added and premiums thereon.

(h) A duplicate of the policy with riders, endorsements, and attachments.

(i) Evidence that the information and consent of the insured required by K.S.A. 40-246b was provided and obtained.

(Authorized by K.S.A. 40-103; implementing 40-246b as amended by Sec. 1, H.B. No. 2789 (1982); 40-246c as amended by Sec. 2, H.B. No. 2789 (1982); New Sections 3 and 4, H.B. No. 2789 (1982); K.S.A. 40-246d; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended, T-83-22, Aug. 11, 1982.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 000552

State of Kansas

DEPARTMENT OF CORRECTIONS

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board August 11, 1982. Will expire May 1, 1983.)

44-12-304. Disobeying orders. (a) An inmate shall promptly and respectfully obey any order, directive, or instruction given to him or her by any employee of the institution or facility, or by an employee of any other agency in charge of the inmate. In case of conflicting orders, the last order shall be obeyed first. Violation of this rule shall be a class I offense.

(b) When writing a disciplinary report bringing the charge, as well as the investigation report and officer's statement, the writer shall state the specific circumstance surrounding the charge. The precise conduct which was the subject of the order shall be included.

(c) Copies of a portion of each of these reports shall be maintained and made available monthly by the principal administrator to the secretary. The portion copied shall be the text showing the circumstances surrounding the order and the precise conduct which was the subject of the order. These shall be made available in all cases whether or not the case is appealed or appealable to the secretary. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing K.S.A. 1981 Supp. 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-12-1101. Attempt, conspiracy and accessory. Any attempt or conspiracy to violate any rule, or acting as an accessory for any offense, shall carry the same penalty as the offense itself.

(a) *Attempt.* (1) An attempt is any overt act toward the perpetration of an offense by an inmate who intends to commit such offense but fails in the perpetration of the offense or is prevented or intercepted in executing that offense.

(2) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the offense was not possible.

(b) *Conspiracy.* (1) A conspiracy is an agreement with another person to commit an offense or to assist in committing an offense. No inmate may be convicted of a conspiracy unless an overt act furthering that conspiracy is alleged and proved to have been committed by him or her, or by a co-conspirator.

(2) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one (1) or more of his or her conspirators, before any overt act furthering the conspiracy has been committed by him or her or by a co-conspirator.

(c) *Accessory to an offense.* Aiding an offender or one charged with an offense is knowingly harboring, concealing, or aiding any inmate who has committed an offense, or one who has been charged with an offense, with intent that such inmate shall avoid or

(continued)

escape from apprehension, disciplinary hearing, conviction, or punishment for such offense. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-12-1301. Class I offenses. (a) Class I offenses are:

(1) Those violations of a rule or a law of a very serious nature that are designated in this code as class I offenses, whether or not such offense is also a violation of law;

(2) Those violations of law designated by the laws of the state of Kansas as felonies;

(3) Those violations of law designated by the laws of the United States as felonies.

(b) The penalty for a class I offense may be any or all, or any combination of the following: (1) Disciplinary segregation not to exceed ninety (90) days.

(2) Loss of "good time credits" not to exceed six (6) months.

(3) Extra work for up to two (2) hours per day not to exceed thirty (30) days.

(4) Restriction to inmate's own cell not to exceed a period of ten (10) days.

(5) Restriction from privileges not to exceed sixty (60) days.

(6) Fine not to exceed \$20.00.

(7) Restitution.

(8) Reprimand. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f), L. 1980, ch. 285, § 1; effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-12-1302. Class II offenses. (a) Class II offenses are:

(1) Those offenses of moderate seriousness that are designated in this code as class II offenses, whether or not such offenses are also violations of the law;

(2) Those violations of law designated by the laws of the state of Kansas as misdemeanors;

(3) Those violations of law designated by the laws of the United States as misdemeanors.

(b) The penalty for a class II offense may be any, or all, or any combination of the following: (1) Disciplinary segregation not to exceed fifteen (15) days.

(2) Loss of good time credits not to exceed three (3) months.

(3) Extra work for up to two (2) hours per day not to exceed twenty (20) days.

(4) Restriction to inmate's own cell for a period not to exceed seven (7) days.

(5) Restriction from privileges not to exceed thirty (30) days.

(6) Fine not to exceed \$15.00.

(7) Restitution.

(8) Reprimand. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f), L. 1980, ch. 285, § 1; effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-12-1303. Class III offenses. (a) Class III offenses are those offenses of a less serious nature that are designated in this code as class III offenses, whether or not such offense is also a violation of law.

(b) The penalty for a class III offense may be any, or all, or any combination of the following: (1) Restriction

to inmate's own cell for a period not to exceed three (3) days.

(2) Restriction from privileges for period not to exceed twenty (20) days.

(3) Extra work for not more than two (2) hours per day for a period not to exceed ten (10) days.

(4) Fine not to exceed \$10.00.

(5) Restitution.

(6) Reprimand. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f), L. 1980, ch. 285, § 1; effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-12-1304. Class IV offenses. (a) Class IV offenses are:

(1) Any violation of any published secretary of corrections' regulation or order of the principal administrator, which is not otherwise designated in these regulations or principal administrator's orders as a class I, class II, or class III offense; or

(2) Any violation of any applicable regulation of any other department, agency, board or commission of the state of Kansas or the United States or any civil penalty statute, not otherwise designated in these regulations as class I, class II, or class III offense.

(b) The penalty for class IV offenses may be any, all or any combination of the following: (1) Restriction from privileges for a period not to exceed ten (10) days.

(2) Extra work for up to two (2) hours per day for a period not to exceed five (5) days.

(3) Restitution.

(4) Fine not to exceed \$5.00.

(5) Reprimand. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f), L. 1980, ch. 285, § 1; effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-101. Disciplinary procedure established. (a) The principal administrator of each institution or facility, unless otherwise indicated in these regulations, shall establish a disciplinary procedure in accordance with these regulations. The principal administrator shall appoint a person to act as disciplinary administrator who shall manage the disciplinary process for the entire facility.

(b) Prosecution by criminal justice agencies in the community is a separate process from this disciplinary procedure and both prosecution and disciplinary procedure may be conducted on matters relating to the same factual situations.

(c) The contract work release center shall not be required to use this disciplinary procedure but may use: (1) The disciplinary procedures established by the United States bureau of prisons and amendments thereto; or,

(2) Any other system which meets the requirements of the United States constitution as interpreted by the United States supreme court decisions and which is approved by the secretary of corrections.

(d) The inmate shall be entitled: (1) To receive advance written notice of the charge and a fair hearing by an impartial hearing body;

(2) To be present at the hearing;

(3) To present documentary evidence;

(continued)

- (4) To testify in his or her own behalf;
- (5) To have witnesses called to testify on his or her behalf;
- (6) To confront and cross examine witnesses against him or her; and
- (7) To representation by counsel or counsel substitute in certain serious case.

All these procedural entitlements are subject to the limitations and guidelines set out in these regulations and are subject to the control of the hearing officer or board chairperson within the parameters of the law and these regulations.

(e) The charge may be amended according to the provisions of these regulations.

(f) If the factual situation giving rise to the disciplinary violation also constitutes a felony under the laws of the state of Kansas, then notice shall be given to the prosecutor of the local jurisdiction for possible state prosecution.

(g) There shall be four (4) classes of offenses. Class I, II and III offense cases shall be processed by a disciplinary board or hearing officer, while class IV offense cases shall be processed by the unit team.

(h) The disciplinary hearing process shall be structured as follows: (1) Part I, which is the first hearing, shall include the explanation of the charge and the disciplinary process, and the taking of the plea; and

(2) Part II, which is the final hearing, shall consist of: (A) Stage A, the fact finding needed to determine guilt or innocence; and

(B) Stage B, the disposition.

(i) At the first hearing the inmate shall be advised of the nature of the offense and the nature and extent of the possible consequent discipline, the nature of the disciplinary process and his or her rights thereunder. In addition, a plea shall be taken from the inmate at the first hearing. If a plea of guilty or no contest is entered during the first hearing, stage A of the final hearing shall not be required; a finding of guilt may be recorded and the process shall go to final hearing, stage B for deposition. In these cases, stage B may be conducted along with the first hearing. If a plea of not guilty or no plea at all is entered, the process shall go to final hearing, stage A for the finding of guilt or innocence.

(j) (1) the first hearing may be conducted by a hearing officer or by the disciplinary board in class I, II or III offense cases.

(2) Stage A of the final hearing may be conducted by a hearing officer in class I cases only if the inmate pleads guilty or no contest at the first hearing, and in class II and III cases regardless of the plea. In class I cases where a plea of not guilty or no plea at all is entered, the disciplinary board shall conduct the final hearing, stage A.

(3) Stage B of the final hearing may be conducted by a hearing officer in class II and III cases and in class I cases where the plea is "guilty" or "no contest." The principal administrator may require class I cases to be sent to the board for stage B.

(k) A representative of the institution shall be used in class I cases, and may be used in class II and III cases, to assist the officer in presenting the case against the inmate during the disciplinary process.

(l) A complete log of the disciplinary process shall be maintained. This shall consist of at least the case number, inmate name, rule violated, charging officer, and a list of the nature and date of each action taken from start to finish for each case, including those dismissed and those rejected by the shift supervisor.

(m) The disciplinary hearings shall be conducted within a certain time following notice of the charge as established by these rules and regulations. Continuances of the hearing may be granted. Generally, the inmate shall be permitted to be present at both the first and final hearing except as provided by these regulations.

(n) Representation for the inmate, provided by Legal Services for Prisoners, Inc., or their designee, shall be permitted only under limited conditions established by these regulations.

(o) A summary record shall be made of both the first hearing and the final hearing.

(p) In class I and II offense cases, the inmate, following an administrative review of the record at the facility, may appeal the case to the secretary of corrections on the record. In class III offense cases, an appeal may be made to the principal administrator on the record following an initial review of the record by some other person within the facility.

(q) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or portions of it to the principal administrator of another Kansas state correctional facility for good cause shown and if justice and fairness will not thereby be infringed. An assignment or delegation shall not be made except by the secretary of corrections or by the principal administrator with the secretary of corrections' written approval. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-102. (Authorized by K.S.A. 1980 Supp. 75-5210; implementing 75-5210(f); effective May 1, 1980; revoked T-83-23, Aug. 11, 1982.)

44-13-105. The disciplinary administrator. (a) The principal administrator of each facility shall appoint a disciplinary administrator to manage the disciplinary process for the entire facility. The principal administrator may designate a sergeant or lieutenant, or some other suitable person, to carry out this task on a continuing basis.

(b) The disciplinary administrator shall:

- (1) Record the case in the chronological log book;
- (2) Examine the disciplinary reports for proper form and completeness, and assign a case number to each;
- (3) Assure that investigation results and officer's statement of facts under oath are ready for hearing if required;
- (4) Check to assure that, when required, a waiver of rights is used, is in proper form, and is complete and attached to the plea;
- (5) Review disciplinary reports delivered after the first hearing;
- (6) Schedule and make arrangements for first and

(continued)

final hearings as required by the regulations and give timely notice to parties;

(7) Prepare and maintain a docket of cases showing schedule of first and final hearings, exercising proper control over the docket to assure timely and efficient disposition of cases and even distribution of hearings;

(8) Identify days off for employees involved and attempt to schedule hearings to avoid inconvenience to the officer, to avoid excessive accumulation of overtime premium pay, and to avoid serious disruption of the operation of the facility;

(9) Schedule case so as to efficiently use time and resources and reduce disruption;

(10) Determine the inmates to be called out for each hearing. Schedule and arrange for the call out in proper sequence to avoid any accumulation of waiting inmates and to avoid delays caused when inmates are not ready to promptly enter the hearing. Work and program disruption shall be kept to a minimum;

(11) Assure that proper security personnel are available to maintain security and control in and around the hearing room. For each inmate called out, the propensity to cause violence or disruption shall be noted so the need for security staff may be assessed;

(12) Reschedule hearing upon continuances as authorized by the board chairperson or the hearing officer assigned to the case;

(13) Keep track of continuances for each case and advise the board chairperson or hearing officer so that the rule regarding continuance can be complied with;

(14) Cause to be prepared in legible form, a verbatim transcript or summary record as may be required by these regulations, and distribute to the proper persons;

(15) Prepare the case record in accordance with applicable regulations for first level review within the institution;

(16) Make and maintain a log and docket of cases on review on the record at institution level and the results of the review;

(17) Make and maintain a log of appeals to the secretary of corrections and the results of the appeal;

(18) Distribute results of hearings, reviews, and appeals to the appropriate persons in accordance with the regulations of the secretary of corrections, the department internal management policies and procedures and the general and special orders of the facility principal administrator. Record distribution in the appropriate log. Logs may be combined;

(19) Establish and maintain a case pending and call-up system to assure that deadlines are recognized and appropriate action is taken. Send reminders of upcoming deadlines for the case to the board chairperson, unit team supervisor, or hearing officers. Also maintain a pending file on appeals;

(20) Receive, process, route, and distribute appeals in accordance with the regulations, identifying on the face of the form the date received and name of the person processing it;

(21) Check and assure that the appeals are in proper form and are complete, with proper number of copies. Return any that are not in such condition to unit team for proper completion;

(22) Assure that all communications are legible;

(23) Track cases through the entire system, record the process at critical deadlines, and make sure the case moves into proper distribution points; and

(24) Track disposition to assure any sentence is properly carried out in a timely manner. Send reminders to the unit team supervisor so the responsible person can take necessary action.

(c) The disciplinary administrator may delegate the duties listed in (b) but shall assure that these duties are properly and promptly accomplished.

(d) The principal administrator shall provide to the disciplinary administrator at least two (2) hours training initially and at least one (1) hour of training annually. This training shall be conducted by persons knowledgeable in systems design and management, principles of planning and organization, and administrative law and procedure. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing K.S.A. 75-5210(f); T-83-23, Aug. 11, 1982.)

44-13-201. Disciplinary report and written notice.

(a) A disciplinary proceeding shall be commenced upon making a charge by a disciplinary report. The inmate shall be notified in writing within twenty-four (24) hours after the issuance of the disciplinary report (excluding Saturdays, Sundays and holidays) by personal service of a copy of the report upon the inmate. The report shall not be served upon the inmate by the same officer who brought the charge against the inmate unless no other officer is available to personally serve the inmate. Service of the report upon the inmate may be made by summoning the inmate for a first hearing within twenty-four (24) hours after issuance, excluding Saturdays, Sundays and holidays, thus combining the service with the explanation and plea taking provided for in the first hearing.

(b) The disciplinary report shall be written within forty-eight (48) hours of the offense, the discovery of the offense, or the determination following an investigation that the inmate is the suspect in the case and is to be named as defendant. The investigation shall be completed as soon as possible under the existing circumstances. If necessary, pending completion of the investigation, the inmate may be held in administrative segregation for a certain period pursuant to K.A.R. article 44-14 on administrative segregation. The report shall be reviewed and approved or disapproved by the shift supervisor based on whether or not the report is sound, adequate and made in proper manner and form. If the charge is dismissed, or the report is otherwise rejected by the shift supervisor, a written explanation shall be made in the record and filed with the report, with a copy given to the officer. The report shall not be destroyed.

(c) The disciplinary report shall be in a form prescribed by the secretary and shall include the name and number of the inmate, the institution, the signature and title of the writing officer, the date and time of the alleged offense, the date the report is written, the nature of the alleged offense, and the class, title and number of the rule violated. The report shall show the

(continued)

names of known witnesses. The report shall state briefly the circumstances and facts of the violation.

(d) No inmate shall be charged unless the rule or law has been made in writing and published.

(e) The officer may warn or reprimand the inmate instead of writing a report if the offending conduct observed is a class II, III, or IV offense. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-301. Disciplinary board in class I offense cases.

(a) For final hearing in all class I offense cases, an impartial board shall be appointed by the principal administrator as follows:

(1) A three (3) member board at the following institutions:

- (A) Kansas state penitentiary (K.S.P.).
- (B) Kansas correctional institution for women (K.C.I.W.).
- (C) Kansas correctional vocational training center (K.C.V.T.C.).
- (D) Kansas state industrial reformatory. (K.S.I.R.).
- (E) Kansas reception and diagnostic center (K.R.D.C.).

(2) A two (2) or three (3) member board as designated by the principal administrator at the following institutions or facilities.

- (A) All honor camps.
 - (B) All department operated work release centers.
- (b) The board shall be selected from the following:
- (1) Security personnel having at least two (2) years prior service and completed required training; and
 - (2) Treatment, counseling, programs, or classification personnel.

(c) The board shall not be composed entirely of personnel from the same division or section, but shall be a mix.

(d) No person shall be a member of the board who is the reporting officer, investigator, or a witness.

(e) In those boards composed of three (3) persons, a finding of guilt and the imposition of sentence shall be made only upon the vote of two (2) of the three (3) board members. In those cases in which a two (2) man board sits, a finding of guilty or imposition of sentence shall be made only upon the unanimous decision of both members of the board.

(f) When a plea of not guilty in class I cases was entered by or on behalf of the inmate at the first hearing, the disciplinary board shall conduct both stages of the final hearing. When a plea of guilty or no contest in class I cases was entered at first hearing either the disciplinary board or a hearing officer shall conduct the stages of the final hearing as determined by the principal administrator or designee. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-302. Hearing officer in certain cases. (a) For the final hearing in all class II and III offense cases, an impartial hearing officer may be appointed by the principal administrator to hear the case in lieu of disciplinary board.

(b) The hearing officer shall have had experience hearing at least ten (10) disciplinary cases as a member of the board within the last three (3) years.

(c) The hearing officer shall not be the reporting officer, investigator or a witness.

(d) In class II and III offense cases, the hearing officer may conduct both stage A and B of the final hearing. When a plea of guilty or no contest has been taken in class I cases at the first hearing, the hearing officer shall record a finding of guilt. Stage B, may then be conducted either by the disciplinary board or by the hearing officer as determined by the principal administrator or designee. (See K.A.R. 44-13-405.) (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-303. Unit team and hearing board in class IV cases. The unit team to which the inmate is assigned shall act as a hearing board for all class IV cases. Whenever possible, the unit team hearing board shall consist of the unit team leader, a correctional counselor and a correctional officer from the unit team responsible for the inmate being disciplined. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-304. The disciplinary representative. (a) The disciplinary representative, if appointed, shall present the case against the inmate on behalf of the facility. In class I offense cases a representative shall, and in class II and III offense cases may, be designated by the facility principal administrator. Instead of a representative the principal administrator may appoint the reporting officer to act on the facility's behalf. If needed, the representative may obtain the advice and assistance of the departmental attorney or administrative legal advisor.

(b) The board or hearing officer may bring out the facts by direct or cross examination but the board shall not act as prosecutor to argue or persuade on behalf of the facility or charging officer against the accused inmate, nor on behalf of the inmate. This does not preclude the board from discussing the evidence presented among themselves. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-402. Continuing the hearing. (a) In the event that the employee filing a complaint or the inmate charged is not prepared for the hearing up to two (2) continuances, not to exceed fifteen (15) days each, for either party may be granted by the board or by the chairman. Such continuance dates shall be recorded on the institution or facility disciplinary board log. The board may continue the case indefinitely as necessary in the event that:

(1) The inmate or the employee is unable to appear for medical reasons as certified by the institution or facility medical director or other licensed physician;

(2) There is a delay to await determination of whether the case will go to trial in a court of law or the outcome of such trial;

(continued)

(3) There is a delay awaiting the return of evidence from an analysis laboratory; or

(4) The inmate is transferred to Kansas reception and diagnostic center (KRDC) or out to court or to a mental hospital before hearing. While the inmate is on "escape" status a continuance may be granted, or at the board's discretion the case may be dismissed, or heard in absentia on the record.

(b) To obtain a continuance in advance of the hearing, the requesting party shall make the request to the chairman of the board. The continuance shall be granted if it complies with the rules. If there is a hearing officer appointed for the case the request shall be forwarded to such officer. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-403. First hearing and taking pleas. (a) A first hearing shall be held no more than four (4) days, excluding Saturdays, Sundays and holidays, following the receipt of notice of charge by the inmate. This hearing may be conducted by the hearing officer or by the board when the board meets to conduct disciplinary hearings. The first hearing may be combined with personal service of the disciplinary report.

(b) At the first hearing the presiding officer shall read the disciplinary report to the inmate including the date, nature of offense, and the reporting officer's name, and the synopsis of the observation. The presiding officer shall assure that the inmate understands the charge and that a copy was received by the inmate. The officer shall explain the possible penalties.

(c) In only class I and limited types of class II cases as permitted by these regulations, counsel, if available, shall be permitted to be with the inmate at the first hearing.

(d) If the inmate is disruptive or is deliberately refusing to be present, the hearing may proceed in absentia and the record shall indicate reasons for the inmate's absence. The inmate's counsel shall be permitted to be present.

(e) The presiding officer shall assure that the inmate has counsel in class I and certain class II offense cases if counsel is requested, available, and permitted by these regulations.

(f) The presiding officer shall advise the inmate of his or her rights to a hearing, and to counsel in class I and certain class II offense cases pursuant to K.A.R. 44-13-408, and other procedural due process rights.

(g) The presiding officer shall then ask the inmate to plead guilty, not guilty, or no contest, and shall take the plea if the presiding officer is assured that it is made knowledgeably and without threat or promise of reward to the inmate. If the inmate refuses to plead the hearing officer shall enter a plea of not guilty. A plea of no contest shall be treated the same as a plea of guilty.

(h) The hearing officer may in class I, II and III cases, upon a plea of guilty or no contest, make a finding of guilt and conduct a sentencing hearing and impose sentence. In class I cases the hearing officer may refer the case to the disciplinary board for disposition and sentencing.

(i) If the hearing officer finds at the first hearing that the case must be dismissed, he or she may dismiss the

charge on his or her own motion or motion of either party. The hearing officer shall give a brief explanation on the record. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; T-83-23, Aug. 11, 1982.)

44-13-404. Presence of inmate and presence of charging officer at first and final hearings; officer statements in lieu of testimony.

(a) The inmate shall be present at the first hearing and at all stages of the final hearing and disposition except as otherwise provided by these regulations or by law.

(b) In class I cases, the charging officer shall be present for direct examination and for confrontation and cross examination unless excused by the board. The board may excuse the charging officer only if it determines that institutional safety or correctional goals would be jeopardized. If not present the officer's report and statement shall be made to the board or hearing officer in writing under oath. Copies shall be provided to the inmate and it shall be read aloud at the hearing unless secrecy is required to protect an inmate accuser, informant, or witness.

(c) In class II cases the officer need not be present unless deemed to be necessary by the hearing officer or board. The officer's report and statement shall be submitted to the hearing officer or board in writing under oath. It shall be read aloud at the hearing and a copy given to the inmate unless secrecy is required to protect an inmate accuser, informant, or witness pursuant to K.A.R. 44-13-105(f). Contact with the officer by telephone or radio may be used by the hearing officer or board to answer questions or clarify the facts while the hearing is being conducted or while the matter is being considered for decision.

(d) In class III and IV cases the officer's report and statement under oath shall be sufficient. The officer may be present or may be required to be present by the hearing body at the discretion of the hearing officer or unit team. Telephone or radio may be used to answer questions or clarify facts.

(e) When the officer is not present his statement under oath along with the charge report shall be admissible as evidence. The officer's statement under oath shall consist of the officer's rendition of all the facts of the case resulting from a neutral fact investigation. To the best of the officer's ability it shall show all relevant and material facts which might be used to support both the facility's case against the inmate and the inmate's defense. When the officer is uncertain of a fact he shall state that with respect to the fact. The charging officer may either adopt or defer to the official neutral fact investigation report done by another person under oath or may submit his or her own statement in addition to the investigation report.

(f) The officer's statement or the disciplinary report itself shall include: (1) Specific rules violated;

(2) A formal statement of the charge;

(3) Any unusual inmate behavior;

(4) Any staff witnesses;

(5) Disposition of any physical evidence;

(continued)

(6) Any immediate action taken, including the use of force;

(7) The reporting staff member's signature and the date and time the report is made.

(g) An official, neutral and unbiased factual investigation shall be conducted for each disciplinary report. The investigation shall begin within 24 hours after the disciplinary report is signed by the shift supervisor and shall be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation. The investigator shall be a staff member but shall not be the charging officer. The investigating officer shall submit a written report to the disciplinary administrator for use at the hearing with a copy to the inmate for use in preparing a defense. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-405. Conducting the final hearing. (a) The final hearing in the disciplinary process shall be conducted in two (2) stages, stage A and stage B. In stage A the board or hearing officer shall determine guilt or innocence and in stage B the board or hearing officer shall make disposition including the determination and imposition of sentence if guilt was established in stage A. Hearing officers may make disposition only in class II and III cases.

(b) In stage A only the facts relevant to determination of guilt or innocence shall be considered. In stage B, in which disposition and sentence shall be determined, the inmate's entire institution record and other relevant facts, observations and opinions may be considered.

(c) The chairman or hearing officer shall rule on all matters of evidence. Strict rules of evidence as used in a court of law shall not be required, but the chairman or hearing officer shall exercise diligence to admit reliable and relevant evidence and to refuse to admit irrelevant or unreliable evidence.

(d) The chairman or hearing officer shall rule on all matters of representation for the accused inmate. If the accused inmate is represented by an attorney, an inmate, or a staff advisor, then that representative shall be permitted to fully represent the accused and shall be permitted to question witnesses and present arguments on behalf of the accused inmate, except as otherwise provided by these regulations.

(e) It shall be the purpose of the disciplinary process to discover the truth regarding charges against the inmate. For this purpose the chairman is authorized to call witnesses, and to interrogate any witness. All testimony and evidence shall be given or presented in the presence of the accused inmate; testimony or evidence shall not be received by the board or introduced by any board member outside the presence of the inmate, except as provided in (f) below or 44-13-403(d).

(f) If the testimony of any inmate, in the judgment of the chairman or hearing officer, will subject the inmate to possible retaliation for having testified, the chairman may receive the testimony in confidence without confrontation or cross examination by the accused inmate and the witnesses may be sequestered. The testimony shall be examined and tested by the board or

hearing officer. The testimony shall be in writing and shall be sworn to. The chairman shall closely question the testifying inmate to determine the veracity and weight of the testimony offered. The accused shall be apprised of the general nature of the confidential testimony omitting those details that would tend to identify the inmate who gave the confidential testimony. Identity of witness shall be kept secret. The attorney shall be permitted to be present when board receives testimony and may ask questions. The testimony shall be shown in the record.

(g) In any class I, II and III offense cases, the chairman or hearing officer shall ensure that the entire disciplinary hearing is tape recorded. If at any time, for any reason, the tape recorder is turned off during the hearing, the chairman shall indicate this fact on the record, shall state the reasons for that action, shall state the duration of the time that the recorder was off and shall summarize the events occurring which were not tape recorded.

(h) The chairman or hearing officer shall have and exercise all powers necessary to ensure the orderly process of the disciplinary hearing proceedings.

(i) The board or the hearing officer shall listen to all testimony by the reporting officer, the accused inmate, and all other witnesses. The chairman or hearing officer shall require the reporting officer and all witnesses to provide all details concerning the alleged offense. The chairman and board members or hearing officer shall question each witness, as the need arises, to clarify in their own minds the facts surrounding the alleged offense.

(j) The board members, or hearing officer, in deciding whether or not the inmate is guilty, shall consider only the relevant testimony or report. The accused inmate's record shall not be considered in determining guilt or innocence.

(k) The hearing shall proceed as follows: (1) The prosecution shall state its case simply in summary and then the defense shall do likewise.

(2) The prosecution shall present its evidence and the defense shall be permitted to cross examine, except as otherwise provided by these regulations.

(3) The defense shall present its case and the prosecution shall be permitted to cross examine.

(4) Prosecution may make closing argument, the defense may do likewise, and then the prosecution may make a short rebuttal.

(l) The chairman may restrict testimony to avoid repetition or disruption of the proceedings.

(m) The hearing officer or chairperson may refuse to call a witness when institutional safety or correctional goals would be jeopardized. When a denial is made a written explanation shall be made on the record, unless it would endanger some person, in which case a written explanation shall be made to the principal administrator with a copy to secretary of corrections for confidential review.

(n) If the inmate is disruptive or is deliberately refusing to be present, the hearing may proceed in absentia and the record shall indicate reasons for the inmate's absence. The inmate's counsel, if available, shall be permitted to be present.

(continued)

(o) The decision in the hearing shall be based solely on evidence provided by testimony of witnesses and documentary evidence presented in the hearing. The unit team file shall be available to hearing officer or board. Only matters relating to guilt or innocence on the charge may be used by the board in stage A.

(p) Confrontation and cross examination may be denied by the hearing officer or chairperson when deemed necessary in any case except class I cases. In class I cases it may be limited or denied when necessary to protect the safety of an accuser, informant, or witness or when necessary to maintain institutional safety, security and control. Unless a security risk is involved endangering some person, the explanation shall be in the record, otherwise written explanation of the reason shall be sent to principal administrator with a copy to the secretary for confidential review. (Authorized by K.S.A. 1981 Supp. 75-5210; implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-406. Disposition. (a) The disposition shall be rendered by the board or hearing officer in an official session with the inmate present unless otherwise provided by law or regulation. The disposition shall be made without unreasonable delay following the final hearing, preferably at the conclusion of the hearing.

(b) The disciplinary board or hearing officer may: (1) Designate the minimum and maximum penalty;

(2) Impose a flat sentence, within the limits set in the disciplinary code; or

(3) May designate only the minimum within the limits set out in the disciplinary code, in which case the maximum shall be that shown in the code. If not a flat sentence, the case shall be reviewed after the minimum penalty has been served by the principal administrator or designee.

(c) The disciplinary board or hearing officer may suspend all or part of the sentence imposed.

(d) Disciplinary board or hearing officer may make a recommendation to the unit team on a separate form or in a separate space on the disposition form as designated for such purpose.

(e) The charging officer shall be notified promptly of the disposition. (Authorized by K.S.A. 1981 Supp. 75-5210; implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-407. Nature of unit team hearing in class IV offense cases. (a) The unit team shall explain the charge, the possible penalties, and the evidence against the inmate.

(b) The inmate shall have the opportunity to respond in his or her own defense.

(c) Unit team may permit witnesses at its discretion.

(d) No counsel shall be permitted, except as authorized pursuant to K.A.R. 44-13-408 when the inmate is not capable of effectively preparing and presenting a defense.

(e) No appeal shall be permitted.

(f) A summary record shall be made.

(g) No other hearing shall be held in class IV offense cases.

(h) The principal administrator or deputy director of programs shall review the record to assure the hearing was conducted in accordance with stated procedures and that action conforms to institution rules and secretary of corrections regulations. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-408. Representation by counsel or counsel substitute.

(a) An inmate may request services of any staff member to represent him or her at disciplinary hearings and to question relevant witnesses.

(b) The principal administrator shall appoint a staff member to represent the inmate when it is apparent that the inmate is not capable of effectively collecting and presenting evidence on his or her own behalf.

(c) Representation by Legal Services for Prisoners, Inc., or its designee, or by counsel substitute selected by the inmate and approved by the principal administrator shall be permitted in class I offense cases. If such counsel is not available the hearing may proceed without legal counsel. However, the provisions of (b) will still apply.

(d) Counsel shall be considered not available in cases where counsel fails to appear, or will not appear within 3 days, not including authorized continuances.

(e) Counsel substitute shall mean another inmate or a correctional staff member.

(f) Legal Services for Prisoners, Inc., may designate the Kansas university law school defender project or Washburn university legal clinic by general designation for all members and participants of such programs on a continuing basis. When a bona fide conflict of interest exists, Legal Services for Prisoners, Inc., may designate a private attorney, on a case by case basis, in any case with prior written approval by the secretary of corrections.

(g) In a class I case, if the inmate is represented by legal counsel, the officer also shall be permitted to have representation by legal counsel provided by the staff attorney of the facility if one is on staff, or by a department staff attorney, if possible and if available. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-601. Serving sentence. (a) In all cases the inmate shall begin serving the sentence immediately upon disposition by the board. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f); effective, May 1, 1980, amended T-83-23, Aug. 11, 1982.)

44-13-602. Time not credited for administrative segregation. If the inmate is held in administrative segregation before the disciplinary hearing for some administrative reason, other than merely to await the disciplinary hearing or for investigation of the offense, then that time spent in administrative segregation shall not be credited against the service of sentence in disciplinary segregation. However, any time during which the inmate is held pending the hearing, which is solely for the purpose of awaiting the disciplinary hearing or awaiting completion of the investigation,

(continued)

shall be credited and subtracted from his or her disciplinary segregation sentence if one is rendered on the charge. (Authorized by K.S.A. 1981 Supp. 75-5210, 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-702. Secretary of corrections' final review on appeal. The secretary of corrections shall, within ten (10) days of receiving an appeal, excluding Saturdays, Sundays, and holidays, review all cases appealed to him or her and may approve the decision as rendered, revoke it entirely, reduce the penalty, or order a new hearing. The date of receipt shall not be counted. The secretary's decision shall be final. A copy of the secretary of corrections' response and final order shall be given to the inmate within fifteen (15) days following secretary's review. (Authorized by K.S.A. 1981 Supp. 75-5210; implementing 75-5210(f); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

44-13-704. First review on the record at institution or facility. (a) In class I and II offense cases, the principal administrator shall, within ten (10) days after preparation of the record, excluding Saturdays, Sundays and holidays, review the case without the presentation of further arguments from either side, and shall approve the decision, disapprove the decision, reduce the penalty, or order a new hearing.

(b) The principal administrator shall notify the inmate of the results of the review without unnecessary delay but in no case later than ten (10) days after receipt of the record excluding Saturdays, Sundays and holidays. The date of receipt shall not be counted.

(c) The principal administrator may designate some person to conduct this review. A person who was a member of the disciplinary board, or who was the hearing officer, may not act as the reviewing authority. The reviewing authority shall not be any person involved in the case as a witness or a reporting officer. (Authorized by K.S.A. 1981 Supp. 75-5210; implementing 75-5210(f); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-13-707. Harmless error; plain error. (a) An error in either the admission or exclusion of evidence, an error or defect in any ruling or order, an error in anything done or omitted by the hearing officer or disciplinary board or by any of the institution officials in processing the disciplinary case, or an error by the inmate in processing his or her defense of the case, shall not be grounds for granting a new hearing, for setting aside a finding, or for vacating, modifying or otherwise disturbing a disposition or order, unless refusal to take that action appears to the hearing officer, disciplinary board, or the reviewing authority inconsistent with substantial justice. The hearing officer or board or the reviewing authority at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the inmate or the state.

(b) Plain error which affects the substantial rights of the parties may be given judicial notice and acted upon to remedy the error even though it was not drawn to the attention of the hearing or reviewing body by either

party. (Authorized by K.S.A. 1981 Supp. 75-5210, implementing 75-5210(f); T-83-23, Aug. 11, 1982.)

44-14-302. Types of inmates or situations for use of administrative segregation. Inmates confined in administrative segregation may be any of the following. (a) Protective custody (P.C.). Those who request security segregation for their personal safety or those who the principal administrator knows to be in serious and imminent danger if the principal administrator documents the basis for his or her knowledge.

(b) Pending results of investigation. Inmates may be placed in administrative segregation pending the completion of an investigation to determine whether charges should be brought. This may be done to prevent communication and collaboration between inmates involved in an attempt to improperly or dishonestly coordinate the testimony which might be given, to prevent the possible intimidation of witnesses or accusers, or to prevent further disruption if a threat to security and control, including danger to other inmates, continues to exist in the judgment of the principal administrator. The inmate may be held in administrative segregation under both this subsection and any of subsections (a), (c), (d), (e), or (f) simultaneously. This shall be mentioned on the report form given to the inmate when he or she is placed in administrative segregation. The inmate shall be charged or released as soon as possible and always within forty-eight (48) hours, excluding Saturdays, Sundays and holidays, unless a continued holding in administrative segregation under this section is justified in writing and approved by the principal administrator. This notice and explanation shall be given to the inmate in writing. The inmate's status in this situation shall be reviewed by the principal administrator or designee within seventy-two (72) hours.

(c) Pre-hearing detention. Inmates who have been charged with an alleged violation of law or class I or II offenses may be held in administrative segregation pending a hearing before the institution disciplinary board, or pending a trial by the court on a charge. Credit shall be given for this time against any sentence of disciplinary segregation which might result from such hearing. This is the first step in the disciplinary procedures and will be otherwise governed by disciplinary procedure rules. The inmate may be held in administrative segregation under this subsection and any of subsections (a), (b), (d), (e), or (f) of this section simultaneously and if this is the case it shall be stated in the administrative segregation report. The inmate's status in this situation shall be reviewed by the principal administrator or designee within seventy-two (72) hours.

(d) Communicable disease. Those whom a doctor of medicine has declared to be carrying any communicable disease may be placed in administrative segregation until danger of contagion is past.

(e) Special security inmates. Administrative segregation may be applied to: (1) Persons accused of or who have a history of aggressive or forceable homosexual attacks, provided that there has been verification and documentation of such history, or upon veri-

(continued)

fication by psychiatrist or psychologist after any such occurrence that there is a substantial and likely probability it will occur again.

(2) Inmates with suicidal tendencies verified by psychiatrist or psychologist before or within seventy-two (72) hours after lock-up in administrative segregation. An inmate who inflicts any injury on himself or herself may be placed in administrative segregation for up to seventy-two (72) hours for observation and to give clinical staff an opportunity to determine whether the injury is a significant indication of a suicidal tendency.

(3) Inmates with a history of self-mutilation or self-injury after a demonstration has been made from the record that this history exists.

(4) Inmates with mental problems which cause them to be a threat to themselves, employees, or other inmates, when such mental problem has been verified by a psychiatrist or psychologist.

(5) Emergency situations where the violent behavior of an inmate indicates that he or she is potentially dangerous to himself or herself, or others. Segregation in this case shall continue for the duration of the emergency only, and in no case beyond seventy-two (72) hours without psychiatrist's or psychologist's verification that the inmate's potential for danger is continuing, unless the actual violent behavior continues.

(6) Inmates who are extreme risks of escape. Inmates who have been determined by the principal administrator, or in his or her absence the deputy director, to be an extreme risk of escape, may be placed in administrative segregation for the duration of the risk condition. This may be done only for good reason documented by the principal administrator, or as shown in the record. When these officers are absent during an emergency, segregation may be authorized by the highest ranking officer on duty; the principal administrator's approval and documentation shall be obtained as soon as possible.

(f) Consistent bad behavior. Any inmate may be placed in administrative segregation indefinitely when his or her record shows consistent bad behavior as evidenced by three offenses within the preceeding 12 months and when: (1) The inmate has been found guilty of the offense by a disciplinary process;

(2) Such offenses involve acts which are violent and are a substantial threat to the safety and security of the institution or facility; and

(3) When such offenses arise from separate fact situations. Placement under this provisions shall be only with prior written approval of the principal administrator.

(g) Other security risk. The principal administrator may place in administrative segregation or lock-up in the inmate's own cell any inmate or group of inmates if such inmate or inmates are engaging in behavior which threatens the maintenance of security or control in the correctional facility. In such cases, the principal administrator shall explain the threat and show the justification for segregation or lock-up in writing and send a copy immediately to the secretary of corrections. (Authorized by K.S.A. 75-5251, K.S.A. 1981 Supp. 75-5252, 75-5252(c); effective May 1, 1980; amended May 1, 1981; amended T-83-23, Aug. 11, 1982.)

44-14-310. Procedure for the administrative segregation review board upon initial placement. (a) Within seven (7) days of placement, the administrative segregation review board shall review the placement decision and may interview the inmate. This shall apply to any case of administrative segregation including segregation pending hearing on a disciplinary violation case.

(b) The administrative segregation review board shall provide a written comment, including references to the facts which were relied upon and the reasons for the confinement in administrative segregation. The record shall include a brief statement summarizing the position of the principal administrator and the inmate if known or if interviewed, and may include the recommendation to the principal administrator and the reasons for such recommendation. (Authorized by K.S.A. 75-5251, K.S.A. 1981 Supp. 75-5252, 75-5252(c); effective May 1, 1980; amended T-83-23, Aug. 11, 1982.)

PATRICK D. McMANUS
Secretary of Corrections

Doc. No. 000553

(continued)

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

Second Class
postage paid
at
Topeka, Kansas

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

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

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

Zip code must be included

THIS SPACE FOR REGISTER OFFICE
USE ONLY, PLEASE

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

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

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

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

Indicate change or correction of name or address
here:

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