

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 52

December 29, 1983

Pages 1453-1476

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(Published in the KANSAS REGISTER, December 29, 1983.)

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**PUBLIC NOTICE**

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified consultant engineering firm for project 63-66 K-1829-01 in Nemaha County. This project consists of the design of grading, bridge, spillway, and surfacing necessary to replace the spillway bridge at the Nemaha Lake. A study will be required to determine a method of replacing the spillway so that stream flow through the lake area can be controlled to prevent future erosion and damage to properties upstream and downstream.

Firms expressing interest in this project must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by January 15, 1984.

It is the policy of the KDOT to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

**JOHN B. KEMP**  
 Secretary

Doc. No. 001736

(Published in the KANSAS REGISTER, December 29, 1983.)

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., January 12, 1984 and then publicly opened:

**DISTRICT II**

**Cloud—28-15 K 1943-01—14.7 miles Bituminous Overlay (1½"), beginning at the Cloud-Jewell County line; thence east on K-28 to the jct. of K-28 & K-9 (State Funds).**

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

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

**BY ORDER OF THE KANSAS**  
**DEPARTMENT OF TRANSPORTATION**

**JOHN B. KEMP**  
 Secretary

Doc. No. 001746

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



PHONE: 913/296-2236

(Published in the KANSAS REGISTER, December 29, 1983.)

**State of Kansas**

**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., January 19, 1984 and then publicly opened:

**DISTRICT I**

**Johnson**—435-46 K 1443-02—Culvert, west of Quivira Road at the Indian Creek Tributary (Federal Funds).

**Johnson**—46 U 0821-01—Bridge on Switzer Road at Tomahawk Creek in Overland Park (Federal Funds).

**Pottawatomie**—75 C 0669-01—0.1 mile Grading & Bridge, beginning 1.0 mile south & 6.8 miles east of Westmoreland; thence east (Federal Funds).

**Wyandotte**—7-105 K 0974-03—2.7 miles Highway Lighting, beginning at the north end of the Kansas River Bridge to north of KTA (Federal Funds).

**Wyandotte**—132-105 K 1986-01—Bridge Repair (101) 65th, (106) Francis & (108) AT&SF Railway (Federal Funds).

**DISTRICT III**

**Sherman**—70-91 K 0883-01—17.3 miles Pavement Reconstruction, beginning at the Kansas-Colorado State line; thence east to west US-24B at Goodland (Federal Funds).

**DISTRICT IV**

**Chautauqua**—99-10 K 1592-01—13.5 miles Bituminous Overlay (1½"), beginning at the north jct. K-99 & US-166 to the Chautauqua-Elk County line on K-99 (State Funds).

**Chautauqua**—166-10 K 2412-01—0.9 mile Bituminous Overlay (¾"), beginning at the west city limits in Sedan to the south city limits in Sedan on US-166 (State Funds).

**Cherokee**—7-11 K 1584-01—11.3 miles Bituminous Overlay (¾"), beginning at the east city limits in Columbus to the jct. K-7 & US-160 on K-7 (State Funds).

**Elk**—99-25 K 1585-01—9.2 miles Bituminous Overlay (1½"), beginning at Howard to the Elk-Greenwood County line on K-99 (State Funds).

**Elk**—99-25 K 1593-01—4.7 miles Bituminous Overlay (1½"), beginning at the Elk-Chautauqua County line to jct. K-99 & US-160 on K-99 (State Funds).

**Greenwood**—99-37 K 1586-01—3.0 miles Bituminous Overlay (1½"), beginning at the Greenwood-Elk County line to the jct. K-99 & K-96 on K-99 (State Funds).

**Labette**—96-50 K 1588-01—14.0 miles Bituminous Overlay (1½"), beginning at the Labette-Montgomery County line to the jct. K-96 & US-59 on K-96 (State Funds).

**Labette**—222-50 K 1999-01—0.4 mile Bituminous Overlay (¾"), beginning at the jct. of K-222 & K-96; thence north on K-222 (State Funds).

**Montgomery**—96-63 K 1587-01—4.0 miles Bituminous Overlay (1½"), beginning at the jct. K-96 & US-169 to the Montgomery-Labette County line on K-96 (State Funds).

**Montgomery**—160-63 K 1966-01—0.9 mile Bituminous Overlay (¾"), beginning at the east city limits in Independence; thence east on US-160 (State Funds).

**Montgomery**—169-63 K 1967-01—1.1 miles Bituminous Overlay (¾"), beginning at the jct. of US-160 to the jct. K-96 (S.B. only) on US-169 (State Funds).

**Wilson**—39-103 K 1957-01—11.0 miles Bituminous Overlay (1½"), beginning at the jct. K-39 & K-96; thence north & east to the west jct. K-39 & US-75 (State Funds).

**DISTRICT V**

**Barber**—281-4 K 1618-01—15.3 miles Bituminous Overlay (1½"), beginning at the north city limits of Medicine Lodge; thence north to the Barber-Pratt County line on US-281 (State Funds).

**Barton and Harvey**—106 K 2408-01—Highway Lighting, US-56 in Barton County & US-50 in Harvey County (Federal Funds).

**Barton**—281-5 K 1630-01—15.3 miles Bituminous Recycling, beginning at the east jct. of US-281 & K-4; thence northwesterly to the Barton-Russell County line (State Funds).

**Barton**—281-5 K 1927-01—6.4 miles Bituminous Overlay (1½"), beginning at the Barton-Stafford County line; thence north on US-281 (State Funds).

**Harper**—160-39 K 1619-01—10.0 miles Bituminous Recycling, beginning at the east city limits in Attica to the south jct. US-160 & K-2 on US-160 (State Funds).

**Harvey**—135-40 K 1799-01—Bridge Deck on I-135 over the AT&SF RR & US-50 bridges (Federal Funds).

**Reno**—50-78 K 1940-01—4.7 miles Bituminous Overlay (¾"), beginning at the Reno-Stafford County line; thence east on US-50 (State Funds).

**Rush**—183-83 K 1617-01—11.1 miles Bituminous Recycling, beginning at the jct. US-183 & K-4; thence north to the Rush-Ellis County line on US-183 (State Funds).

**Sedgwick**—2.87 K 1626-01—2.0 miles Bituminous Recycling, beginning at the Sedgwick-Sumner County line; thence east to the jct. K-2 & K-49 on K-2 (State Funds).

**Sedgwick**—54-87 K 1735-01—10.1 miles Bituminous Recycling, beginning 0.4 mile east of county highway FAS-599 to the west city limits on US-54 in Wichita (State Funds).

**Sedgwick**—87 C 1598-01—0.2 mile Grading & Bridge, beginning 2.7 miles west & 2.0 miles north of Haysville; thence north (State Funds).

**Stafford**—281-93 K 1926-01—7.1 miles Bituminous Recycling, beginning at the jct. US-281 & K-19 to the Stafford-Barton County line on US-281 (State Funds).

**Sumner**—2-96 K 1625-01—8.1 miles Bituminous Recycling, beginning at the Kingman-Sumner County line to the Sumner-Sedgwick County line on K-2 (State Funds).

(continued)

**DISTRICT VI**

Clark—34-13 K 1731-01—7.6 miles Bituminous Overlay (1½"), beginning on FAS-122 north to FAS-711 on FAS-122 (State Funds).

Clark—54-13 K 2282-01—10.1 miles Bituminous Recycling, beginning at the Clark-Meade County line to the Clark-Ford County line on US-54 (State Funds).

Clark—283-13 K 1959-01—11.5 miles Bituminous Overlay (1½"), beginning at the north jct. US-283 & US-160 to the jct. US-283 & US-54 on US-283 (State Funds).

Haskell—56-41 K 1640-01—11.6 miles Bituminous Overlay (1½"), beginning at the jct. US-56 & US-83; thence east to the Haskell-Gray County line on US-56 (State Funds).

Seward—56-88 K 1638-01—0.8 mile Bituminous Recycling, beginning at the Seward-Stevens County line; thence east to the Seward-Haskell County line on US-56 (State Funds).

Seward—83-88 K 2287-01—8.0 miles Bituminous Overlay (1½"), beginning at the south jct. US-83 & US-160 to the Seward-Haskell County line on US-83 (State Funds).

Stevens—56-95 K 1637-01—20.3 miles Bituminous Recycling, beginning at Hugoton; thence north to the Stevens-Seward County line on US-56 (State Funds).

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

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

BY ORDER OF THE KANSAS  
DEPARTMENT OF TRANSPORTATION

JOHN B. KEMP  
Secretary

Doc. No. 001738

**NORTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT No. 4****OPEN MEETING NOTICE**

The January board meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for January 5, 1984 at the Ramada Inn, South Range, Colby, Kansas. The meeting begins at 10:00 a.m. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT  
Manager

Doc. No. 001740

**State of Kansas****SOCIAL AND REHABILITATION SERVICES****INVITATION FOR PROPOSALS**

The Division of Rehabilitation Programs invites public organizations and private non-profit organizations to submit proposals to provide independent living services. Grant applications are available upon request from the Independent Living Coordinator, Division of Rehabilitation Programs, 2700 West 6th, Biddle Bldg., 2nd Floor, Topeka, Kansas 66606. All completed applications must be received by 4:00 p.m., January 31, 1984. A pre-bid conference shall be held on January 9 from 11:00 a.m. to 12:00 noon at Staff Development, 2700 West 6th, Room B, Topeka.

GABRIEL FAIMON, Commissioner  
Rehabilitation Services

Doc. No. 001752

**State of Kansas****SECRETARY OF STATE****NOTICE OF SALE OF  
ABANDONED CHANNEL  
OF KANSAS RIVER**

Notice is hereby given to all interested parties that the Secretary of State, pursuant to K.S.A. 82a-201 *et seq.*, will sell that part of the abandoned channel of the Kansas River as it existed immediately prior to the 1951 flood which may be found in the NW ¼, Sec. 18, T.11S., R.7E. in Riley County.

Persons interested in purchasing the property should be prepared to make any offers to purchase the property at a public meeting on January 13, 1984, at 10:30 a.m. in Room 220 South, State Capitol, Topeka, Kansas.

Any persons who desire copies of the legal description and other details should contact: John R. Wine, Jr., Legal Counsel; Secretary of State; State Capitol; Topeka, Kansas 66612; (913) 296-2236.

JACK H. BRIER  
Secretary of State

Doc. No. 001755

## State of Kansas

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

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

**MONDAY, JANUARY 9, 1984**

#25865

Department of Administration, Buildings and Grounds Services, Topeka—ELEVATOR MAINTENANCE, STATE OFFICE BUILDING

#56197

Department of Human Resources, Topeka—ELECTRONIC TYPEWRITERS, various locations

#56198

Department of Administration, Division of Information Systems Computing, Topeka—TELECOMMUNICATION CONTROL SYSTEM

#56199

Kansas State University, Manhattan—FLOOR TILE AND ADHESIVE

#56200

Department of Revenue, Topeka—FURNISH LABOR, MATERIALS, EQUIPMENT TO RENOVATE MOTOR CARRIER INSPECTION STATIONS, 5 miles south of Olathe

#56232

University of Kansas, Lawrence—MICROCOMPUTER SYSTEMS

#56233

University of Kansas, Lawrence—#5 FUEL OIL

#56244

University of Kansas Medical Center, Kansas City—DRUGS

**TUESDAY, JANUARY 10, 1984**

#A-4304(a)

Norton State Hospital, Norton—UTILITY TUNNEL REPAIR—PHASE II

#A-4511

University of Kansas, Lawrence—MODIFY TWO ROOMS—9TH FLOOR, HAWORTH HALL

#25862

Statewide—MAGNETIC COMPUTER TAPES

#56205

Kansas Fish and Game Commission, Pratt—FISH TOXICANT

#56206

Department of Transportation, Chanute—AS-1 AGGREGATE—ALTERNATE AB-3 AGGREGATE, various locations

#56207

Department of Transportation, Topeka—MRA-A AND D AGGREGATE FOR MAINTENANCE BITUMINOUS REPAIR, various locations

#56208

Kansas State University, Manhattan—DISK DRIVES

#56209

Kansas State University, Manhattan—PICKUP FIRE PUMPS

#56210

Kansas State University, Manhattan—ANALYZER REAGENTS AND SUPPLIES

#56234

University of Kansas, Lawrence—#5 FUEL OIL  
WEDNESDAY, JANUARY 11, 1984

#A-4644

Kansas State School for the Visually Handicapped, Kansas City—CONSTRUCT SECURITY SYSTEM

#25846

Kansas Fish and Game Commission, Pratt—VEGETATION CONTROL

#25847

Kansas Fish and Game Commission, Pratt—FOOD PLOT WORK

#25860

Kansas Fish and Game Commission, Pratt—RENTAL OF EQUIPMENT, Milford Reservoir

#56214

Kansas State University, Manhattan—MEMORY UPGRADE

#56215

Kansas State University, Manhattan—MILO/ SOYBEAN MEAL

#56216

Department of Social and Rehabilitation Services, Topeka—1984-85 CALENDARS "WEATHERIZATION"

#56217

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS FORMS—FP-T

#56218

Kansas State University, Manhattan—CONTINUOUS FORMS

#56222

Department of Transportation, Hutchinson—CRACK SEALANT, HOT APPLIED

#56223

Kansas State Penitentiary, Lansing—VEHICLES

#56224

University of Kansas, Lawrence—#5 FUEL OIL

#56235

University of Kansas Medical Center, Kansas City—CHOLEDOCHOSCOPE/NEPHROSCOPE KIT

**THURSDAY, JANUARY 12, 1984**

#56225

University of Kansas Medical Center, Kansas City—STATION WAGON, Wichita

#56226

Department of Administration, Central Motor Pool, Topeka—PICKUP AND VANS

#56227

University of Kansas Medical Center, Kansas City—MISCELLANEOUS MEATS

#56228

Wichita State University, Wichita—VIDEO CASSETTE PLAYER

#56236

Department of Transportation, Topeka—MARS REPLACEMENT POINTS, KOH-I RAPID REPLACEMENT POINTS, TUNGSTEN CARBIDE POINTS

#56237

University of Kansas Medical Center, Kansas City—CARPET

#56238

University of Kansas Medical Center, Kansas City—FRAGMATOME AND OCUTOME SYSTEMS

#56239

Kansas State University, Manhattan—COMMERCIAL WASHING MACHINES

*(continued)*

#56243

Kansas Fish and Game Commission, Pratt—ELECTRONIC TYPEWRITERS

FRIDAY, JANUARY 13, 1984

#56229

Kansas State University, Manhattan—WORD PROCESSING SYSTEM

#56240

Department of Social and Rehabilitation Services, Topeka—8-PLY COTTON WETMOP YARN, Kansas Industries for the Blind

#56241

Kansas State University, Manhattan—MISCELLANEOUS MEATS/FISH

#56242

University of Kansas, Lawrence—CO<sub>2</sub> INSULATOR

FRIDAY, JANUARY 20, 1984

#25858

University of Kansas, Lawrence—AIRCRAFT INSURANCE

MONDAY, JANUARY 30, 1984

#56201

Kansas Fish and Game Commission, Pratt—COAL RECLAMATION AND RECOVERY, Cherokee County

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001753

State of Kansas

### ATTORNEY GENERAL

#### OPINION NO. 83-179

**Cities and Municipalities—Plats of Cities and Townsites; Title to Lands Platted as Public Squares; Responsibility of County Concerning Such Lands.** Philip E. Winter, Assistant Lyon County Attorney, Emporia, December 15, 1983.

The title to property designated as a "public square" in a plat, filed and recorded pursuant to K.S.A. 12-401 *et seq.*, vests in the county forever, to be held in trust for the public. There are no statutes authorizing the county to vacate such property absent a request from a city governing body or adjoining landowners. Cited herein: K.S.A. 12-401, 12-403, 12-406, 12-411, 12-504, K.S.A. 1982 Supp. 58-2613, K.S.A. 58-2615. MFC

#### OPINION NO. 83-180

**Automobiles and Other Vehicles—Act Regulating Traffic; Rules of the Road—Overtaking and Passing School Buses.**

**Schools—Transportation of Students—Transportation Routes.** John Horst, Caney City Attorney, Caney, December 15, 1983.

Local boards of education are not required to provide school bus loading areas which allow school buses to be stopped entirely off the roadway portion of all city streets.

In addition, while K.S.A. 8-1556(b) and Section 81 of Article 12 of the Uniform Standard Traffic Ordinance

for Kansas cities prohibit a school bus driver from activating the flashing warning signal lamps on the bus when the bus is stopped entirely off the roadway in designated school bus loading areas, the same subsections of law expressly authorize those lamps to be activated when the bus is stopped on a roadway to receive or discharge students.

Finally, an area on and along a city street, which is part of the roadway of the street, continues to be a part of the roadway, although the area is posted as a no parking zone. The stopping of a school bus on this portion of a city street to receive or discharge children has no effect on the school bus driver's authority to activate the flashing warning signal lamps on the bus. Cited herein: K.S.A. 8-1459, 8-1556, K.S.A. 72-8301, K.A.R. 1983 Supp. 36-13-33, Kan. Const., Art. 6, § 5. RJB

#### OPINION NO. 83-181

**Cities and Municipalities—Municipal Courts—Diversion Agreements; Driving While Under Influence of Alcohol.** Phillip Harris, City Attorney, Overland Park, December 15, 1983.

K.S.A. 12-4415(b) precludes a city attorney from entering into a diversion agreement with a defendant accused of driving a vehicle while under the influence of alcohol or drugs if the defendant has previously been convicted of such an offense or been diverted from prosecution. This statute should be read *in pari materia* with K.S.A. 8-1567(i), which establishes a five year limit on consideration of prior offenses. Therefore, if a defendant has been convicted of or diverted from a DUI offense in the preceding five years, he or she is ineligible for diversion on a subsequent offense. Cited herein: K.S.A. 8-1567, as amended by L. 1983, ch. 37, K.S.A. 12-4413, 12-4415, L. 1982, ch. 144. JSS

#### OPINION NO. 83-182

**Corporations—Agricultural Corporations—Limitations on Ownership of Land; Exceptions for Security Interests.** Representative Arthur Douville, Twentieth District, Overland Park, December 19, 1983.

K.S.A. 17-5904 prohibits corporations from owning, acquiring or otherwise obtaining or leasing any agricultural land in Kansas, except as provided therein. While subsection (1) allows bona fide encumbrances to be taken by corporations for the purpose of security, such language refers to mortgages or other equitable interests, and does not include legal title retained by a vendor in a contract for deed and thereafter sold to a corporation. By contrast, a corporation could acquire agricultural land which is subject to a contract for deed under the provisions of subsection (4), through foreclosure on a vendor's interest which had been pledged as security for a separate loan. Accordingly, a corporation could not acquire legal title in agricultural land through a program of purchasing vendors' interests in contracts for deed. Cited herein: K.S.A. 17-5904. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001754

(Published in the KANSAS REGISTER, December 29, 1983.)

**NOTICE OF BOND SALE**  
**\$325,000**  
**INTERNAL IMPROVEMENT BONDS**  
**SERIES "D", NO. 40**  
**OF THE**  
**CITY OF KANSAS CITY, KANSAS**  
 (general obligations, payable from unlimited  
 ad valorem taxes)

Sealed bids will be received by the City Clerk of Kansas City, Kansas (the "City"), in the office of the City Clerk in the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, until 10:00 o'clock a.m., C.S.T., on

WEDNESDAY, JANUARY 4, 1984

at which time and place said bids will be publicly opened and read for the purchase of \$325,000 aggregate principal amount of Internal Improvement Bonds (Series "D," No. 40) (the "Bonds"). All bids received will be reported to the City Council for determination of the best bid at a meeting of the Council to be held at said time, date and place.

*Details of the Bonds*

The Bonds will consist of an issue of \$325,000 principal amount of Internal Improvement Bonds, Series "D," No. 40. The Bonds will be fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated December 1, 1983, and becoming due serially on December 1 of each year in the principal amounts as follows:

SERIES "D," No. 40	
YEAR	PRINCIPAL AMOUNT
1984	\$25,000
1985	25,000
1986	25,000
1987	25,000
1988	25,000
1989	20,000
1990	20,000
1991	20,000
1992	20,000
1993	20,000
1994	20,000
1995	20,000
1996	20,000
1997	20,000
1998	20,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on December 1 and June 1 of each year, beginning on June 1, 1984.

*Place of Payment and Bond Registration*

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") to the registered owners thereof whose names are on the registration

books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The Bonds will be registered in the office of the Kansas State Treasurer pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas registered as either fully registered certificated bonds and/or uncertificated bonds. Consideration will be given to the successful purchaser's preference regarding the plan of registration; however, the City will make the final decision on the registration plan and the bid may not be conditioned on the plan of registration.

The City will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholders.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City by January 14, 1983.

*Redemption of Bonds*

The Bonds maturing in the year 1994 and thereafter 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 December 1, 1993, or on any interest payment date thereafter at a redemption price equal to 100% of the principal amount of Bonds so called for redemption, together with accrued interest thereon to date of redemption, without premium. In the event of any such redemption, the City will give notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be given by publication in the *Kansas Register* at least 30 days prior to the date fixed for redemption, and by mailing said notice by United States registered mail addressed to the paying agent for the Bonds and to the original purchaser of the Bonds, at least 30 days prior to the date fixed for redemption.

Whenever the City is to select the Bonds for the purpose of redemption, it shall, in the case of Bonds in denominations greater than \$5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered Bond as though it were a separate Bond of the denomination of \$5,000.

*Authority, Purpose and Security for the Bonds*

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the State of Kansas including K.S.A. 12-6a01 to 12-6a17 inclusive, as amended, for the purpose of paying the cost of certain sewer improvements.

The Internal Improvement Bonds, Series "D," No. 40, will be general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the City.

(continued)

### *Conditions of Bids*

Bids will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by *The Weekly Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the City during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, and net interest cost to the City on the basis of such bid, and the average annual net interest rate on the basis of such bid.

### *Basis of Award*

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

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

The City will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 45 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the Bonds shall be made in federal reserve funds or other funds which shall be available to the City on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

### *Legal Opinion*

The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose unqualified approving opinion will be furnished and paid for by the City, will be printed on the Bonds, and provided to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under

existing laws and regulations, the interest on the Bonds is exempt from Federal income taxation and from Kansas intangible personal property taxes.

### *CUSIP Numbers*

It is anticipated that CUSIP identification numbers will be printed on certificated Bonds, or assigned to uncertificated Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid for by the City.

### *Good Faith Deposit*

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,500 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of the City of Kansas City, Kansas, to secure the City from any loss resulting from the failure of the bidder to comply with the term of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be paid to or upon the order of the bidder. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the City as and for liquidated damages.

### *Bid Forms*

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

### *Submission of Bids*

Bids must be submitted in sealed envelopes and addressed to the undersigned, City Clerk, Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, and marked "Bid for the purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 10:00 o'clock, A.M., C.S.T. on January 4, 1984.

### *Official Statement*

The City has prepared an Official Statement dated December 8, 1983, copies of which may be obtained from the City Clerk. Upon the sale of the Bonds, at the request of the successful bidder, the City will furnish the successful bidder with a reasonable number of

(continued)



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

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the City for the year 1983 is \$395,693,102. The total general obligation bonded indebtedness of the City as of November 30, 1983, including the Bonds being sold, is \$30,025,000. In addition, the City has outstanding as of November 30, 1983, \$8,555,450 of temporary notes, of which \$372,350 will be retired out of the proceeds of the Bonds herein offered for sale, and other funding sources. Of the above total amount of indebtedness, \$11,691,915 is exempt from the statutory debt limits.

**Bond Ratings**

The outstanding general obligation bonds of the City are rated "AA" by Standard & Poor's and "A-1" by Moody's Investors Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

DATED this 8th day of December, 1983.

DAVID T. ISABELL  
City Clerk/Director of Finance  
Municipal Office Building  
One Civic Center Plaza  
Kansas City, Kansas 66101  
(913-573-5260)

Doc. No. 001741

**State of Kansas**

**DEPARTMENT OF REVENUE**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 7, 1983. Will expire May 1, 1984.)

**Article 51.—TITLES AND REGISTRATION**

**92-51-35. Prisoner of war number plates; application requirements.** Each applicant for a distinctive number plate designating that person as a former prisoner of war shall submit proof in the form of documentation from the veteran's administration or from a branch of the armed services or in the form of a newspaper clipping verifying the applicant's former prisoner of war status. If no such documentation is available, two notarized statements from acquaintances of the applicant verifying the applicant's former prisoner of war status shall be submitted as proof. (Authorized by and implementing K.S.A. 1983 Supp. 8-177c; effective, T-84-35, Dec. 7, 1983.)

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 001762

**State of Kansas**

**PARK AND RESOURCES AUTHORITY**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 7, 1983. Effective January 1, 1984. Will expire May 1, 1984.)

**Article 2.—MOTOR VEHICLE PERMITS**

**33-2-4. Schedule of Motor Vehicle Permit Fees.**

One-day Temporary Motor Vehicle Permit (valid only in the park where purchased; expires at 10 a.m. on day following purchase) . . . . .	\$ 2.00
Annual Motor Vehicle Permit (for calendar year) . . . . .	\$15.00
Additional Motor Vehicle Permit (with Annual Motor Vehicle Permit; for each additional vehicle of same owner; for calendar year) . . . . .	\$ 3.00
Duplicate Permit (to replace lost, stolen, or damaged Annual Motor Vehicle Permit) . . . . .	\$ 1.00

This regulation shall take effect on January 1, 1984. (Authorized by and implementing K.S.A. 1982 Supp. 74-4509b, effective T-83-39, Nov. 23, 1982; amended May 1, 1983, amended T-84-33, Jan. 1, 1984.)

LYNN BURRIS, JR.  
Director

Doc. No. 001757

**State of Kansas**

**OFFICE OF THE SECURITIES COMMISSIONER**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 7, 1983. Will expire May 1, 1984.)

**Article 5.—EXEMPTIONS**

**81-5-6. Uniform limited offering exemption.** (a) Any transaction involving the offer or sale of securities made in compliance with the Federal Securities Act of 1933, Regulation D, Rules 230.501-230.503 and 230.505, as made effective in Federal Securities Act of 1933 Release No. 33-6389, and which satisfies the conditions, limitations, and requirements of this regulation, shall be exempt from the registration provisions of the Kansas Securities Act.

(1) No commission, finders fee, or other remuneration shall be paid or given, directly or indirectly, for soliciting any prospective purchaser, or in connection with the sales of securities in reliance on this exemption, unless the recipient is appropriately registered in this state as a broker-dealer, agent or investment adviser.

(2) No exemption under this regulation shall be available if the issuer, any of its directors, officers, general partners, beneficial owners of 10% or more of

(continued)

any class of its equity securities, any of its promoters currently connected with it in any capacity, or any person (other than a broker-dealer currently registered under K.S.A. 17-1254) who has been or will be paid or given, directly or indirectly, any commission or similar remuneration for solicitation of any prospective purchaser or in connection with sales of securities in reliance on this regulation:

(A) has filed a registration statement which is subject to a currently effective stop order entered pursuant to any state law within five years prior to the commencement of the offering;

(B) has been convicted, within five years prior to commencement of the offering, of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

(C) is currently subject to any state administrative order or judgment entered by a state securities administrator within five years prior to the commencement of the offering or is subject to any state administrative order or judgment in which fraud or deceit was found and the order or judgment was entered within five years prior to the commencement of the offering;

(D) is currently subject to any state administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities; or

(E) is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the commencement of the offering, permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

(F) The prohibitions of paragraphs (A) through (C) above shall not apply if the party or interest subject to the disqualifying order is duly licensed to conduct securities-related business in the state in which the administrative order or judgment was entered against such party or interest.

(G) Any disqualification caused by this section shall be automatically waived if the state which created the basis for disqualification determines, upon a showing of good cause, that it is not necessary under the circumstances to deny the exemption.

(3) The issuer shall file with the commissioner, at the times specified in paragraphs (A) through (C) below, a notice on federal SEC Form D 17CFR239.500 (copies of which may be obtained from the Kansas Commissioner). The notice shall be filed:

(A) no later than 15 days after the first sale of securities in an offering under this exemption;

(B) every six months after the first sale of securities in an offering under this exemption, unless the final notice required by paragraph (C) below has been filed; and

(C) no later than 30 days after the last sale of securities in an offering under this exemption.

(D) Every notice on Form D shall be manually signed by a person duly authorized by the issuer.

(4) In any sale to a nonaccredited investor, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is suitable for the investor. Suitability shall be based upon the facts disclosed by the investor as to the investor's other security holdings, financial situation and needs. For the limited purpose of this condition only, it may be presumed that if the investment does not exceed 20% of the investor's net worth (excluding principal residence, furnishings therein and personal automobiles) it is suitable.

(b) Offers and sales which are exempt under this rule shall not be combined with offers and sales exempt under any provision of the Kansas Securities Act or any rule promulgated thereunder.

(c) In any proceeding involving this rule, the burden of proving the exemption or an exception from a definition or condition shall be upon the person claiming it.

(d) In view of the objective of this rule and the purposes and policies underlying the Kansas Securities Act, this exemption shall not be available to any issuer with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

(e) Upon the showing of good cause, the commissioner may by order waive any of the conditions of paragraphs (a)(2)(A), (a)(2)(C) or (a)(2)(D) of this exemption.

(f) The issuer shall be required to maintain, for a period of five years, a written record of all information furnished by it to all offerees.

(Authorized by K.S.A. 1982 Supp. 17-1270(f); implementing K.S.A. 1982 Supp. 17-1262; effective T-83-40, Nov. 23, 1982; effective May 1, 1983; amended T-84-34, Dec. 7, 1983.)

JOHN R. WURTH  
Securities Commissioner

Doc. No. 001756

## State of Kansas

## DEPARTMENT OF CORRECTIONS

## TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board  
November 22, 1983. Will expire May 1, 1984.)

## Article 6.—GOOD TIME CREDITS

**44-6-101. Definitions.** (a) "Establishment of good time credits" means the creation of that pool of credits which decrease part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the full minimum or maximum sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole, good time credits shall not be available to reduce the period of incarceration prior to a Kansas adult authority hearing for reparole.

Prior to July 1, 1982, good time credits were prescribed and established by the Kansas adult authority, as authorized by K.S.A. 22-3717 or 22-3717a. These good time credits include both the credits referred to in K.A.R. 45-1-1(i) and K.A.R. 45-13-1 as "statutory authorized" good time credits, and also those referred to as "meritorious" good time credits in K.A.R. 45-2-2. Since good time credits are established only by K.S.A. 1982 Supp. 22-3717(l) on and after July 1, 1982, these credits shall be referred to as "legislative good time credits" and shall be administered by the secretary.

(b) "Allocation of good time credits" means the break down of the total amount of established good time credits into groups of credits which are available to the inmate in separate time periods.

(c) To "earn good time credits" means that the inmate shall have acted in such a way as to merit a reduction of the term of actual imprisonment by those credits.

(d) "Award of good time credits" means the act of the unit team, as approved by the program management committee and the principal administrator or designee, granting all or part of the allocation of credits available for the time period under review. "Award" refers, in its broadest sense, to the granting of "meritorious" as well as "statutory authorized" good time credits prior to July 1, 1982. On and after July 1, 1982, award shall refer to legislative good time to the extent such good time credit is applicable.

(e) "Forfeiture of good time credits" means the removal of the credits and consequent reinstatement of a term of actual imprisonment by the disciplinary board pursuant to K.A.R. article 44-12 and K.A.R. article 44-13 as published in the inmate rule book.

(f) "Application of good time credits" means the entry of the credits or forfeitures into the official record of the inmate and the consequent adjustment of parole eligibility or conditional release.

(g) "Parole eligibility" is the characteristic of having served the sentence required by law to the extent

that the law would permit immediate release, on the order of the Kansas adult authority, by the granting of a parole. The docketing and conducting of a hearing by the Kansas adult authority to determine whether a parole will be granted may occur before or after eligibility but does not affect the eligibility itself.

(h) "Work and good behavior credits" mean good time credits, which are described in subsection (a).

(i) "Abscond" means departing without authorization from a geographical area or jurisdiction prescribed by the conditions of one's parole.

(j) "Aggregated controlling sentence" means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the maximum terms. The term "aggregated" shall be applied only to consecutive sentences.

(k) "Merged controlling sentence" means a controlling sentence composed of two or more sentences with the shorter merged into the longer. The longest period of incarceration on any of those sentences shall control the parole eligibility date, conditional release date, and discharge or net maximum date.

(l) "Composite sentence" means any sentence formed by the combination of two or more sentences.

(m) "Conditional release date" (CR date) means the maximum sentence ending date minus total authorized good time credits not forfeited.

(n) "Consecutive sentence" means a series of two or more sentences imposed by the court in which the minimum terms and the maximum terms, respectively, are to be aggregated.

(o) "Concurrent sentence" means two or more sentences imposed by the court with minimum and maximum terms, respectively, to be merged.

(p) "Controlling sentence" means that sentence made up of the controlling minimum term and the controlling maximum term of any sentence or composite sentence.

(q) "Controlling maximum date" means the calendar date ending the incarceration. This date is derived by adding the controlling maximum term imposed by the court to the sentence begins date.

(r) "Controlling minimum date" means the calendar date derived by adding the controlling minimum term to the sentence begins date.

(s) "Controlling maximum term" means the length of that maximum sentence imposed by the court which constitutes the longest required period of incarceration to be served, as that period of incarceration is determined according to applicable case and statutory law and these regulations. (See also 44-6-141)

(t) "Controlling minimum term" means the length of the sentence to be served to reach the controlling minimum date as determined according to applicable case, statutory and regulatory law. (See also 44-6-140)

(u) "Delinquent time lost on parole" (DTLOP) means the time lost on the service of sentence from which paroled due to some violation of the conditions of parole for which a parole violation warrant was issued.

(continued)

(v) "Multiple sentences" means two or more sentences imposed by one or more courts.

(w) "Prior penal credit" means the penal time credited for time previously served on the sentence. It shall be computed and applied by department of corrections staff. Prior penal credit shall be the length of time between:

(1) The date of sentencing to the custody of the secretary; and

(2) any disposition which removes the inmate from the incarceration and in which the sentence does not continue to run while the inmate is absent.

Prior penal credit shall be applied to cases in which the inmate is subsequently incarcerated on the same conviction. Credit for time served on probation or parole shall also be considered prior penal credit for computation of certain consecutive sentences, as required by statute.

(x) "Jail credit time" (JC) means the time spent in confinement, pending the disposition of the case, before the sentencing to the custody of the secretary of corrections pursuant to K.S.A. 21-4614.

(y) "Sentence begins date" means the calendar date on which service of the sentence is to begin running. This date, as instructed by the court, shall reflect the time allowances as defined in jail credit time. This date shall be adjusted by department of corrections staff if prior penal credit is applicable. If no jail credit is involved but prior penal credit exists, the prior penal credit shall be subtracted from the sentence imposition date to determine the sentence begins date.

(z) "Sentencing date" means the date on which the sentence is imposed by the court upon conviction. (Also known as the sentence imposition date.)

(aa) "Time lost on escape" means the time not counted on the service of sentence while the inmate is on escape status. It is the time from which the escape took place to the time of apprehension.

(bb) "Secretary's certification of parole eligibility date" means the date set by the secretary of corrections as the parole eligibility date, based on program assessment. It may be coordinated with the Kansas adult authority parole hearing date to yield a simultaneous parole eligibility and hearing date. It may also be set earlier or later than the Kansas adult authority hearing schedule, based solely on program assessment. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective May 1, 1981; amended, T-84-32, Nov. 22, 1983.)

**44-6-102.** (Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 75-5205; implementing K.S.A. 1980 Supp. 22-3717; effective May 1, 1981; revoked, T-84-32, Nov. 22, 1983.)

**44-6-103 through 44-6-105 inclusive. Reserved.**

**44-6-106. Authority to interpret court documents.** Department of corrections staff designated by the secretary of corrections shall have authority to analyze the interpret the journal entry of judgment or the judgment form and any other documents from the

court to a reasonable extent as necessary to execute the sentence and commitment. Authorized staff shall include principal administrators, records officers, classification officers and attorneys. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-107. Application of law as of date of crime; statutes repealed still applied.** (a) The statutes constituting the substantive law in effect at the time the crime is committed shall apply to compute the sentence term and the release dates. No subsequent change in the statute constituting substantive law shall be applied if that law adversely affects the inmate. Changes in statute constituting substantive law which benefit the inmate may be applied to compute the inmate's sentence term and the release dates, but shall not be required to be applied except in the computation of parole eligibility. Parole eligibility shall be computed by applying the statute in effect at the time the inmate committed the crime for which imprisoned unless subsequent changes in the statute provide an earlier parole date. If the amendment would yield an earlier parole eligibility date, that amendment shall be applied. Statutes establishing the formula for computation of parole eligibility shall be considered substantive law and not procedural law.

(b) Any statute or regulation that has been repealed or revoked shall continue to apply to sentences of inmates when other statutes, regulations or the principles of constitutional law require its terms to be applied to that inmate, or when law permits its continued application and the policy of the department of corrections is to continue its application for reasons of fairness or economy.

(c) The following chart shall establish the description of categories of law systems applicable to sentences of inmates who are subject to the custody of the secretary of corrections:

TITLE OF LAW SYSTEM	EFFECTIVE DATE OF APPLICATION	SESSION LAW OR STATUTORY REFERENCE
(1) "Old code"	All prior to July 1970	
(2) "New code"	After July 1, 1980	
(3) Penal reform act of 1973	After July 1, 1974	S.B. 72, L. 1973, ch. 339
(4) "Firearms mandatory," "mandatory firearms," "mandatory gun," "gun act," all referring to the combination of mandatory prison term and prohibition of parole before minimum is served.	After July 1, 1976	K.S.A. 21-4618 and K.S.A. 22-3717, L. 1976, Ch. 168
(5) "Parole eligibility reform law"	On and after January 1, 1979	K.S.A. 22-3717, L. 1978
(6) "Aid and abet parole limitation"	After July 1, 1981	K.S.A. 22-3717, L. 1981 ch. 156
(7) "Parole eligibility law split"	After July 1, 1981	K.S.A. 22-3717, 22-3717a, L. 1981, ch. 156

(continued)

- (8) "Sentence toughening law," or "legislative good time credit law" After July 1, 1982 H.B. 3104 and H.B. 2757, L. 1982, ch. 137 and 150
- (9) "Previous consecutive credit limitation law" After July 1, 1983 HB. 2212, L. 1983, ch. 111, K.S.A. 21-4608(6), (d) and (e)

(d) The history of the pertinent statutes shall be reviewed to determine the form of the law applicable at the time the crime was committed, as follows:

(1) K.S.A. 21-4608—Prior Law: K.S.A. 62-1512; G.S. 1868, ch. 82, § 250, R.S. 1923, 62-1512, L. 1963, ch. 306, § 1, June 30, 1963, Repealed L. 1969, ch. 180, July 1, 1970; K.S.A. 62-2251, L. 1957, ch. 331, § 26; July 1, 1957 Repealed L. 1969, ch. 180; July 1, 1970; L. 1969, ch. 180, § 21-4608, July 1, 1970; L. 1978, ch. 120, § 8; January 1, 1979; L. 1982, ch. 150, § 1, July 1, 1982; L. 1983, ch. 111, § 1, July 1, 1983.

(2) K.S.A. 22-3717, L. 1970, ch. 129, § 22-3717, July 1, 1970; [L. 1972, ch. 317, § 90, Never Effective], L. 1973, ch. 339, § 88, July 1, 1974; L. 1974, ch. 403, § 10, July 1, 1974; L. 1975, ch. 203, § 1, July 1, 1975; L. 1976, ch. 168, § 2, July 1, 1976; L. 1978, ch. 120, § 13, January 1, 1979; L. 1979, ch. 94, § 2, July 1, 1979; L. 1981, ch. 156, § 1, July 1, 1981; L. 1982, ch. 137, § 3, July 1, 1982; L. 1982, ch. 150, § 2, July 1, 1982.

(3) K.S.A. 22-3717a, L. 1981, ch. 156, § 2, July 1, 1981, Repealed L. 1982, ch. 137, § 4, July 1, 1982.

(e) Statutes specifically relating to the granting of credit for time served shall be applied according to the terms, the court's order and the statute and their histories shall be described as follows:

(1) K.S.A. 21-4614. Prior Law K.S.A. 62-1533, L. 1969, ch. 180, § 21-4614; L. 1979 ch. 124, § 13; L. 1972, ch. 317, § 101; L. 1973, ch. 339, § 72; L. 1980, ch. 104, § 2, April 24, 1980.

(2) K.S.A. 21-4608 [see subsection (d)].

(3) K.S.A. 22-3431. Prior Law K.S.A. 62-1537; L. 1970, ch. 129, § 22-3431; L. 1971, ch. 114, § 8, July 1.

(4) K.S.A. 22-3717 [see subsection (d)].

(5) K.S.A. 22-3717a [see subsection (d)]. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-33, Nov. 22, 1983.)

**44-6-108. Good time credits; earning, awarding and applying.** (a) The award of good time credits shall be made by the principal administrator of the correctional facility, or that person's designee, acting on recommendation of the unit team and program management committee.

(b) To establish eligibility for parole in certain cases amenable to reduction by good time credits, good time credits, as earned, shall be awarded to reduce the time required to be served on the minimum term of those sentences as described in these regulations and applicable law.

(c) To establish the conditional release date, good time credits, not forfeited, shall be presumed earned and shall be applied to the maximum sentence term when first computed. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-108a. Miscellaneous rules for parole eligibility computation.** (a) The legislative good time credits shall be computed prospectively, and not retrospectively on and after July 1, 1982.

(b) Once the system giving the earlier parole eligibility has been selected, pursuant to K.A.R. 44-6-114 and 44-6-114a, the inmate's parole eligibility shall be computed under that system henceforth.

(c) The provision of the law after January 1, 1979, requiring an automatic parole hearing where no hearing has been held nor date established, shall apply to certain cases as required by statute. (From January 1979 to July 1, 1981 this provision appears at K.S.A. 22-3717(2)(c). From July 1, 1981 to July 1, 1982, this provision appears at K.S.A. 22-3717a(c). After July 1, 1982 it does not appear.) For purposes of applying this provision, a date set for a parole hearing by the Kansas adult authority which is the same as the controlling minimum date shall be considered as having not been set. In such a case, the discretionary parole eligibility certification of the secretary of corrections or minimum term less good time credits, whichever is earlier, shall be used for parole eligibility. However, if a penalty for parole violation has been imposed which causes the hearing date to be simultaneous with the controlling minimum, the automatic hearing provision shall not apply. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-109. Parole eligibility computation; crimes prior to July 1970.** (a) For all crimes committed prior to 1970, the parole eligibility on the sentence shall be the minimum term less good time credits. Parole eligibility for these crimes shall be computed pursuant to K.A.R. 44-6-111 if the result would be not later than the minimum term less good time credits.

(b) Concurrent, consecutive, and mixed composite sentences shall have parole eligibility computed according to the terms of K.S.A. 21-4608, as that law existed on July 1, 1970 (L. 1969, ch. 180, § 21-4608), and these regulations. For concurrent composite sentences, parole eligibility shall be computed as follows:

(1) If the sentences were imposed on the same date:

(A) Merge the shorter minimum term into the longer minimum term;

(B) apply the good time table, as provided at that time by the Kansas board of probation and parole, on a projected basis by subtracting, from the minimum date, the maximum possible statutory good time credits available for that sentence;

(C) subtract the good time credits under (B) from the minimum term calculated under (A) to determine the parole eligibility period. (See K.A.R. 44-6-114 if the sentence runs past July 1, 1982.)

(2) If the sentences were imposed on different dates:

(A) Compute the parole eligibility on the minimum term of each sentence; and

(B) determine which minimum term has the longest period of incarceration to reach parole eligibility.

(continued)

The parole eligibility associated with the longest period of incarceration shall be the parole eligibility for the composite controlling sentence. (See K.A.R. 44-6-114 for any sentence extending past July 1, 1982.)

(c) For consecutive sentences, the parole eligibility shall be computed as follows:

(1) If the sentences were imposed on the same date, parole shall be computed by applying the maximum available statutory good time credit, as established at that time by Kansas board of probation and parole, on a projected basis to the aggregated composite minimum sentence.

(2) If the sentences were imposed on different dates, the good time credits shall be applied to the aggregate composite minimum sentence. For this purpose, the aggregate composite shall begin at the beginning date of the earliest of the consecutive sentences. (See K.A.R. 44-6-114 for sentences extending past July 1, 1982.)

(3) If consecutive sentences are imposed to be consecutive to sentences for which the inmate was on probation, parole or conditional release, the parole eligibility shall be adjusted to give credit for time spent on probation, parole or conditional release. (See K.A.R. 44-6-138(f) for sentences extending past July 1, 1983. After that date the credit is not given.) (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-110. Parole eligibility computation; crimes between July 1970 and July 1974.** (a) For all crimes committed after July 1, 1970 and prior to July 1, 1974, the parole eligibility date shall be the minimum sentence less good time. The parole eligibility date for such crimes shall be determined under K.A.R. 44-6-111 if the resulting eligibility date would not be later than minimum less good time. For the initial computation of this parole eligibility date, good time credits shall be presumed earned and shall be applied to the sentence. In subsequent computations, good time credits that have been forfeited according to applicable procedures shall not be applied to the sentence.

(b) For concurrent and consecutive composite sentences, parole eligibility shall be computed as described for pre-1970 sentences in K.A.R. 44-6-109. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32; Nov. 22, 1983.)

**44-6-111. Parole eligibility computation; crimes between July 1974 and January 1979 and convictions under the "firearm mandatory" sentence law after 1976.** (a) When computing parole eligibility for all crimes committed after July 1, 1974 and prior to January 1, 1979, good time credits shall not apply since they dictate only the conditional release date.

(b) Parole eligibility shall be at the secretary's discretion and shall be upon attainment of the lowest minimum custody status. Attainment of the lowest minimum custody status shall be based on observed

behavior and an assessment of rehabilitation by the unit team that is consistent with public safety and the circumstances and severity of the crime.

Parole eligibility shall not be sooner than the lapse of court jurisdiction at 120 days following sentence imposition or the mandate on appeal.

(c) Certain sentences shall have a fixed parole eligibility of 15 years as follows:

(1) When the minimum term is life imprisonment; and

(2) when the minimum term or composite minimum term is more than 15 years, after good time credits are deducted. For this purpose, maximum possible good time credits shall be computed to make this determination as if they were to be applied. However, the good time credits shall not be applied to the actual sentence in service.

(d) Sentences imposed pursuant to K.S.A. 21-4618 (the "firearm mandatory" law) shall not be credited with good time on the minimum sentence. Parole eligibility shall be the minimum sentence as imposed. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-112. Parole eligibility computation; crimes between January 1979 and July 1982, including aid and abet after July 1981.** For crimes committed on and after January 1, 1979, but before July 1, 1982, parole eligibility date shall be computed as follows: (a) For class A felonies, the parole eligibility shall be fixed at 15 years. It shall be unaffected by good time credits.

(b) Any sentence, regardless of the class of felony, having a single or composite minimum sentence which is 29 years or more, shall have the parole eligibility fixed at 15 years. This date shall be unaffected by good time credits.

(c) Those sentences which are imposed pursuant to the "gun act" or the "firearms mandatory" law, K.S.A. 21-4618, and which have a minimum term which is 15 years or more shall have a parole eligibility date fixed at 15 years. No good time shall apply to any "firearms mandatory" sentence.

(d) Those sentences imposed under the "habitual criminal act," K.S.A. 21-4504, and which have a minimum sentence of 15 years or more, shall have a parole eligibility fixed at 15 years. Parole eligibility for such sentences shall be computed in this manner, even though good time credits could be accumulated to reduce the minimum down to an earlier date for parole eligibility had the sentence been less than 15 years.

(e) For class B and C felonies, parole eligibility shall be the minimum term less good time credits, except when parole is requested by the secretary of corrections for good cause pursuant to K.S.A. 22-3717a(b).

(f) For class D and E felonies, parole eligibility shall be set by discretionary certification of the secretary of corrections at any time after the court no longer has jurisdiction to modify the sentence. However, if no hearing date has been set by the Kansas adult

(continued)

authority for the parole hearing, the minimum term less good time credits shall be the parole eligibility date. In such a case, good time shall be earned, awarded and computed as if to be applied so the parole hearing date may be determined.

(g) For any class D or E felony sentence imposed under the "habitual criminal act," parole eligibility shall be the minimum term less good time.

(h) (1) Parole eligibility shall be discretionary at any time after the 120 day court jurisdiction lapses for class A, B, and C felonies if the court specifies in the journal entry or judgment form that criminal liability was based on either of the following:

(A) Conviction for aiding, abetting, advising, or counseling another to commit a crime;

(B) conviction because one is guilty for a crime committed by another in pursuance of an intended crime because the convicted person aided, abetted, advised, hired, counseled, or procured the other to commit the intended crime.

(2) For crimes committed on or after July 1, 1981, this discretionary parole eligibility shall be limited so it will not be sooner than one-half the time otherwise required to reach parole eligibility on the sentence, including any applicable good time.

(i) To the extent required to correctly and completely compute parole eligibility, parole eligibility shall reflect the reference to multiple sentence computation found in the law relating to parole eligibility, K.S.A. 22-3717a, repealed and 22-3717, and the reference to parole eligibility found in the law relating to multiple sentence computation, K.S.A. 21-4608. K.S.A. 21-4608(3)(a), (b), (c), (d) and (e), repealed July 1, 1982, L.82, ch. 150 § 1, and K.S.A. 22-3717a (f), (1), (2) and (3), (h) and (i), repealed July 1, 1982, L. 82, ch. 137, shall be complied with as interpreted and applied by these regulations and any applicable policies and procedures of the secretary of corrections.

(j) Concurrent composites. Subject to other provisions of these regulations regarding parole eligibility, parole eligibility for concurrent composite sentences for crimes committed on or after January 1, 1979 and before July 1, 1982 shall be determined as follows:

(1) If the sentences are imposed on the same date, the parole eligibility shall be based on the longest minimum term.

(2) If the sentences are imposed on different dates, parole eligibility shall be based on the term which yields the longest period of incarceration.

Parole eligibility in these cases may be projected on a sentence different than the one on which conditional release is projected.

(k) Consecutive composites. Subject to other provisions of these regulations regarding parole eligibility, for consecutive composites sentences for crimes on or after January 1, 1979 and before July 1, 1982, parole shall be computed as follows:

(1) When the sentences are imposed on the same date, parole eligibility shall be computed by determining parole eligibility for each separate sentence, using the applicable rules and summing the parole

eligibility periods to obtain the parole eligibility period for the composite.

(2) When the sentences are imposed on different dates, the same process shall be used. However, the parole eligibility period shall be reduced by an amount equal to the time served on the earlier imposed sentence, including time served on probation or parole, if any. This amount of reduction shall not exceed an amount equal to the full minimum term of the earlier imposed sentence. This parole eligibility period shall be counted from the beginning date of the subsequently imposed sentence.

(3) In all consecutive composite sentences for crimes committed between January 1, 1979 and July 1, 1982, the inmate shall become eligible for parole 15 years from the beginning date of the last sentence in the composite if this 15 years would elapse sooner than the parole eligibility as otherwise computed under this subsection (k).

(l) Mixed concurrent—consecutive composites. In mixed composite sentences, the concurrent terms are computed for parole eligibility first, according to subsection (j), and then combined with the consecutive sentences according to subsection (k). (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-113. Parole eligibility computation; good time on minimum—actual earning progressively, accounting method.** In determining parole eligibility for cases controlled by the law on and after January 1, 1979, including those after July 1, 1982, good time credits shall not be awarded in advance of earning or on a projected basis. Good time credits shall be awarded only after the inmate has been deemed, by the unit team, to have earned them. However, an auxiliary accounting record, separate from the official inmate record and for informational purposes only, may be used to show the maximum total authorized credits that the inmate may earn. This record may show the parole eligibility date which would occur if all good time were earned. This projected good time parole eligibility date shall not be shown as a parole hearing date, unless this is the same day as the hearing set by Kansas adult authority. The parole eligibility shall be computed by the department of corrections. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-114. Parole eligibility computation; crimes after July 1982.** For those offenses committed on or after July 1, 1982, the parole eligibility shall be computed as follows:

(a) Any class A felony sentence, including class A felony sentences imposed pursuant to K.S.A. 21-4618, the "mandatory firearms law," shall have a fixed parole eligibility date of 15 years. No good time shall be applicable.

(b) All other sentences, including those pursuant to

(continued)

the "mandatory firearms law," shall have a parole eligibility date which consists of the minimum sentence imposed less good time credits earned in accordance with K.S.A. 1982 Supp. 22-3717(1).

(c) If sentences are consecutive, the parole eligibility date shall be the aggregate of the minimum terms, less good time credits earned, for all crimes except class A felonies. The aggregate of minimum terms shall be computed according to multiple sentence computation principles set out in K.S.A. 21-4608 and amendments thereto and according to these regulations.

(1) If the consecutive sentences include one or more class A felonies, the following procedure shall be used to determine the parole eligibility date:

(A) Compute the aggregate of the minimum terms for crimes which are not class A felonies, if any; and

(B) Add an additional 15 years for each class A felony. No good time credits shall be deducted from the fixed 15 year parole eligibility date for class A felonies.

(2) Unless otherwise ordered by the court, when consecutive sentences are imposed on the same date and when they include one or more class A felonies, the class A felony sentence parole eligibility period shall be served to completion first, as good time credits are not available to class A felonies. Other classes of crimes in the sentence shall be served after the class A felony parole eligibility period ends. When the class A felony sentence is served first, the 15 year parole eligibility shall be added to the sentence begins date to determine the parole eligibility date on the class A felony sentence. After this date the service of time on the non-class A felonies may begin. The parole eligibility on the sentences for felony classes other than A, as aggregated, shall then be added to the class A parole eligibility to determine the total composite parole eligibility for the aggregated composite sentence.

(d) Those convicted for aiding, abetting, advising or counseling and those convicted under the section 2 of K.S.A. 21-3205 shall not be considered for accelerated parole eligibility if the crime was committed on or after July 1, 1982. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-114a. Parole eligibility computation; crimes before July 1982 with sentences running past July 1982.** (a) Parole eligibility for all those offenses committed before July 1, 1982 that have a sentence which continues past July 1, 1982 shall be computed using the following steps:

(1) Computation shall first be made showing parole eligibility as it would be figured using the rules for parole computation applicable before July 1, 1982 as if continued after July 1, 1982. This shall be referred to as the base form.

(2) Parole eligibility shall also be computed by applying the new rules in effect on and after July 1, 1982 to the portion of the sentence that remains after July 1, 1982. This shall be referred to as the comparison form.

(3) The parole eligibility shall be the earlier of the two dates obtained by these two methods.

(b) These computations shall be made for the various types of sentences according to the following principles:

(1) Sentences imposed under the "mandatory firearms law," K.S.A. 21-4618, and its companion parole prohibition in K.S.A. 22-3717a[d], shall begin earning good time credits on and after July 1, 1982. To accomplish this, the legislative good time, as established by K.S.A. 1982 Supp. 22-3717(1), and as allocated in these regulations, shall be counted, starting at zero and progressing from July 1, 1982. This shall be computed as if July 1, 1982 is the sentence begins date for the balance of the minimum term after July 1, 1982.

(2) Legislative good time credits shall apply to those sentences imposed under the "mandatory firearms law," K.S.A. 21-4618, which have a minimum term of 15 years or longer and which therefore have a fixed 15 year parole eligibility under K.S.A. 1981 Supp. 22-3717a. Good time credits shall also apply, after July 1, 1982, to those sentences imposed under the "habitual criminal act," K.S.A. 21-4504, that have a minimum term of 15 years or more and which therefore, pursuant to K.S.A. 1981 Supp. 22-3717a, have a fixed 15 year parole eligibility date and no good time credit available. However, in both these cases a comparison shall be made to determine which system gives the earlier parole eligibility date, using the following system:

(A) Establish the base form parole eligibility using the old system, which is 15 year fixed parole eligibility with no good time credit;

(B) establish the comparison form parole eligibility using the new system by applying the legislative good time credits the inmate could earn to the minimum sentence actually imposed, ignoring the fixed 15 year parole eligibility, and counting the good time credits forward from July 1, 1982; and

(C) compare the two parole eligibility dates and use the system yielding the earlier of the two.

(3) Sentences for class D and E felonies shall earn good time according to the legislative good time allocation table by progressing forward from zero good time credits, as if July 1, 1982 is the sentence begins date, through the balance of the minimum term to be served after July 1, 1982. To identify and select the system yielding the earlier parole for these sentences, the following steps shall be completed:

(A) Determine whether the secretary's parole eligibility certification date or the minimum term less good time credits gives the earlier parole eligibility date. Select the method which yields the earlier date for use as the old system, base form parole eligibility;

(B) If minimum term less good time credits yields an earlier parole eligibility than the secretary of corrections projected certification date, add the old good time credits before July 1, 1982 and the new good time credits after July 1, 1982 to get the total reduction by good time that determines the new system, comparison form parole eligibility.

(C) If the secretary of corrections' certified parole

(continued)



eligibility would be earlier than a minimum less good time parole eligibility, use the secretary of corrections' certified parole eligibility as the old system, base form parole-eligibility. Then, using the formulas set forth in subsection (D) below, complete the following computation process to determine new system, comparison form parole eligibility:

(i) Compute the proportion of the old parole eligibility partial reduction of the minimum to the full minimum term;

(ii) apply that proportion to the time served between the sentence begins date and July 1, 1982 to get the reduction amount for the old system part;

(iii) apply the new good time tables to the time to be served between July 1, 1982 and the full minimum to find the amount of reduction for that part; and

(iv) add the two reduction amounts to get the total reduction under the new system.

(v) If the secretary of corrections' discretionary parole eligibility is set or projected to the month only, without a day specified, the 15th day of that month shall be the parole eligibility date for purposes of this computation.

(D) The formula which may be used for the computation in paragraph (C) above shall be as follows:

$$\text{Proportionate Reduction Factor} = \frac{(\text{Min Date—Sent. Begin Date})-(\text{P.E. Date—Sent. Begin Date})}{(\text{MIN DATE—SENT. BEGIN DATE})}$$

$$\text{Combined Reduction} = \frac{[(\text{Time spent prior to July 1, 1982}) \times (\text{Proportionate Reduction Factor})] + (\text{New G.T. Possible on balance of minimum to be served after 7-1-82.})}{(\text{on balance of minimum to be served after 7-1-82.})}$$

(4) Sentences for class B or C felonies committed prior to January 1, 1979 shall be eligible for parole based on the same computation as is used for class D and E felonies in paragraph (3) of subsection (b) above.

(5) Sentences for class B and C felonies committed on and after January 1, 1979, but prior to July 1, 1982, shall be eligible for parole upon the earlier of the following:

(A) After serving the minimum term less the sum of all good time credits earned prior to July 1, 1982 and good time credits available to be earned after July 1, 1982 pursuant to K.S.A. 1982 Supp. 22-3717(1). This calculation provides the comparison form;

(B) After serving the minimum term less good time credits earned from those credits available under pre-July 1982 Kansas adult authority regulations (K.A.R. 44-6-116) as if continued after July 1, 1982 for the balance of the sentence. This calculation provides the base form.

(6) (A) In sentences for class A, B, or C felonies committed after January 1, 1979 and before July 1981, by reason of aiding, abetting, advising or counseling another to commit a crime, or by reason of the principle provided for in subsection 2 of K.S.A. 21-3205 and amendments thereto, parole eligibility shall be discretionary as certified by the secretary of corrections.

(B) If such a crime was committed on or after July 1, 1981 and prior to July 1, 1982, the discretionary parole

eligibility, as certified by the secretary of corrections, shall be limited as follows:

(i) Compute parole eligibility for a sentence for the same felony class not based on aiding and abetting; and

(ii) multiply the resulting parole eligibility by one-half;

Discretionary parole eligibility shall not be available until the inmate has served the minimum number of years computed in item (ii). This shall constitute the limiting point but shall not constitute the parole eligibility itself. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-114b. Parole eligibility computation; crimes after July 1982 and crimes before but running past July 1982; composite sentences.** (a)(1) On new admissions after July 1, 1982 for concurrent sentences, one of which is for a crime committed before July 1, 1982 and the other for a crime committed after that date, the sentences shall be merged to form a composite according to K.S.A. 21-4608 and these regulations (See K.A.R. 44-6-140.) However, the parole eligibility shall be computed on each of the underlying sentences using the system for the pre-July 1982 crime which would give the earlier parole eligibility, and using the new system, effective July 1982, for the post July 1982 crimes. Pursuant to K.S.A. 21-4608 and K.A.R. 44-6-140, which require that among concurrent sentences the minimum sentence requiring the longest time to be served before parole eligibility must be used as the controlling minimum sentence, parole eligibility shall be first computed for each sentence in order to identify the controlling minimum sentence.

(2) For concurrent sentences for crimes which were committed before July 1, 1982, parole eligibility for each shall be computed using procedures under these regulations (K.A.R. 44-6-109 thru 44-6-113) to determine which parole eligibility system gives the earlier parole eligibility for each sentence. The sentence having the longest time to parole eligibility among the concurrent sentences shall then be used as the controlling minimum. (See K.A.R. 44-6-140.)

(3) For concurrent sentences in which all crimes are after July 1982, compute parole eligibility for each using the system applicable at the time of the crime. The sentence having the longest time to parole eligibility shall be the controlling minimum. (See K.A.R. 44-6-140.)

(b)(1) For new admissions in cases after July 1, 1982 which have consecutive sentences, one of which is for an offense committed prior to July 1, 1982 and another which is for an offense committed on or after that date, and when service on either sentence has not begun, parole eligibility computation shall require the following process:

(A) Compare old and new sentence aggregation method as follows:

(i) Compute parole eligibility on each sentence and total the parole eligibility periods;

(continued)

(ii) aggregate the sentences and compute one parole eligibility on the aggregate; and

(iii) select the aggregation system yielding the earlier minimum date. (See also K.A.R. 44-6-140.)

(B) Compare old system and new system parole eligibility dates as follows:

(i) The time required to be served to reach parole eligibility for the pre-July 1, 1982 felony shall be computed by the system yielding the earliest parole eligibility, as if the sentence stood alone (see (b)(2) and (b)(3) below if more than one crime), according to K.A.R. 44-5-114a.

(ii) The time to be served to reach parole eligibility for the sentence imposed for the felony committed on or after that date shall be computed (see (b)(2) and (b)(3) below if more than one crime).

(iii) The two parole eligibilities shall be added, this sum shall constitute the time to serve to parole eligibility on the composite sentence.

(2)(A) For consecutive sentences, whether imposed on the same date or different dates, for several offenses committed prior to July 1, 1982, parole eligibility shall be calculated using whichever of the two compared methods of aggregation for parole eligibility purposes yields the earlier parole eligibility date, as follows:

(i) Compute the parole eligibility for each sentence separately according to applicable laws and regulations and then add the parole eligibility periods together to obtain a sum which is the parole eligibility for the composite sentence for the pre-July 1982 crimes (see K.A.R. 44-6-112); or

(ii) Compute the composite of consecutive sentences first and then use the appropriate applicable parole eligibility laws and regulations to compute a parole eligibility on the composite for the pre-July 1982 crimes.

(B) The calculation in this subsection (b) shall be a separate process from the comparison of the old and new parole eligibility systems (base form and comparison form) to determine which parole eligibility system gives the earlier parole eligibility. The comparison of pre-July, 1982 system if continued to the end of the minimum (base form) with the system as changed in July, 1982 (comparison form) shall be conducted for each sentence. (See K.A.R. 44-6-114a(a), (1), (2) and (3).)

(3) For consecutive sentences, whether imposed on the same or different dates, for crimes committed on or after July, 1982 the law on and after that date applies according to K.A.R. 44-6-114. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-115. Parole eligibility computation; prior to transfer.** Prior to transfer of any inmate from one location to another, and when that inmate's record is to be transferred, the following information shall be computed and shown on a summary sheet: (a) Good time credits actually earned;

(b) good time credits which could have been earned but which were denied;

(c) good time credit forfeitures;

(d) maximum possible good time credits which could have been earned;

(e) actual parole eligibility date;

(f) the original date the inmate would have been eligible for parole if 100% of the good time credits had been earned;

(g) any good time credits which may be due and owing at the time of transfer; and

(h) the current status of the case. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-116. Allocation of good time credits for crimes committed prior to July 1, 1982.** The amount of statutory good time credit available for each unit team review period, as such period is authorized by the Kansas adult authority regulations, shall be allocated as follows:

TABLE: DEPARTMENT OF CORRECTIONS ALLOCATION OF GOOD TIME CREDITS ESTABLISHED BY KANSAS ADULT AUTHORITY

# MONTH TIME SERVED	MONTHLY GOOD TIME ALLOCATION	MAXIMUM CUMULATIVE ALLOCATIONS	LENGTH OF SENTENCE	TIME TO BE SERVED IF ALL GOOD TIME AWARDED
1st Mo.	6 Days			
2nd Mo.	6 Days			
3rd Mo.	6 Days			
4th Mo.	6 Days			
5th Mo.	6 Days			
6th Mo.	6 Days			
7th Mo.	6 Days			
8th Mo.	6 Days			
9th Mo.	6 Days			
10th Mo.	6 Days	2 Months	1 Year	10 Months
11th Mo.	15 Days			
12th Mo.	15 Days			
13th Mo.	15 Days			
14th Mo.	15 Days			
15th Mo.	15 Days			
16th Mo.	15 Days			
17th Mo.	15 Days			
18th Mo.	15 Days	6 Months	2 Years	1 Year 6 Months
19th Mo.	30 Days			
ALL THEREAFTER	30 Days			

This allocation shall apply to offenses committed prior to July 1, 1982. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-117. Allocation of good time credits on and after July 1, 1982.** The amount of legislative good time credit available for each unit team review period, as authorized by the legislature in K.S.A. 1982 Supp. 22-3717(1), shall be allocated as follows:

GOOD TIME TABLE\* (Assumed 360 Day Year) (Months of 30 Days Each)

SENTENCE Minimum (or) Maximum	GOOD TIME EARNED			MUST SERVE		
	Years	Months	Days**	Years	Months	Days***
1 Year	0	3	0	0	9	0
2 Years	0	6	23	1	5	7
3 Years	0	10	15	2	1	15

(continued)

4 Years	1	1	15	2	10	15
5 Years	1	5	8	3	6	22
6 Years	1	9	0	4	3	0
7 Years	2	0	0	5	0	0
8 Years	2	3	23	5	8	7
9 Years	2	7	15	6	4	15
10 Years	2	11	8	7	0	22
11 Years	3	2	8	7	9	22
12 Years	3	6	0	8	6	0
13 Years	3	9	23	9	2	7
14 Years	4	0	23	9	11	7
15 Years	4	4	15	10	7	15
16 Years	4	8	8	11	3	22
17 Years	5	0	0	12	0	0
18 Years	5	3	0	12	9	0
19 Years	5	6	23	13	5	7
20 Years	5	10	15	14	1	15
21 Years	6	1	15	14	10	15
22 Years	6	5	8	15	6	22
23 Years	6	9	0	16	3	0
24 Years	7	0	0	17	0	0
25 Years	7	3	23	17	8	7
26 Years	7	7	15	18	4	15
27 Years	7	11	8	19	0	22
28 Years	8	2	8	19	9	22
29 Years	8	6	0	20	6	0
30 Years	8	9	23	21	2	7
31 Years	9	0	23	21	11	7
32 Years	9	4	15	22	7	15
33 Years	9	8	8	23	3	22
34 Years	9	11	8	24	0	22
35 Years	10	3	0	24	9	0
36 Years	10	6	23	25	5	7
37 Years	10	10	15	26	1	15
38 Years	11	1	15	26	10	15
39 Years	11	5	8	27	6	22
40 Years	11	9	0	28	3	0
41 Years	12	0	0	29	0	0
42 Years	12	3	23	29	8	7
43 Years	12	7	15	30	4	15
44 Years	12	11	8	31	0	22
45 Years	13	2	8	31	9	22
46 Years	13	6	0	32	6	0
47 Years	13	9	23	33	2	7
48 Years	14	0	23	33	11	7
49 Years	14	4	15	34	7	15
50 Years	14	8	8	35	3	22
51 Years	14	11	23	36	0	7
52 Years	15	3	0	36	9	0
53 Years	15	6	23	37	5	7
54 Years	15	10	15	38	1	15
55 Years	16	1	15	38	10	15
56 Years	16	5	8	39	6	22
57 Years	16	9	0	40	3	0
58 Years	17	0	0	41	0	0
59 Years	17	3	8	41	8	22
60 Years	17	7	15	42	4	15
61 Years	17	11	8	43	0	22
62 Years	18	2	8	43	9	22
63 Years	18	6	0	44	6	0
64 Years	18	9	23	45	2	7
65 Years	19	0	23	45	11	7
66 Years	19	4	15	46	7	15
67 Years	19	8	8	47	3	22
68 Years	19	11	8	48	0	22
69 Years	20	3	0	48	9	0
70 Years	20	6	23	49	5	7
71 Years	20	10	15	50	1	15
72 Years	21	1	15	50	10	15
73 Years	21	5	8	51	6	22
74 Years	21	9	0	52	3	0
75 Years	22	0	0	53	0	0
76 Years	22	3	23	53	8	7

77 Years	22	7	15	54	4	15
78 Years	22	11	8	55	0	22
79 Years	23	2	8	55	9	22
80 Years	23	6	0	56	6	0
81 Years	23	9	23	57	2	7
82 Years	24	0	23	57	11	7
83 Years	24	4	15	58	7	15
84 Years	24	8	8	59	3	22
85 Years	24	11	8	60	0	22
86 Years	25	3	0	60	9	0
87 Years	25	6	23	61	5	7
88 Years	25	10	15	62	1	15
89 Years	26	1	15	62	10	15
90 Years	26	5	8	63	6	22
91 Years	26	9	0	64	3	0
92 Years	27	0	0	65	0	0
93 Years	27	3	23	65	8	7
94 Years	27	7	15	66	4	15
95 Years	27	11	8	67	0	22
96 Years	28	2	8	67	9	22
97 Years	28	6	0	68	6	0
98 Years	28	9	23	69	2	7
99 Years	29	0	23	69	11	7
100 Years	29	4	15	70	7	15

\* Based on the established good time formula of one day for every three days served and one month for every year served as set forth in statute.

\*\* Rounded up to avoid partial days.

\*\*\* Rounded down to avoid partial days.

(Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-118. Reserved.**

**44-6-119. Reserved.**

**44-6-120. Application of good time to record.** (a) 360 day year. For the purpose of earning, awarding and applying good time credits, the year shall be calculated as a 360 day period with each month being 30 days in length.

(b) Application to record at least annually. Good time credits for every unit team review period, as these review intervals are designated by the secretary, shall be applied to the official inmate record by the records officer of the facility, following recommendation by the unit team and the approval of the program management committee and the principal administrator or administrator's designee. Good time credits shall be applied at least annually until the year preceding parole eligibility. During the last year, good time credits shall be applied as often as necessary to compute parole eligibility accurately.

(c) Application only to minimum until parole eligibility. All good time credit awards and forfeitures shall be applied only to the minimum sentence until the parole eligibility has been reached. However, meritorious good time shall be applied simultaneously to both the minimum and maximum sentence. After parole eligibility has been reached, no further good time credit of any kind shall be awarded on the minimum. After parole eligibility, all forfeitures of statutory good time credits or legislative good time credits, and all awards or forfeitures of "meritorious" good

(continued)

time credits, shall be applied to the maximum term of the sentence to form the conditional release date. The inmate shall be considered as proceeding toward the conditional release date following parole eligibility or hearing, subject to any order of the Kansas adult authority in passing or continuing the case.

(d) Unit team running tally. The unit team shall keep a running tally of the good time credits earned and awarded, less any good time credits forfeited by disciplinary action. During the review period immediately prior to parole eligibility, good time actually earned shall be both awarded and applied every 30 days.

(e) Records; form and manner set by secretary. Records shall be maintained in a form and manner established by internal management policy and procedure (IMPP) of the secretary. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-121. Docketing parole hearings.** For the purpose of docketing a parole hearing, it shall be presumed that the inmate will earn and be awarded the full amount of good time available for the period between certification and parole eligibility. If the good time is in fact not earned and awarded, the principal administrator shall notify the Kansas adult authority so the name may be removed from the docket, and the release date extended accordingly, or so that other appropriate disposition may be made as deemed appropriate by the Kansas adult authority. The records officer shall show the good time credits award for the last review period at 100% of available good time credits, subject to notice by the unit team that it is otherwise. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-122. Reserved.**

**44-6-123. Reserved.**

**44-6-124. Awarding good time.** (a) Award each review period, one opportunity to earn good time; guidelines for granting and denying good time. Good time credits shall be awarded at every review designated for that purpose from credits available to be earned for the period since the last review. In the case of new admissions, good time credits shall be awarded for the period since the sentence begins date. All or any part of the credits allocated for that period may be awarded, except that, for time covered by jail credit, the good time credits shall be presumed to have been earned and shall be awarded by the unit team or classification committee prior to the initial hearing by the Kansas adult authority.

If the entire allocation of good time credit is not awarded at any review, no part of that allocation shall be awarded at a later date. The inmate shall be permitted only one period of opportunity to earn the good time credits available for each separate period.

For parole eligibility, award of good time credits shall be limited as follows:

(1) Inmates with no class I offenses during the review period shall receive at least 50% of good time credits allocated for that period.

(2) Inmates with no class I or II offenses during the review period shall receive at least 60% of the good time credits allocated for that period.

(3) Inmates with no class I, II or III offenses during the review period shall receive at least 70% of the good time credits allocated for that period.

(4) Inmates with no class I, II, III or IV offense during the review period shall receive at least 80% of the good time credits allocated for that period.

(5) The balance of the credits above the percentages listed in paragraphs (a)(1) to (a)(4) shall be awarded by the unit team based on factors of good work, behavior, and on other performance factors related to effective rehabilitation of the inmate.

(b) Award at discretion of unit team and based on merit. The unit team shall refuse to award all or part of that portion of the credits over which they have discretion for poor behavior or work, for malingering in educational programs, or for other relevant reasons determined, explained and documented by the unit team. Inability to work or participate in programs due to legitimate health problems, or for other reasons beyond the inmate's control shall not be considered grounds, standing alone, for refusing to award good time credits.

(c) Awarding on composite sentences using different systems before and after July, 1982. When multiple consecutive sentences are imposed on the same date, for crimes which were committed on separate dates spanning July 1, 1982, aggregated good time shall be awarded proportionately. Both old and new good time formulas shall be reflected in proportion to the length of the sentence for the crime committed before July 1, 1982 and for the crime committed on or after that date. This shall be done by using the old formula for crimes committed before July 1, 1982 and the new formula for crimes committed on or after July 1, 1982. At the time when the old formula good time credits would be used up if 100% of the good time credit is earned, the use of the old formula shall cease and the new formula shall be used from that point on. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 2, 1983.)

**44-6-125. Good time forfeitures not restored; exceptions; limits; parole.** (a) After May 1, 1981, no good time restored. For all inmates, good time which was forfeited on and after May 1, 1981 shall not be restored at a later date. The principal administrator may request an exception in order that standards of basic fairness, equity and justice may be met. In such a case, the principal administrator shall show good cause for restoration of good time credits, in writing, to the deputy secretary for institutional services. Restoration of good time credits by exception shall be granted only upon written approval by the deputy secretary. Good time forfeited prior to the first effective date of this

(continued)

regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect.

(b) Forfeit only on minimum until parole eligibility. Prior to parole eligibility, forfeited good time credits shall be subtracted from the amount of good time credits earned toward the parole eligibility only, and not from those credits used to create the conditional release date. After parole eligibility is established, forfeited credits shall be subtracted from the credits used to form the conditional release date.

(c) Forfeitures limited to awards; no extension of maximum. Good time credits shall not be forfeited in an amount in excess of the good time previously earned and awarded. In no case shall forfeiture of good time extend the controlling maximum sentence nor shall it interfere with or bypass any statutorily fixed parole eligibility that is not controlled by good time credits.

(d) No parole eligibility if forfeited time remains unserved. If good time credits on the term have been forfeited, and if eligibility is statutorily controlled by good time credits, an inmate shall not be certified as eligible for parole, except on order of the Kansas adult authority, unless the inmate has served the time which otherwise would have been subtracted from the term by the application of the credits, or has obtained a restoration of those credits.

(e) Forfeiture made by disciplinary process. Forfeiture of good time credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in K.A.R. 44-12-1 *et seq.* and 44-13-1 *et seq.* (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-126. Meritorious good time.** "Meritorious" good time credits shall be recommended to the Kansas adult authority for some meritorious act by the inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the principal administrator. The action taken by the Kansas adult authority shall be recorded in the inmate's record by the records officer at the institution. The application of these "meritorious" good time credits shall be in addition to the "statutory authorized" good time credits. For offenses committed on or after July 1, 1982, no meritorious good time shall be given. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-127 through 44-6-132 inclusive. Reserved.**

**44-6-133. Training for records staff; basis for sentence computation.** (a) The principal administrator of each facility shall ensure that any person responsible for the computation of sentences has been thoroughly trained. The records specialist shall provide the necessary training and report on satisfactory completion of that training to the principal administrator. At least

one in-service training session shall be held following each legislative session for all persons designated as records officers. Records officers shall be familiar with the following statutes of the state of Kansas relating to sentence terms and computation:

- (1) The Kansas criminal code;
- (2) the classification statute, K.S.A. 21-4501;
- (3) the authorized disposition statute, K.S.A. 21-4603;
- (4) K.S.A. 22-3430 and 22-3431;
- (5) K.S.A. 21-4620, 22-3424, 22-3426, 22-3427, and 22-3501; and
- (6) the jail credit and prior penal credit statutes, K.S.A. 21-4614, 22-3431, 22-3427, 22-3604.

Staff shall read K.S.A. 21-4608, 21-4618 and 22-3717 together for proper complete interpretation.

(b) All computation shall be based on a 30 day month and a 360 day year except for computation of the 120 day court jurisdiction period following sentencing. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-134. Jail credit time (JC).** (a) Jail credit as basis for sentence begins date set by court. Since the court is required by statute to specify in the journal entry the sentence begins date which adjusts for jail credit, jail credit shall not be used in the sentence computation unless an authorization appears in the journal entry of judgment form. When only the number of days of jail credit earned is contained in the journal entry, the records office shall compute the sentence begins date by subtracting jail credit from the date of sentencing. The amount of jail credit shall not adjust the sentence begins date so that it falls prior to the date of commission of the offense. Jail credit shall be earned if the inmate was committed to the state hospital prior to sentencing on the current conviction. Jail credit shall not be earned for time spent on supervised probation unless the current sentence is consecutive to another, or unless probation time is spent in jail, since credit on the current sentence is already given for released time spent on probation or parole as required by statute.

(b) If credit is not given, contact the court. If it appears that the inmate has not been given credit for time spent in jail awaiting disposition of the charge, the facility records officer shall refer the matter to the court in a form and manner prescribed by the secretary of corrections for correction of the journal entry.

(c) Determining jail credit amount from sentence begins date. To identify jail time credited by the court, the time elapsing from the sentence begins date to the sentencing date shall be calculated. Time spent at the state reception and diagnostic center in presentence evaluation status shall be included as jail credit time and shall be awarded by the court in the journal entry. The records officer shall check court documents to determine whether credit was included in an adjusted sentence begins date. The court shall not adjust the sentence begins date to allow for prior penal credit but only for jail time.

(continued)

(d) If the judge does not include time spent at state reception and diagnostic center in the computation of sentence begins date, the records office shall tentatively include credit for that time on the computation, as required by statute. The file shall be held in suspense. The judge and county or district attorney shall be contacted, in writing, to request a nunc pro tunc order correcting the sentence begins date in the journal entry to include this SRDC time as jail credit. Verification of the time spent at SRDC shall be obtained from the department of corrections records and forwarded to the judge with the request. Upon receipt of the nunc pro tunc order, the order shall be placed in the inmate file and the record shall be corrected to permanently include the credit.

(e) When the journal entry orders that credit be given for all jail time and when verification can be obtained from the sheriff, such verification shall be obtained, and the credit shall be given administratively.

(f) If the sheriff can verify jail time, but the journal entry does not order credit for jail time, credit for the jail time shall not be given without a nunc pro tunc order. The judge and county or district attorney shall be contacted to obtain such an order to correct the sentence begins date. The time verified by the sheriff shall be provided to the judge and county or district attorney. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-135. Prior penal credit (PPC).** Prior penal credit shall be computed and applied by department of corrections' personnel. To compute prior penal credit, the sentence imposition date shall be subtracted from the date of the final disposition of the court by release on probation, appeal bond, or vacating of the sentence. Pre-sentence evaluation time at state reception and diagnostic center shall not be considered as prior penal credit, but shall be considered jail credit. Computations of prior penal credit shall be subject to the provisions of K.A.R. 44-6-134, 44-6-136, 44-6-137, and 44-6-138. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-136. Delinquent time lost on parole (DTLOP).** (a) Delinquent time lost on parole shall be computed from the date on which either the secretary's parole violation warrant or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant. This information shall be entered by the arresting officer on the back of the signed warrant. If the warrant is issued after confinement, no DTLOP shall be accrued. DTLOP shall be added to the controlling maximum date and the conditional release date shall be adjusted by that same amount.

(b) Delinquent time lost on parole shall only accumulate during the period of time in which the offender is classified as an absconder. Once the initial

warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on parole. Credit shall therefore be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) If, after the parolee is located, the parole is continued without revocation, no delinquent time lost on parole shall be shown.

(d) The arresting officer shall endorse, on the back of the parole violation warrant or the arrest and detain order, the date of service, arrest and incarceration. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-137. Time lost on escape.** Time lost on escape shall be calculated by subtracting the date of escape from the date of apprehension on the Kansas charge regardless of whether the inmate is in or out of the state. The result of this computation shall be added to the minimum date, the parole eligibility date, maximum date, and conditional release date. If the time of apprehension in the other state is not able to be determined, the date of delivery into Kansas custody shall be used. A good faith effort shall be made to determine the time of apprehension. If time held on the Kansas warrant in the other jurisdiction includes time served for a charge or conviction in the other jurisdiction, the time of delivery into Kansas custody shall be used as the point at which the lost escape time stops. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-138. Sentence begins date.** Each sentence begins date shall reflect all jail credit. (a) Sentence begins for reimposed sentence is date of reimposition; adjustment alternatives. The sentence begins date for reimposed sentences, including those reimposed for technical probation violators or persons returned by appellate mandates, shall be the date the court reimposed the sentence unless jail credit or prior penal credit is due. If the court instructs the inmate to surrender to correctional authorities after the sentence imposition date, that surrender date shall become the sentence begins date. This date may be further adjusted by jail credit.

(b) For multiple concurrent sentences, see court order. The court orders in which multiple, non-consecutive sentences were imposed shall serve as the reference to ascertain the sentence begins date for use in computing the controlling minimum, maximum and conditional release dates, subject to the provisions of KAR 44-6-137, 44-6-138, 44-6-139.

(c) For multiple consecutive select largest amount. When multiple sentences are imposed on the same date with the stipulation that one is to be consecutive to another, that date shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(continued)

(d) For consecutive before 1979 or after 1982. If a sentence for a crime committed prior to January 1, 1979 or after July 1, 1982 is to be consecutive to some previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release as a result of a previously imposed sentence, parole eligibility, conditional release and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release subject to K.S.A. 1982 Supp. 21-4608(e).

(e) For consecutive sentences between 1979 and 1982. If a sentence for a crime committed between January 1, 1979 and June 30, 1982 is to be consecutive to some previously imposed sentence, the sentence begins date shall be determined by the imposition date of the latest sentence. The sentence begins date shall then be moved to an earlier date by an amount of time equal to jail credit and prior penal credit earned on the earlier sentence. Credit shall also be allowed for the time on the minimum term of the earlier sentence, including any time on probation or parole, up to a maximum reduction equal to the minimum term of the earlier sentence.

(f)(1) When a sentence for a crime committed on or after July 1, 1983 is to be consecutive to some previously imposed sentence, the aggregated minimums and maximums shall be computed and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole or conditional release, no credit for time spent on that probation, parole or conditional release shall be given in computations for the aggregate sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

#### 44-6-139. Reserved.

**44-6-140. Controlling minimum date; for concurrent composite sentences—merge and select longest incarceration.** (a) For new admissions with concurrent sentences, the minimum term of each sentence shall be added to its sentence begins date. The sentence with the minimum term requiring the longest time to be served to parole eligibility shall be the sentence controlling the minimum date. Therefore, parole eligibility for each sentence shall be computed before selecting the controlling minimum sentence.

(b) Concurrent minimums only applied to sentences not parole eligible yet. The controlling minimum date for inmates readmitted with new concur-

rent sentences shall be computed only for sentences on which parole eligibility has not yet been achieved.

(c) Technical parole violations. The controlling minimum date of technical parole or conditional release violators shall not change from the original computation on which parole eligibility was originally achieved. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-140a. Controlling minimum date, for consecutive composite sentence add terms.** To obtain the controlling minimum date for consecutive sentences, the minimum terms of those sentences which are consecutive shall be added and the resulting sum of years shall be added to the sentence begins date. This date shall determine the controlling minimum date for the consecutive sentences but shall not be used to determine parole eligibility. Parole eligibility shall be separately computed according to K.A.R. 44-6-111. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-141. Controlling maximum date.** (a) Latest conditional release sentence controls. The sentence with the longest period of incarceration shall be designated as the sentence controlling the maximum date. The maximum term of the sentence controlling the conditional release date shall be added to the sentence begins date to establish the controlling maximum date.

(b) New concurrent—longest incarceration controls. For parole and conditional release violators admitted with new sentences that are to be concurrent to the old sentences, the conditional release date of each new sentence shall be calculated. At this time, the conditional release date or dates of the old sentences shall be reviewed to assure that all good time forfeitures have been applied. The sentence which requires the longest period of incarceration to reach conditional release shall be designated as the sentence controlling the maximum term and maximum date. That term shall be added to the sentence begins date to establish the controlling maximum date.

(c) Consecutives. Inmates admitted with consecutive sentences shall have the maximum terms of those sentences added together to determine the controlling maximum sentence.

(d) Concurrent—consecutive composites. When an inmate is admitted with a composite sentence that includes both concurrent and consecutive sentences, the conditional release date for the consecutive sentence maximum term, as determined in subsection (c), shall be compared to the conditional release date of any remaining concurrent sentences. The length of the sentence or sentences requiring the longest period of incarceration to reach conditional release shall be designated as the term controlling the maximum date. The length of this term shall be added to the sentence begins date to determine the controlling maximum date.

(continued)

(e) Violator returned past conditional release without new sentence. When a conditional release violator is returned without new sentences and the conditional release date has been reached on all other sentences, the maximum term of each active sentence shall be added to each of the sentence begins dates. The sentence requiring the longest period of incarceration to reach the maximum date shall be identified as the controlling maximum date and its length of sentence shall be the controlling maximum term. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-142. Conditional release date.** (a) Net maximum and conditional release on same sentence of multiples. The net maximum term and conditional release date referred to in K.S.A. 21-4608(3) (b) shall be based on computations from the same sentence. It shall be presumed, when computing the conditional release, that 100% of the available good time credit is earned and the good time credit shall be applied on a projected basis. The conditional release date shall be based on the controlling maximum sentence. No conditional release date shall be computed for a maximum sentence of life.

(b) Concurrent prior to July 1982—old formula; select latest. For concurrent sentences for crimes committed prior to July 1, 1982, the conditional release date shall be determined for each sentence, using the old Kansas adult authority good time table in K.A.R. 44-6-113. The latest conditional release date shall be recorded as the inmate's conditional release date.

(c) Concurrent after July 1982—new formula; select longest incarceration. For concurrent sentences for crimes committed on or after July 1, 1982, the conditional release for each sentence shall be determined from the new good time table in K.A.R. 44-6-114. The conditional release date which results in the longest period of incarceration shall be selected.

(d) Consecutive prior to July 1982—old formula. For consecutive sentences for crimes committed prior to July 1, 1982, the maximum terms of each sentence shall be added pursuant to K.S.A. 21-4608 and the conditional release date of that sum of years shall be determined by the good time table in K.A.R. 44-6-113.

(e) Consecutive sentences after July 1982. For consecutive sentence for crimes committed after July 1, 1982, the maximum terms of each sentence shall be added pursuant to K.S.A. 21-4608 and the conditional release date shall be computed by subtracting the legislative good time shown on the chart in K.A.R. 44-6-114 for that length of sentence.

(f) Consecutives; one before, one after July 1982. When two sentences are consecutive and one crime is committed before July 1, 1982, and one is on or after July 1, 1982, the term to be served to attain conditional release shall be determined by using the Kansas adult authority statutory good time tables on the old sentence and by using the new legislative good time tables for the new sentence. The two terms determined in that manner shall be added to the sentence

begins date to compute the conditional release date for the composite sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-143. Reserved.**

**44-6-144. Minimum sentence expended at parole eligibility—sentence computation.** Once the inmate has become eligible for parole, or has been given a parole hearing by the Kansas adult authority, no other parole eligibility shall be established. However, if subsequent sentences are to be served consecutively to the earlier ones, the computation of the new parole eligibility shall utilize the minimum term of the earlier sentence as part of the complete computation. The earlier minimum sentence shall not be considered as eliminate by parole and may be used when required as an element in the computation of a subsequent or composite sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**44-6-145. Incentive good time credits.** Incentive good time credits which were authorized and applied under previous policies and regulations shall continue to be credited to the inmate's sentence and applied to the record. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 22, 1983.)

**Article 12.—CONDUCT AND PENALTIES**

**44-12-326. Sexual activity.** No inmate shall engage in sexual intercourse with any other inmate, staff member or visitor. Violation shall be a class I offense. (Authorized by and implementing K.S.A. 1982 Supp. 75-5210; effective T-84-32, Nov. 22, 1983.)

MICHAEL A. BARBARA  
Secretary

Doc. No. 001700



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