

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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State of Kansas

SOCIAL AND REHABILITATION SERVICES**OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on February 7, 1984, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Initiate budget discussions for FY 1986 for Mental Health and Retardation Services.
- Review of Governor Carlin's Budget Message.
- Preliminary discussion related to Issue Papers.
- Presentation of proposed State Economic Opportunity Office Weatherization Plan.

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

ROBERT C. HARDER
Secretary

Doc. No. 001822

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
STATE ECONOMIC
OPPORTUNITY OFFICE****NOTICE OF HEARING
ON FY 1984 STATE PLAN
FOR WEATHERIZATION ASSISTANCE**

A public hearing pertaining to the State Economic Opportunity Office's FY 1984 State Plan for weatherization assistance for low income persons will be held at 10:30 a.m., February 6, 1984, at the Staff Development Training Center, 2700 West Sixth Street, Topeka, Kansas. The State Economic Opportunity Office of the Department of Social and Rehabilitation Services will conduct the hearing and administer the Weatherization Program for the state of Kansas.

The hearing is for the purpose of discussing and explaining the FY 1984 State Weatherization Plan required by the Department of Energy and the Department of Health and Human Services for this program. Prepared statements may be submitted, prior to February 6, to the State Economic Opportunity Office, Biddle Building—100 NE, 2700 S.W. Sixth, Topeka, Kansas 66606. Written comments will be included in the official record. Copies of the State Plan may be obtained from the State Economic Opportunity Office.

SUSAN M. RODGERS, Director
State Economic Opportunity Office

Doc. No. 001823

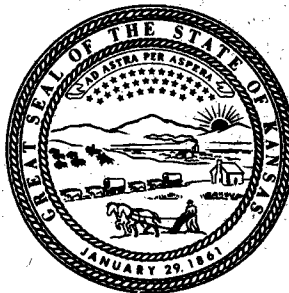
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JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



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State of Kansas

DEPARTMENT OF HUMAN RESOURCES

PLANNING SCHEDULE FOR THE
JOB TRAINING PARTNERSHIP ACT

The Job Training Partnership Act (JTPA) was implemented in Kansas on October 1, 1983. JTPA funds to operate employment and training programs in Kansas are received from the U. S. Department of Labor by the Kansas Department of Human Resources, and administered locally by five JTPA Service Delivery Areas (SDAs). Most JTPA funds are targeted to train the economically disadvantaged.

Following is the planning schedule for the next JTPA program period:

PLANNING SCHEDULE FOR JTPA

Program Years 1984-85

(July 2, 1984-June 30, 1986)

- | | |
|----------------|--|
| Jan. 27, 1984 | Issuance of JTPA Governor's Coordination & Special Services Plan, and Service Delivery Area (SDA) plan instructions and schedules to Local Elected Officials (LEOs) and Private Industry Councils (PICs) |
| March 5, 1984 | Initial SDA plan is publicized and circulated for comments to the Legislature, LEAs and other public agencies, and labor organizations, and draft Plan submitted to Department of Human Resources |
| April 12, 1984 | Final SDA plan is publicized and submitted to the Governor for review and approval |
| April 27, 1984 | Deadline for submittal of all petitions for SDA plan disapproval by interested parties |
| May 14, 1984 | Governor provides written notification to PICs and LEOs of SDA plan approval or disapproval and reasons |
| May 28, 1984 | SDA plans conditionally approved or disapproved by the Governor must be amended and resubmitted |
| June 1, 1984 | Governor must notify the LEOs and PICs of final decision to approve or disapprove the SDA plan |
| July 2, 1984 | Beginning of two-year JTPA program period |
| July 2, 1984 | SDA appeals of final plan disapproval by Governor must be submitted to the U. S. Secretary of Labor |
| August 6, 1984 | Secretary of Labor issues decision on appeal of disapproved SDA plan |

LARRY E. WOLGAST, Ed.D.
Assistant Secretary

Doc. No. 001820

(Published in the KANSAS REGISTER, January 26, 1984.)

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., February 17, 1984 and then publicly opened:

DISTRICT ONE

Osage—35-70 M 1323-01—Concrete Pavement Patching, beginning approx. 3.45 miles east of the Osage-Coffey County line, then east on I-35. Bids for this project will be received only from Small Business Enterprises (State Funds).

DISTRICT THREE

Decatur—83-20 K 1963-01—12.426 miles Bituminous Overlay (¾"), beginning at the jct. of US-83 and US-36; then north on US-83 to the Kansas-Nebraska State line (State Funds).

Sherman—70-91 K 0883-01—17.3 miles Pavement Reconstruction, beginning at the Kansas-Colorado State line; then east on I-70 (Federal Funds).

DISTRICT FOUR

Franklin—35-30 M 1324-01—Concrete Pavement Patching, beginning approx. 4.8 miles northeast of the interchange of I-35 and K-273, then northeast on I-35. Bids for this project will be received only from Small Business Enterprises (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.

JOHN B. KEMP
Secretary

Doc. No. 001825

(Published in the KANSAS REGISTER, January 26, 1984.)

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., February 17, 1984 and then publicly opened:

DISTRICT ONE

Atchison—73-3 K 0117-01—8.585 miles Grading and Bridge, beginning at Lancaster, then east on US-73 to the city of Atchison (Federal Funds).

Osage—35-70 M 1323-01—0.5 mile Pavement Patching, beginning 0.6 mile west of the west jct. of K-31 and I-35, then east on I-35 (State Funds).

Shawnee—89 U 0686-02—0.480 mile Grading and Concrete Pavement, beginning at 21st to 27th Street on Kansas Avenue in the City of Topeka (Federal Funds).

DISTRICT FOUR

Anderson—57-2 K 1595-01—7.1 miles Bituminous Overlay (1½"), beginning at the Coffey-Anderson County line, then east on K-57 to the North jct. of K-57 & US-169 (State Funds).

Bourbon—3-6 K 2410-01—0.5 miles Bituminous Overlay, beginning at the west jct. of K-3 and K-39, then east on K-3 to the east jct. of K-3 and K-39 (State Funds).

Bourbon—7-6 K 1589-01—7.8 miles Bituminous Overlay (1½"), beginning at the jct. of K-7 and K-39, then east on K-7 to the jct. of K-7 and US-69 (State Funds).

Bourbon—39-6 K 1597-01—6.0 miles Bituminous Overlay (1½"), beginning at the Neosho-Bourbon County line, then east on K-39 to the west jct. of K-39 and K-3 (State Funds).

Bourbon—39-6 K 2411-01—8.3 miles Bituminous Overlay (1½"), beginning at the east jct. of K-39 and K-3, then east on K-39 to the west jct. of K-39 & K-7 (State Funds).

Bourbon—69-6 K 1998-01—0.6 mile Bituminous Overlay (¾"), beginning at Fort Scott, then north on US-69 to the concrete pavement (State Funds).

Coffey—57-16 K 1594-01—12.0 miles Bituminous Overlay (1½"), beginning at the south jct. of K-57 & US-75, then east on K-57 to the Coffey-Anderson County line (State Funds).

Franklin—35-30 M 1324-01—7.5 miles Pavement Patching, beginning 1.4 miles west of county highway FAS-1647, then northeast on I-35 (State Funds).

Linn—52-54 K 1965-01—3.5 miles Bituminous Overlay (¾"), beginning at the north jct. of K-52 and US-69, then east on K-52 to the Kansas-Missouri State line. (State Funds).

Linn—152-54 K 1956-01—5.0 miles Bituminous Overlay (¾"), beginning at the jct. of K-152 and K-7, then east on K-152 (State Funds).

Miami—68-61 K 1964-01—3.5 miles Bituminous Overlay (¾"), beginning at the old jct. of K-68 and US-69, then east on K-68 to the Kansas-Missouri State line (State Funds).

Neosho—39-67 K 1596-01—3.0 miles Bituminous Overlay (1½"), beginning at the east jct. of K-39 and US-59, then east on K-39 to the Neosho-Bourbon County Line (State Funds).

DISTRICT FIVE

Barton-Harvey—56-106 K 2408-01—Highway Lighting at various locations on US-56 in Barton County and US-50 in Harvey County (Federal Funds).

Butler—77-8 K 1958-01—16.9 miles Bituminous Overlay (¾"), beginning at the north city limits in El Dorado, then north on US-77 to the Butler-Marion County line (State Funds).

Butler—54-8 K 1622-01—9.1 miles Bituminous Recycling, beginning at the east jct. of US-54 and K-96, then north on US-54 to the south city limits of El Dorado (southbound lane only) (State Funds).

Cowley—160-18 K 0209-01—0.184 mile Grading and Bridge, Br. #20 over the Arkansas River approx. 1 mile east of Oxford on US-160 (Federal Funds).

Cowley—77-18 K 0215-04—3.9 miles Grading and Surfacing, beginning 0.6 mile north of the jct. of US-77 and K-15, then north on US-77 to the Cowley-Butler County line (State Funds).

Cowley—166-18 K 1990-01—14.2 miles Bituminous Overlay (1½"), beginning at the jct. of US-166 and FAS-156, then east on US-166 to the west jct. of US-166 and K-15 (State Funds).

Cowley—166-18 K 2488-01—4.1 miles Bituminous Overlay (1½"), beginning at the east city limits of Arkansas City, then east on US-166 to the jct. of US-166 and FAS-156 (State Funds).

Kiowa—49 U 0682-01—0.664 mile Plant Mix Bituminous Mixture (Comm. Grade), at various locations in the City of Greensburg (Federal Funds).

Sedgwick—87 C 1598-01—0.555 mile Grading and Bridge, beginning 2.7 miles west and 2.0 miles north of Haysville, then north (Federal Funds).

Stafford—281-93 K 2000-01—9.1 miles Bituminous Overlay (1½"), beginning at the Pratt-Stafford County line, then north on US-281 to the jct. of US-281 and US-50 (State Funds).

Sumner—44-96 K 2002-01—11.6 miles Bituminous Sealing, beginning at the Harper-Sumner County line, then east on K-44 to the jct. of K-44 and K-49 (State Funds).

Sumner—160-96 K 1950-01—11.2 miles Bituminous Overlay (¾"), beginning at the east city limits of Wellington, then east on US-160 to the west city limits of Oxford (State Funds).

Sumner—160-96 K 1951-01—12.4 miles Bituminous Overlay (¾"), beginning at the Harper-Sumner County line, then east on US-160 to the east jct. of US-160 and K-49 (State Funds).

Sumner—81-96 K 1621-01—5.9 miles Bituminous Recycling, beginning at the jct. of US-81 and K-55,

(continued)

then north on US-81 to the Sumner-Sedgwick County line (State Funds).

Sumner—160-96 K 1620-01—9.1 miles Bituminous Recycling, beginning at the east jct. of US-160 and K-49, then east on US-160 to the west city limits of Wellington (State Funds).

DISTRICT SIX

Clark—34-13 K 2276-01—4.0 miles Bituminous Sealing, beginning at the jct. of K-34 and FAS-711, then north on K-34 to the Clark-Ford County line (State Funds).

Clark—94-13 K 2274-01—6.9 miles Bituminous Sealing, beginning at the Clark County Lake, then north on K-94 to the Clark-Ford County line (State Funds).

Ford—34-29 K 2291-01—5.9 miles Bituminous Sealing, beginning at the Clark-Ford County line, then north on K-34 to the jct. of K-34 and US-54 (State Funds).

Ford—94-29 K 2275-01—3.9 miles Bituminous Sealing, beginning at the Ford-Clark County line, then north on K-94 to the jct. of US-54 and K-94 (State Funds).

Finney—50-28 K 2108-01—1.5 miles Bituminous Overlay (¾"), beginning at the jct. of US-50 and K-156, then south on US-50 to the jct. of US-50 and US-83 (State Funds).

Finney—83-28 K 1979-01—2.4 miles Bituminous Overlay (¾"), beginning at the south jct. of US-83 and US-83b, then northeast on US-83 to the jct. of US-50 and US-83 (State Funds).

Greeley—27-36 K 2296-01—14.2 miles Bituminous Overlay (1½"), beginning at the Hamilton-Greeley County line, then north on K-27 to the jct. of K-27 and K-96 (State Funds).

Hamilton—50-38 K 1645-01—16.1 miles Bituminous Recycling, beginning at the Colorado-Kansas State line, then east on US-50 to the west city limits of Syracuse (State Funds).

Kearny—47 C 1494-01—2.007 miles Bituminous Surfacing, beginning 7.2 miles north of Deerfield, then west (Federal Funds).

Kearny—50-47 K 1646-01—9.5 miles Bituminous Overlay (1½"), beginning at the east city limits of Lakin, then east on US-50 to the Kearny-Finney County line (State Funds).

Morton—27-65 K 2286-01—34.1 miles Bituminous Sealing, beginning at the Oklahoma-Kansas State line, then north on K-27 to the Morton-Stanton County line (State Funds).

Stanton—27-94 K 2284-01—12.1 miles Bituminous Sealing, beginning at the Morton-Stanton County line, then north on K-27 to the south jct. of K-27 and US-160 (State Funds).

Wichita—25-102 K 2281-01—18.6 miles Bituminous Overlay (1½"), beginning at the Kearny-Wichita County line, then north on K-25 to the south city limits of Leoti (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.

JOHN B. KEMP
Secretary

Doc. No. 001813

State of Kansas

LEGISLATURE

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

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

Bills Introduced January 12-18:

SB 508, by Senators Pomeroy, Chaney, Ehrlich, Gordon, Hein, Johnston, Meyers, Mulich, Parrish and Thiessen: An act concerning certain publicly funded institutions of postsecondary education; increasing amounts of credit hour state aid for community colleges and municipal universities; amending K.S.A. 1983 Supp. 71-602 and 72-6503, and repealing the existing sections.

SB 509, by Senator Pomeroy (by request): An act concerning probate procedure; relating to wills probated outside state; amending K.S.A. 59-2230 and repealing the existing section.

SB 510, by Committee on Energy and Natural Resources: An act relating to state water resource planning; amending K.S.A. 82a-908 to 82a-912, inclusive, 82a-915, 82a-918 to 82a-920, inclusive, 82a-922, 82a-923, 82a-932 and 82a-933 and K.S.A. 1983 Supp. 82a-902, 82a-903, 82a-905, 82a-906 and 82a-934 and repealing the existing sections; also repealing K.S.A. 82a-940, 82a-945 and 82a-946 and K.S.A. 1983 Supp. 82a-904 and 82a-926.

SB 511, by Senators Rehorn, Ehrlich, Francisco, Karr and Mulich: An act enacting the local campaign finance reporting act; defining certain terms; prescribing duties and obligations of candidates for local offices, candidate committees, party committees and political committees; declaring violations thereof to be crimes; and repealing K.S.A. 25-901, 25-902, 25-904 and 25-905.

SB 512, by Senators Rehorn, Mulich and Steineger: An act concerning school districts; requiring boards of education to conduct and administer achievement testing programs; imposing certain duties on the state board of education; repealing K.S.A. 1983 Supp. 72-9231.

SB 513, by Committee on Education: An act concerning community colleges; relating to out-district tuition; affecting amounts thereof authorized to be charged to and collected from counties; amending K.S.A. 1983 Supp. 71-301 and repealing the existing section.

SB 514, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for pensions, the department of revenue — homestead property tax refunds, department of social and rehabilitation services, department of health and environment, and department on aging; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 515, by Committee on Assessment and Taxation: An act relating to property taxation; concerning certain personal property exempt therefrom; amending K.S.A. 1983 Supp. 79-201f and repealing the existing section.

SB 516, by Committee on Assessment and Taxation: An act relating to the taxation of cigarettes; concerning the number of cigarettes in a package; amending K.S.A. 79-3301 and K.S.A. 1983 Supp. 79-3310 and 79-3310b and repealing the existing sections and also repealing K.S.A. 1983 Supp. 79-3310a.

SB 517, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; exempting rural water district construction projects from taxation thereunder; amending K.S.A. 1983 Supp. 79-3606 and repealing the existing section.

SB 518, by Committee on Agriculture and Small Business: An act concerning grain warehouses; relating to requirements for licensure of certain warehouses; reviving and amending K.S.A. 34-229 and K.S.A. 1982 Supp. 34-228 and 34-230 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 34-228, as amended by section 1 of chapter 137 of the 1983 Session Laws of Kansas, K.S.A. 34-229, as amended by section 2 of chapter 137 of the 1983 Session Laws of Kansas, and K.S.A. 1982 Supp. 34-230, as amended by section 3 of chapter 137 of the 1983 Session Laws of Kansas.

SB 519, by Committee on Agriculture and Small Business: An act relating to agricultural corporations; defining certain terms; concerning restrictions upon such corporations and exceptions thereto; amending K.S.A. 17-5904 and K.S.A. 1983 Supp. 17-5903 and repealing the existing sections.

(continued)

SB 320, by Committee on Education: An act enacting and entering into the interstate agreement on qualification of educational personnel.

SB 521, by Committee on Education: An act concerning certain publicly funded institutions of postsecondary education; increasing amounts of credit hour state aid for community colleges and municipal universities; amending K.S.A. 1983 Supp. 71-602 and 72-6503, and repealing the existing sections.

SB 522, by Senator Winter: An act concerning the Kansas public employees retirement system; relating to the purchase of previously forfeited service credit; amending K.S.A. 1983 Supp. 20-2606 and 74-4963 and repealing the existing sections.

HB 2674, by Committee on Energy and Natural Resources: An act concerning public utilities; relating to electric transmission lines; amending K.S.A. 66-1,178 and repealing the existing section.

HB 2675, by Representative Hejnemann: An act concerning townships; relating to the limitation of tax levies; amending K.S.A. 79-1962 and repealing the existing section.

HB 2676, by Representative Hejnemann: An act concerning real property; relating to special assessments.

HB 2677, by Representative Matlack: An act concerning school buses; lighting equipment; amending K.S.A. 8-1730 and repealing the existing section.

HB 2678, by Committee on Ways and Means: An act establishing the state health care benefits program; providing for the administration thereof by the Kansas state employees health care commission; prescribing the composition and powers, duties and functions thereof; amending K.S.A. 20-358 and 40-223 and K.S.A. 1983 Supp. 75-4101, 75-4105 and 75-4106 and repealing the existing sections; and also repealing K.S.A. 1983 Supp. 75-4108, 75-4108a, 75-4110, 75-4113 and 75-4113a.

HB 2679, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the Kansas commission on interstate cooperation, legislative coordinating council, legislature and division of post audit; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2680, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the abstracters' board of examiners, board of accountancy, state bank commissioner, board of barber examiners, behavioral sciences regulatory board, state board of healing arts, Kansas state board of cosmetology, state department of credit unions, Kansas dental board, state board of embalming, Kansas board of examiners in fitting and dispensing of hearing aids, consumer credit commissioner, board of nursing, board of examiners in optometry, state board of pharmacy, Kansas real estate commission, savings and loan department, office of the securities commissioner of Kansas, state board of technical professions and state board of veterinary examiners; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2681, by Representatives Barr, Laird and Smith (by request): An act concerning townships; relating to the annual financial report; amending K.S.A. 80-304 and 80-410 and K.S.A. 1983 Supp. 80-302 and repealing the existing sections.

HB 2682, by Representative Niles: An act concerning the disposition of assessments levied for certain grain commodity commissions; requiring prior approval or request for expenditures and transfers thereof by the respective commissions; amending K.S.A. 2-3008 and repealing the existing section.

HB 2683, by Representative L. Johnson (by request): An act concerning certification of licensed dentists to administer anesthetics to facilitate medical procedures; amending K.S.A. 65-2899 and repealing the existing section.

HB 2684, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the state library, department of revenue — school district income tax fund, Kansas state school for the visually handicapped, Kansas state school for the deaf, department of education, advisory council for vocational education, and Kansas public television board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2685, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the judicial council, state board of indigents' defense services, judicial branch and crime victims reparations board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2686, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the Kansas public employees retirement system and department of revenue; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2687, by Committee on Judiciary: An act concerning district attorneys; relating to qualifications for nomination to the office; amending K.S.A. 22a-102 and repealing the existing section.

HB 2688, by Joint Committee on Administrative Rules and Regulations: An act concerning state agencies; enacting the Kansas administrative procedure act; establishing uniform administrative procedures for certain state agency actions.

HB 2689, by Joint Committee on Administrative Rules and Regulations: An act concerning governmental agency procedures; relating to judicial review and civil enforcement of agency actions; amending K.S.A. 60-2101 and K.S.A. 1983 Supp. 75-6207 and 82a-1038 and repealing the existing sections.

HB 2690, by Representative Branson: An act relating to the state centralized system of payroll accounting and records; concerning the coordination of records maintained by other state agencies with such system; amending K.S.A. 1983 Supp. 75-5501 and repealing the existing section.

HB 2691, by Representative Rolfs: An act relating to taxation of gross earnings derived from money, notes and other evidence of debt; concerning elections to impose or repeal such tax; amending K.S.A. 1983 Supp. 12-1,101 and repealing the existing section.

HB 2692, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the commission on civil rights, attorney general, attorney general — Kansas bureau of investigation, Kansas public disclosure commission, governor's department, department of human resources, department of economic development, insurance department, Kansas arts commission, lieutenant governor, state board of tax appeals, secretary of state, Kansas soldiers' home, state treasurer and grant — veterans of world war I; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2693, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the state board of agriculture, Kansas animal health department, Kansas state grain inspection department, board of state fair managers, Kansas wheat commission, state conservation commission and Kansas water office; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2694, by Committee on Public Health and Welfare: An act concerning the crimes of interference with parental custody and aggravated interference with parental custody; amending K.S.A. 21-3422 and 21-3423 and repealing the existing sections.

HB 2695, by Committee on Public Health and Welfare: An act prohibiting the maintaining of certain homes for children by certain persons; amending K.S.A. 1983 Supp. 65-516 and 65-519 and repealing the existing sections.

HB 2696, by Committee on Public Health and Welfare: An act concerning social and rehabilitation services; placement agreement with secretary of corrections.

HB 2697, by Committee on Public Health and Welfare: An act concerning state institutions for the mentally retarded; establishing a procedure for admission thereto; relating to the rights of persons admitted thereto.

HB 2698, by Committee on Public Health and Welfare: An act concerning the support of patients at certain state hospitals; requiring periodic demands; authorizing contracts with debt collection agencies; amending K.S.A. 59-2006 and repealing the existing section.

HB 2699, by Representative Fox: An act concerning water districts; relating to the meetings and records of the governing bodies thereof; amending K.S.A. 19-3520 and repealing the existing section.

HB 2700, by Representative Fox: An act concerning water districts; relating to elections therein; amending K.S.A. 19-3507a and repealing the existing section.

HB 2701, by Representative Fox: An act concerning water districts; relating to the issuance of revenue bonds; relating to the annual audit thereof; amending K.S.A. 19-3521 and K.S.A. 1983 Supp. 19-3516 and repealing the existing sections.

HB 2702, by Representative Charlton: An act concerning the inspection of motor vehicles; amending K.S.A. 8-1752, 8-1753 and 8-1754 and repealing the existing sections.

HB 2703, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1984, for the department of economic development, Kansas public employees retirement system, department of revenue, state board of pharmacy, department of human resources, department of education, state library, department of revenue — school district income tax fund, university of Kansas medical center, crime victims reparations board and attorney general — Kansas bureau of investigation; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.

HB 2704, by Representatives Wagon, Acheson, Barr, Hensley, Laird, Mainey and Rannels: An act concerning community-based alcohol and drug safety action programs; relating to certification thereof; amending K.S.A. 1983 Supp. 8-1008 and repealing the existing section.

HB 2705, by Representative Laird: An act providing for state preemption of firearm regulation.

HB 2706, by Representatives Baker, Brady, Grotewiel, Harper, Mainey, R.H. Miller, Roper and Wilbert: An act relating to railroads; requiring cabooses on certain trains; providing for the administration and enforcement of this act and prescribing penalties for the violation thereof.

HB 2707, by Representative Shelor: An act defining and classifying the crime of unlawful use of tobacco.

HB 2708, by Representative Shelor: An act prohibiting advertisers from mailing advertising literature to persons who have requested deletion of their names from that advertiser's mailing list; providing penalties for violations.

HB 2709, by Committee on Public Health and Welfare: An act concerning the Kansas code for care of children; defining certain terms; relating to records and reports of law enforcement agencies concerning child abuse or neglect; amending K.S.A. 1983 Supp. 38-1502 and 38-1508 and repealing the existing sections.

HB 2710, by Committee on Public Health and Welfare: An act concerning the advisory commission on juvenile offender programs; relating to the expiration thereof; amending K.S.A. 1983 Supp. 75-5390 and repealing the existing section.

HB 2711, by Representative Niles: An act concerning crimes and punishments; relating to the crimes of prostitution and patronizing a prostitute; amending K.S.A. 1983 Supp. 21-3512 and 21-3515 and repealing the existing sections.

HB 2712, by Representative Foster: An act relating to emergency care or assistance; creating a duty to assist certain persons and providing penalties for failure to do so; providing immunity from civil liability for certain acts; repealing K.S.A. 65-2891 and 65-2891a.

HB 2713, by Representatives W. Fuller, Acheson, Barr, Fox, R. Frey, Hassler, L. Johnson, Nichols and B. Ott: An act concerning criminal procedure; relating to arrest; amending K.S.A. 22-2401 and repealing the existing section.

HB 2714, by Representative R. Frey: An act concerning judges of the district court; amending K.S.A. 1983 Supp. 20-301b and repealing the existing section.

HCR 5057, by Representatives L. Johnson, Acheson, Apt, Barr, Buehler, Campbell, Chronister, Crumbaker, Dean, DeBaun, Douville, Eckert, Foster, Fox, Friedeman, L. Fry, Guldner, Harper, Kline, Laird, Littlejohn, Love, Louis, Love, R.D. Miller, Moomaw, Nichols, B. Ott, Patterson, Ramirez, Roenbaugh, Sallee, Smith, Spaniol, Sprague, Walker, Williams and Wunsch: A concurrent resolution directing the design of vehicle license plates in 1985, or the first year thereafter in which the director of vehicles deems it necessary to replace vehicle license plates, to be based on the theme of commemorating war veterans.

SCR 1850, by Senators McCray, Daniels, Feliciano, Francisco, Hess and Morris: A resolution in memory of Dr. Edwin Thurston Sexton, Jr.

HR 6094, by Representative L. Fry: A resolution congratulating and commending the Quivira Heights High School football team and its coach, Lenny Gales, on winning the 1983 Kansas State High School Activities Association Eight-Man Division I State Football Championship in Kansas.

HR 6095, by Representatives Hoagland, Barkis, Acheson, Adam, Apt, Arbutnot, Aylward, Baker, Barr, Blumenthal, Braden, Brady, Branson, Buehler, Buntens, Bussman, Campbell, Charlton, Chronister, Cloud, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dempsey, Dillon, Douville, Duncan, Eckert, Berger, Erbe, Farrar, Flottman, Foster, Fox, Francisco, R. Frey, Friedeman, L. Fry, B. Fuller, W. Fuller, Gassen, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Hejnemann, Helgeson, Hensley, Hoy, Jarchow, L. Johnson, M. Johnson, Justice, King, Kline, Knopp, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Matlack, Meacham, D. Miller, R. D. Miller, R. H. Miller, V. Miller, Moomaw, Moore, Murphy, Nichols, Niles, B. Ott, K. Ott, Patrick, Patterson, Peterson, Polson, Ramirez, Reardon, Reinhardt, Rezac, Roe, Roenbaugh, Rogers, Rolfs, Roper, Rosenau, Rannels, Sallee, Sand, Schmidt, Schweiker, Shelor, Shriver, Smith, Solbaker, Spaniol, Sprague, Sughrue, Sutter, Teagarden, Turquist, Van-crum, Wagon, Walker, Weaver, P., Darrel Webb, David Webb, Whiteman, Wilbert, Williams, Wisdom and Wunsch: A resolution congratulating Representative Harold Dyck on his service as chairman of the Midwest Conference of the Council of State Governments.

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

SUPREME COURT DOCKET

(NOTE: Dates and times of arguments are subject to change.)

Monday, February 13, 1984

Case Caption	Attorneys	Originating County
9:30 a.m.		
56,005 State of Kansas, appellee, v. Barbero Perez-Alvarez, appellant.	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
54,754 State of Kansas, appellee, v. John W. Bolton, appellant.	Warren A. Becker.	
54,582 Natural Log Homes, Inc., appellant, v. Randy Hazen, d/b/a R. C. Hazen Construction, appellee.	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
55,755 George W. Thompson, appellee, v. Cutler Repaving, Inc., et al., appellants.	Janet S. Helsel. James T. Wiglesworth.	Sedgwick ON PETITION FOR REVIEW
	Kurt A. Harper.	
	Randall K. Rathbun.	Sedgwick
	Craig A. Kreiser; Jack Scott McInteer.	
1:30 p.m.		
55,335 State of Kansas, appellant, v. Linda Durst, appellee.	Robert T. Stephan, Atty. Gen.; David S. Brake, Asst. Dist. Atty.	Wyandotte
55,867 State of Kansas, appellee, v. Roosevelt Chandler, appellant.	Robert Jenkins.	
55,064 Elaine Hicks Kelley, and Judith R. Hicks, appellants, v. Commercial National Bank, appellee.	Robert T. Stephan, Atty. Gen.; J. Dexter Burdette, Asst. Dist. Atty.	Wyandotte
54,370 Martha Olson, appellant, v. State Highway Commission of Kansas and J. A. Tobin Construction Company, appellees.	Merle E. Parks. Kris L. Arnold; Elmer C. Jackson, Jr.	Wyandotte
	Richard T. Merker.	
	R. Owen Watchous.	Johnson
	Richard Merker; Edward M. Swan; Lisa E. Schwinn.	

Tuesday, February 14, 1984

Case Caption	Attorneys	Originating County
9:30 a.m.		
55,037 State of Kansas, appellant, v. Chester Newman, appellee.	Robert T. Stephan, Atty. Gen.; William H. Pringle, Co. Atty.	Barton
54,911 In the Matter of the Adoption of BABY BOY IRONS	Jerry M. Ward. David W. Carson.	Johnson
	Lori Klarfeld; John C. Amorosa.	

(continued)

- 55,670 In the Matter of the Estate of HARRY L. KREIE, Deceased. Jack E. Dalton; Ford
B. G. Larson;
- 55,672 Itco Corporation, appellant, Dave Patton; Johnson
Byron Meeks;
Zach Reynolds.
Leonard Rose;
Harold W. Bird;
Jodde Olsen Lanning.
- v.
Faddis Leasing Corporation, *et al.*,
appellees. Jim Schwinn;
Michael Oliver;
Peter Martin;
Alan P. Blinzler;
Richard S. Wetzler.
- 1:30 p.m.
- 55,963 State of Kansas, appellant, Robert T. Stephan, Atty. Gen.; Reno
David E. (Rick) Roberts.
- v.
Timothy Ray Howard, Rosemarie Howard,
appellees. Herbert Hess.
- 55,904 State of Kansas, *ex rel.*, Harvey L. H. Dean Cotton. Cheyenne
Ludwick, Secretary of Human Resources,
appellee.
- v.
Sherlock Auction & Realty, Inc.,
appellant. Rudolph H. Beese, Jr.
- 55,637 Cobus J. Heyen, appellee, Dale J. Paulsen. Stafford
- v.
Drew Hartnett, *et al.*, appellants. James P. Mize.
- 55,569 Gene McDaniel and Joyce McDaniel,
appellees, Lonnie Hamilton. Johnson
- v.
Robert C. Jones, *et al.*,
v.
United States of America, appellant,
v.
Robert C. Jones, *et al.*, appellees. Jim J. Marquez;
Glenn L. Archer, Jr.;
Michael L. Paup;
Rodney L. Richardson.

Wednesday, February 15, 1984

- 9:30 a.m.
- 55,258 State of Kansas, appellee, Robert T. Stephan, Atty. Gen.; Montgomery
Jeffrey Chubb, Co. Atty.
- v.
Rodney Fosnight, appellant. Rawley J. Dent.
- 55,718 First Bank of Wakeeney, Kansas, a
Corporation, appellee, Kenneth R. Billups; Trego
David J. Harding.
- v.
Ernest C. Moden, *et al.*, appellants. Ross Wichman;
Basil G. Marhofer.
- 55,728 Farmers State Bank & Trust Company of
Hays, Kansas, and Lester V. Irvin and
Beulah F. Irvin, husband and wife,
appellees, Dennis L. Bieker; Ellis
Joe Jeter.
- v.
Stanley V. Irvin and Phyllis M. Irvin, *et al.*, appellants. John T. Bird.

(continued)

55,755	Lentz Plumbing Company, <i>et al.</i> , appellants, v. Tom Fee, <i>et al.</i> , appellees.	James S. Willard; C. Bruce Works; Alan Tipton. Bruce C. Harrington; Hugh R. McCullough.	Shawnee
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1:30 p.m.

55,854	Jim Havens, d/b/a/ Havens Construction Company, appellee, v. Safeway Stores, Incorporated, <i>et al.</i> , appellants.	Gene H. Sharp. William L. Mitchell; Harold K. Greenleaf, Jr.	Seward
55,828	Tann Oil, Inc., and Kuma Petroleum, Inc., appellees, v. Protaal Resources, Inc., <i>et al.</i> , appellants.	Kirk H. Doan; Wendell D. Winkler.	Miami
55,697	In the Matter of the Estate of W. A. LARKIN, a/k/a William A. Larkin, Deceased. John M. Lostutter, <i>et al.</i> , appellants, v. The Emporia State Bank & Trust Company, <i>et al.</i> , appellees.	Peter V. Ruddick. John M. Lostutter. James W. Putnam; Jay W. Vander Velde; Robert W. Symmonds; J. Stan Sexton; Larry J. Putnam; John Q. Royce; Richard C. Hite.	Lyon

Thursday, February 16, 1984

9:30 a.m.

55,815	State of Kansas, appellee, v. Gary Forrer, appellant.	Robert T. Stephan, Atty. Gen.; Wendell J. Barker, Co. Atty. Gerald F. Powers.	Franklin
55,667	Melba Jeanne Divine, as guardian and conservator of the Estate of James L. Winfree, appellant, v. Max E. Groshong and Liberty Mutual Insurance Company, appellees.	Richard L. Roberts; Richard N. Roe. Richard T. Merker.	Johnson
55,710	Ralph Schuette and Donna Schuette, appellants, v. Mid-America Pipeline Company, appellee.	Joseph A. Knopp. John Bausch.	Clay
55,703	Lyle and Betty Siple, appellees, v. City of Topeka, appellant.	Alan Tipton. Richard E. Jones, City Atty.	Shawnee

1:30 p.m.

56,065	Puritan-Bennett Corporation, <i>et al.</i> , appellees, v. Robert J. Richter, appellant.	Thomas E. Ruzicka; James Borthwick. Mark R. Singer; Irving Achtenberg.	Johnson
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(continued)

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|--------|--|--|-----------|
| 55,748 | Whelans, Inc., and Vernon Jarboe, an individual, appellees,
v.
Kansas Department of Human Resources, et al., appellants. | Stewart Entz. | Shawnee |
| 55,722 | David E. Jackson, et al., appellees,
v.
City of Kansas City, Kansas, et al., appellants. | Ron H. Baxter;
Thomas H. Marshall.
Dennis L. Horner;
Donald W. Vasos;
David R. Hills;
Jay Thomas;
Rodney L. Turner.

Daniel B. Denk. | Wyandotte |

Friday, February 17, 1984

9:30 a.m.

- | | | | |
|-------------------------------|---|--|----------|
| 55,370 | State of Kansas, appellant,
v.
Sherman L. Galloway, appellee. | Robert T. Stephan, Atty. Gen.;
Mary D. Perwitt, Asst. Dist. Atty. | Douglas |
| ON PETITION FOR REVIEW | | | |
| 55,803 | State of Kansas, appellee,
v.
Charles Hunter, appellant. | Jeffrey O. Heeb.
Robert T. Stephan, Atty. Gen.;
Jerry L. Harper, Dist. Atty. | Douglas |
| 55,833 | State of Kansas, petitioner,
v.
Thomas J. Caenen, respondent. | Wesley M. Norwood.
Arno Windscheffel.

Thomas J. Caenen, <i>Pro Se.</i>
Larry E. Benson. | Original |

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 001816

(Published in the KANSAS REGISTER, January 26, 1984.)

**NOTICE OF CALL FOR REDEMPTION
RURAL WATER DISTRICT #12
NEOSHO COUNTY, KANSAS
WATER SYSTEM REVENUE BOND
SERIES 1983
DATED MARCH 1, 1983**

Notice is hereby given that pursuant to the provisions of SECTION 3 of Resolution No. 3-1-83 of the Rural Water District No. 12, Neosho County, Kansas that the above mentioned Bond numbered R-1 has been called for redemption. Upon payment of the redemption price, the Bond shall be surrendered for cancellation to the office of the State Treasurer of the State of Kansas, P.O. Box 737, 700 Harrison Street, 3rd Floor Security Benefit Life Bldg., Topeka, Kansas 66603.

On such redemption date there shall become due and payable on the above mentioned Bond the redemption price thereof equal to 100% of the principal amount of the Bond together with interest accrued to the redemption date. Interest shall cease to accrue on the Bond from and after March 1, 1984.

**RURAL WATER DISTRICT #12
NEOSHO COUNTY, KANSAS
By: JEANETTE M. SPILMAN, Secretary**

Doc. No. 001817

(Published in the KANSAS REGISTER, January 26, 1984.)

**NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF UDALL, KANSAS
CABLE TELEVISION REVENUE BONDS
SERIES 1982
DATED MARCH 1, 1982**

Notice is hereby given that pursuant to the Provisions of SECTION 4 of Ordinance No. 395 of the City of Udall, Kansas that the above mentioned Bonds numbered 8 and 9 maturing in the year 1987, have been called for redemption and payment on March 1, 1984, at the Offices of the Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, Kansas 67201.

On such redemption date there shall become due and payable on each of the above mentioned Bonds the Redemption price thereof equal to 100% of the principal amount of each Bond together with interest accrued to the redemption date (upon the presentation and surrender of each such Bond and all appurtenant coupons). Interest shall cease to accrue on the Bonds from and after March 1, 1984 and the interest coupons maturing after March 1, 1984 shall be void.

**CITY OF UDALL, KANSAS
By: Darra Learning
City Clerk**

Doc. No. 001818

(Published in the KANSAS REGISTER, January 26, 1984.)

NOTICE OF BOND SALE
\$300,000.00
GENERAL OBLIGATION PUBLIC
BUILDING BONDS
OF
COFFEY COUNTY, KANSAS

The BOARD OF COUNTY COMMISSIONERS OF COFFEY COUNTY, KANSAS, will receive sealed bids at the OFFICE OF THE COUNTY CLERK, located in the COFFEY COUNTY COURTHOUSE, BURLINGTON, KANSAS, until 2:00 o'clock P.M., C.S.T., on

MONDAY, JANUARY 30, 1984

for \$300,000.00 par value GENERAL OBLIGATION PUBLIC BUILDING BONDS of the County, at which time said bids will be publicly opened in the COUNTY COMMISSION ROOM, COFFEY COUNTY COURTHOUSE, BURLINGTON, KANSAS. No oral or auction bids will be considered.

The Series B, 1984 Bonds will be dated as of March 1, 1984, and shall mature on the first day of September in each of the years and in the amounts set forth below.

The Bonds shall consist of fully registered certificated bonds; each in the denomination of \$5,000, or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year.

Interest will be payable semiannually, commencing March 1, 1985, and on each September 1 and March 1 thereafter (the "Interest Payment Dates"). The principal of the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, as Paying Agent (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent, to the registered owners appearing on the books maintained by the Bond Registrar as of the fifteenth (15th) day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the County.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$150,000	September 1, 1985
\$150,000	September 1, 1986

INTEREST RATE

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding two (2) different interest rates, as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No

interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the day on which the Bonds are sold (January 23, 1984), plus two percent (2%); and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to: BOARD OF COUNTY COMMISSIONERS, COFFEY COUNTY COURTHOUSE, BURLINGTON, KANSAS 66839, ATTENTION: JACK E. SCOTT, COUNTY CLERK; and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the County will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, COFFEY COUNTY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

AWARD OF BONDS

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

DELIVERY OF THE BONDS

The Bonds, duly printed, executed and registered, will be furnished and paid for by the County; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN FEBRUARY 20, 1984. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds

(continued)

affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or about MARCH 8, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

LEGAL OPINION

Bids shall be conditioned upon the unqualified approving opinion of GAAR & BELL, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond; and a manually signed original opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the County. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the County, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the County; and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

PURPOSE OF ISSUE

The proceeds of the Bonds will be used for the purpose of paying the costs of constructing, furnishing and equipping a public building on an existing site in the County, including the appropriate and necessary appurtenances thereto, for its use by the County Road Department.

CUSIP IDENTIFICATION NUMBERS

CUSIP identification numbers will be printed on the Bonds. All expenses in relation to printing of such CUSIP numbers on the Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the County.

ASSESSED VALUATION

Assessed valuation figures for Coffey County, Kansas, for the year 1983, are as follows:

Table with 2 columns: Description and Value. Includes Equalized Assessed Valuation of Taxable Tangible Property (\$276,020,686), Tangible Valuation of Motor Vehicles (5,093,603), Tangible Valuation of Motor Vehicle Dealers' Inventory (5,078), and Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations (\$281,119,367).

BONDED INDEBTEDNESS

The total general obligation bonded indebtedness of Coffey County, Kansas, at the date hereof, including this \$300,000.00 proposed issue of Bonds, is in the amount of \$2,310,000.00.

OFFICIAL STATEMENT

Additional copies of this Notice of Bond Sale, or copies of the County's Official Statement relating to

the Bonds, or further information, may be received from UNITED SECURITIES, INC., 444 One Twenty Building, Wichita, Kansas 67202, (telephone: 316/265-9421), financial advisors to the County.

DATED January 9, 1984.

COFFEY COUNTY, KANSAS
By: JACK E. SCOTT
County Clerk

Doc. No. 001815

State of Kansas

LEGISLATIVE DIVISION OF POST AUDIT

NOTIFICATION OF FISCAL YEAR 1985 FINANCIAL-COMPLIANCE AUDIT CONTRACTING PLANS

The Legislative Division of Post Audit is preparing to contract out to certified public accounting firms the fiscal year 1985 financial-compliance audit work as approved by the Legislative Post Audit Committee. The list of contracts, the bidding schedule, and other relevant information is presented below.

1. LIST OF CONTRACTS—FISCAL YEAR 1985

Table with 4 columns: Audit(s), Fiscal Year Covered, Audit Type, and Approx. Audit Completion Date. Lists various audits such as Kansas Public Employees Retirement System, Department of Transportation, etc., with their respective fiscal years and completion dates.

The audit type refers to the bid proposal evaluation criteria to be (continued)

used in selecting a contracting firm. The criteria differ based on the nature, size, and complexity of the audit. The audit types are:

- L—Large L-P—Large Attachment RS—Retirement System
- P
- M—Medium M-P—Medium Attachment P
- H—Hospital
- S—Small U—University

2. BIDDING SCHEDULE (APPROXIMATE)

	Issue Invitation for Bids	Bid Proposals Due	Firm Selection
Group A	2-1-84	3-1-84	4-1-84
Group B	3-1-84	4-1-84	5-1-84
Group C	4-1-84	5-1-84	6-1-84

3. OFFICE QUALIFICATIONS

One of the factors assessed in evaluating bid proposals received is the qualifications of the proposing office. Information relating to this factor will be gathered at one time for all of these contracts rather than with each bid proposal. The information must be submitted on a form provided by the Legislative Division of Post Audit. The form will be available on and after January 15, 1984, and it must be completed and submitted with or prior to your office's first bid proposal, providing information as of January 1, 1984. If an office plans to bid only on "Small" audits, it need not submit an office qualifications form. Forms may be obtained from Randy Tongier, Financial-Compliance Audit Manager, Legislative Division of Post Audit, 109 West Ninth Street, Suite 301, Topeka, Kansas 66612, telephone (913) 296-3792.

4. MAILING LISTS—INVITATIONS FOR BIDS

To regularly receive invitations for bids, firms must be on the Legislative Division of Post Audit's mailing lists. An office may request to be on mailing lists to receive all invitations, all invitations of a particular audit type or types, or invitations for specific audits. For firms not on the mailing lists, invitations may be requested at the address and telephone number in #3 above. Notices of invitations for bids are printed in the *Kansas Register*.

5. QUALITY CONTROL SYSTEM DOCUMENTATION

One of the mandatory items for a bid proposal is the existence of an adequate quality control system. Offices wishing to bid on fiscal year 1985 contracts must have on file with the Legislative Division of Post Audit documentation of their quality control systems. Instructions for providing this documentation may be obtained at the address and telephone number in #3 above.

MEREDITH C. WILLIAMS
Acting Legislative Post Auditor

Doc. No. 001819

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, FEBRUARY 6, 1984

#25850A
Various Kansas State Agencies—GRAPHIC ARTS SUPPLIES

#25889

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

#25890

Statewide—MARCH (1984) MEAT PRODUCTS

#56432

Department of Transportation, Chanute—CORRUGATED METAL PIPE AND BANDS

#56433

Kansas Correctional Industries, Lansing—PAINT ANTI-SKIN AGENT

#56434

Kansas State University, Manhattan—VAN

#56435

Wichita State University, Wichita—VEHICLES

#56436

Kansas State University, Manhattan—25% RAG BOND-LAID FINISH

#56441

Secretary of State, Topeka—BINDERS

#56442

University of Kansas Medical Center, Kansas City—LOUNGE FURNITURE

#56443

Department of Transportation, Topeka—SHEAR BASES

#56445

University of Kansas Medical Center, Kansas City, Kansas—MICROFILM CAMERA-PROCESSOR

#56448

Department of Social and Rehabilitation Services, Topeka—FURNISH AND INSTALL STEAM COIL AND DUCT WORK

#56449

Kansas State University, Manhattan and University of Kansas, Lawrence—MEAT AND EMULSIFIER

#56452

Kansas Department of Transportation, Topeka—LUMINAIRES

#56455

Kansas State Penitentiary, Lansing—OFFICER'S UNIFORM TROUSERS

#56457

Department of Insurance, Topeka—COMPUTER SYSTEM

#56459

Kansas State University, Manhattan—MULTIWALL PAPER SEED BAGS

#56460

University of Kansas, Lawrence—CENTRIFUGE ROTORS

(continued)

#56462
University of Kansas, Lawrence—DRINK BASE
#56463
Department of Administration, Central Motor Pool,
Topeka—VEHICLES

#56468
University of Kansas Medical Center, Kansas City—
DIRECT VISION URETERO-RENSCOPE
#56478

Kansas Technical Institute, Salina—RAZING OF
BUILDINGS 462, 464, 482, 484, and 359

TUESDAY, FEBRUARY 7, 1984

#A-4724
Topeka State Hospital, Topeka—REPAIR 283 TON
CHILLER, Eastman Treatment Center

#25880
State Wide—AUTOMOTIVE SPARK PLUGS
#56437

University of Kansas, Lawrence—MICROCOM-
PUTER

#56465
Wichita State University, Wichita—LABORATORY
BALANCES

#56466
Wichita State University, Wichita—DISK DRIVES
#56471

University of Kansas Medical Center, Kansas City—
MISCELLANEOUS MEATS
#56484

Department of Transportation, Topeka—TRAINING
SEMINAR

#56485
Department of Transportation, Garden City—WEED
KILLER

WEDNESDAY, FEBRUARY 8, 1984

#A-3407(b)
Pittsburg State University, Pittsburg—FURNISH
AND INSTALL SHELVING, Biology/Chemistry
Building

#25686 (Supplement)
University of Kansas Medical Center, Kansas City,
State-wide—SURGICAL INSTRUMENTS, PARTS
AND SUPPLIES (CLASS 05)

#25899
Kansas State University, Manhattan and University of
Kansas, Lawrence—BINDING SERVICES
#56438

Wichita State University, Wichita—LETTER QUAL-
ITY PRINTERS

#56473
Kansas Public Employees Retirement System, To-
peka—CONTINUOUS CARBONLESS FORMS
#56474

University of Kansas Medical Center, Kansas City and
Winfield State Hospital and Training Center, Winfield—
CHINA

#56475
Topeka State Hospital, Topeka and University of Kan-
sas, Lawrence—DETERGENT
#56477

Kansas State Penitentiary, Lansing—TOBACCO
#56489

University of Kansas Medical Center, Kansas City—
TERMINAL AND BOARD

THURSDAY, FEBRUARY 9, 1984

#56094A
Kansas State University, Manhattan—MICROCOM-
PUTER SYSTEM

#56439
University of Kansas, Lawrence—COMPUTER
SOFTWARE

#56481
University of Kansas, Lawrence—BIOLOGICAL
SAFETY CABINET

#56482
Kansas State Penitentiary, Lansing—ATHLETIC
SUPPLIES

FRIDAY, FEBRUARY 10, 1984

#25895
Department of Administration and Department of
Human Resources, Topeka—CONTINUOUS WAR-
RANTS (Payroll, CenPay, Miscellaneous, Income Tax
and Benefit)

#25898
Department of Transportation and State Agencies—
WIPING RAGS

#56447
Kansas State University, Manhattan—MICROCOM-
PUTER SYSTEMS

WEDNESDAY, FEBRUARY 15, 1984

#25893
Kansas State Fair, Hutchinson—ELECTRICAL SUP-
PLIES

#25894
Statewide—RADIO TUBES, RECEIVING AND
RECTIFICATION

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001924

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regu-
lations which were adopted by a state agency pursuant
to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations
are scheduled to become effective May 1, 1984, but
are subject to legislative review and may be modified
or revoked by the Kansas Legislature prior to May 1.*
Any such legislative action will be reported in the
Kansas Register. The May 3, 1984 issue of the *Register*
will contain a complete index to regulations effective
May 1, and any legislative actions on them.

CRIME VICTIMS REPARATIONS BOARD ADMINISTRATIVE REGULATIONS

Article 1.—DEFINITIONS

20-1-1. Definitions. (a) "Accomplice" means one
who is guilty of uniting with another in a crime, either
by being present and aiding or abetting in it, or by
advising and encouraging it although absent from the
place where it was committed, or by inciting the
criminal conduct causing the claimant's injury.

(b) "Act" means K.S.A. 74-7301 *et seq.* or any
amendments thereto.

(c) "Offender" means a person legally accountable
or answerable for a crime.

(continued)

(d) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(e) "Formal hearing" means a contested hearing within the meaning of K.S.A. 74-7307(a).

(f) "Informal hearing" means an informal meeting of the parties to determine if the claim may be disposed of by stipulation, agreed settlement, consent order or default.

(g) "Out-of-pocket loss" means an allowance expense as defined by K.S.A. 74-7301(a) which the claimant has paid prior to the disposition of the claim.

(h) "Reasonable notice" means 10 days prior to the date of any hearing conducted under the act. (Authorized by and implementing K.S.A. 74-7304; effective May 1, 1980; amended May 1, 1984.)

Article 2.—CLAIMS

20-2-1. Investigation of claims. Each claim, when accepted for filing, shall be investigated by a staff investigator who shall report to the board. The report shall include summaries or transcripts of interviews with the claimants, summaries or transcripts of interviews with any witness, a summary of information regarding financial stress, copies of any relevant medical or financial data or police reports, a copy of the claimant's application and any other information deemed relevant. (Authorized by and implementing K.S.A. 74-7304; effective May 1, 1980; effective May 1, 1984.)

20-2-2. Decision on a claim. (a) After examining the papers filed in support of the claim, and the report of investigation, and after a hearing, whether formal or informal, if any, the board shall make a decision either making an award or denying the claim. All claimants and attorneys shall fully cooperate with the investigators, agents and representatives of the board and with law enforcement agencies. If such cooperation is refused, the board may deny the claim.

(b) When the determination of the claim is made by the board, the board shall file the decision and the reason for that decision with the executive director of the board. The executive director shall notify the claimant or claimant's attorney of the decision by mailing a copy of the decision to the claimant or the claimant's attorney. (Authorized by K.S.A. 74-7304; implementing K.S.A. 1982, Supp. 74-7305, 74-7307; effective May 1, 1980; amended May 1, 1984.)

20-2-4. Request for tentative award; application; completion. A request for a tentative award shall be considered by the board only if the application of which it is a part, is properly completed. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7314; effective May 1, 1980; amended May 1, 1984.)

20-2-5. Review of decision on a claim. (a) The claimant may, within 30 days after receipt of the decision of the board, make an application in writing to the board for reconsideration of the board's decision.

(b) Upon receipt of an application for reconsideration, a formal hearing, unless waived by the claimant,

shall be held to receive any evidence that may be presented by the claimant or other interested persons and to hear argument prior to the rendering of a decision. The board shall file, with the executive director of the board, a written report setting forth the reasons for its decision.

(c) Upon written application for reconsideration by the claimant or claimant's attorney, or upon motion of a board member, the case may be reopened for further investigation pursuant to K.S.A. 74-7304. If the board finds it necessary, further testimony may be received. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7315; effective May 1, 1980; amended May 1, 1984.)

Article 3.—HEARINGS

20-3-1. Notice of formal hearing. The claimant, the claimant's attorney, and all interested parties shall be notified in writing of any formal hearing pursuant to K.S.A. 74-7307, and said notice shall be mailed not less than 10 days before the date of the hearing. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7307; effective May 1, 1984.)

20-3-2. Formal hearings. (a) The claimant may be present at the formal hearing and shall be allowed to present testimony or cross-examine witnesses in person or by counsel.

(b) The claimant shall have the burden of proof. The parties or their representatives shall be allowed a reasonable time for presentation of oral argument or for the filing of briefs, statements or depositions as to the facts or the law.

(c) The board shall receive, as evidence, any statement, document, information or matter that it finds relevant and of such a nature as to afford the parties a fair hearing. The board may also accept hospital records and reports and physician's reports as evidence of the injury sustained without requiring the presence of the attending physician at the hearing.

(d) The board may direct medical examinations of the claimant by a physician designated by the board for this purpose. The claimant shall be present at the office of the physician named at the time and place designated. A written report of that examination shall be filed, by the examining physician, with the board and a copy shall be mailed to the claimant or claimant's attorney. Payment of expenses associated with this examination shall be made by the board from claim funds.

(e) All formal hearings shall be conducted in an orderly manner in order to ascertain the substantial rights of the parties. All witnesses shall testify under oath or by affirmation and a record of the proceedings may be transcribed. The board may examine the claimant and all witnesses.

(f) Formal hearings may be adjourned on motion of the board or upon timely request of any interested party. The failure of the claimant to appear at the time of the hearing may, in the discretion of the board upon good cause shown, be excused and a new hearing scheduled. (Authorized by K.S.A. 74-7304; imple-

(continued)

menting K.S.A. 74-7307, 74-7308; effective May 1, 1980; amended May 1, 1984.)

Article 4.—ATTORNEY FEES

20-4-1. Attorney; assistance in preparation of application; fees. (a) Each attorney representing a claimant shall submit to the board an itemized statement of the attorney's time expended on behalf of the claimant in preparation of the claim.

(b) The attorney fee shall be at a rate of \$45.00 per hour for time expended in preparation, investigation and presentation of the claim, together with reimbursement for mileage at the rate allowed by rules and regulations, adopted by the department of administration, for reimbursement of public officials. (Authorized by K.S.A. 74-7304; implementing K.S.A. 74-7311; effective May 1, 1980; amended May 1, 1984.)

KENNETH E. BAHR
Director

Doc. No. 001725

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the Kansas Register. The May 3, 1984 issue of the Register will contain a complete index to regulations effective May 1, and any legislative actions on them.

BOARD OF INDIGENTS' DEFENSE SERVICES ADMINISTRATIVE REGULATIONS

Article 1.—GENERAL

105-1-1. (a) Legal representation, at state expense, shall be provided to all persons who are financially unable to obtain adequate representation without substantial hardship to themselves or their families in the following cases:

- (1) felony cases at the trial court level;
- (2) habeas corpus cases arising out of an extradition proceeding pursuant to K.S.A. 22-2710;
- (3) habeas corpus cases arising from a mental commitment pursuant to K.S.A. 1982 Supp. 22-3428;
- (4) probation revocation hearings;
- (5) habeas corpus cases as authorized by K.S.A. 1982 Supp. 22-4506;
- (6) motions attacking sentence pursuant to K.S.A. 60-1507;
- (7) motions to modify sentence pursuant to K.S.A. 21-4603;
- (8) appeals from felony convictions or habeas corpus findings to the appellate courts of Kansas;

(9) appeals from an order of the court waiving jurisdiction of a juvenile offender to the criminal courts;

(10) habeas corpus cases arising out of an involuntary commitment pursuant to K.S.A. 1982 Supp. 59-2917;

(11) grand jury witnesses called to testify pursuant to K.S.A. 22-3009;

(12) material witnesses committed to custody as authorized by K.S.A. 1982 Supp. 22-2805; and

(13) any other cases in which legal representation at state expense is required by law.

(b) Legal representation at state expense shall not be provided in the following types of cases:

(1) services related to certiorari to the United States Supreme Court or services relating to other courts of the United States;

(2) services on behalf of juvenile offenders, unless the juvenile is charged with commission of a felony offense as an adult under the criminal laws of Kansas;

(3) services on behalf of a defendant charged with a misdemeanor or a defendant appealing a misdemeanor conviction;

(4) any case in which the defendant or other person represented has not been determined to be indigent or partially indigent by a judge, using guidelines developed by the board of indigents' defense services; and

(5) any case in which an attorney has not been appointed by a judge to represent the defendant.

(c) Legal representation shall continue until final resolution of the cause for which appointed. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 22-2805, 22-3009, 22-3716, 22-4503, 22-4505, 22-4506, 22-4522 and 38-1681; effective May 1, 1984.)

Article 2.—TERMS DEFINED

105-2-1. Definitions. Unless the context otherwise requires, terms used in K.A.R. 105-1-1, *et seq.*, forms and instructions shall have the following meanings:

(a) Board means the state board of indigents' defense services.

(b) Director means the state director of indigents' defense services appointed by the board.

(c) District means judicial district.

(d) Legal Representation means representation of indigent defendants by a qualified and effective attorney, as well as transcript preparation and other related defense services by investigators, expert witnesses and others when requested by the attorney and approved by the court.

(e) Panel means the list of qualified attorneys in a county who are eligible for appointment to represent indigent defendants.

(f) Public Defender means an attorney selected and employed on full-time basis by the board to provide quality legal representation to indigent defendants pursuant to K.S.A. 22-4501, *et seq.* Public defender shall include assistant public defenders. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

Article 3.—APPOINTED ATTORNEYS

105-3-1. Panel of attorneys. The administrative
(continued)

judge of each district shall compile a list of attorneys eligible for assignment to represent indigent defendants for each county in the district. The list shall be known as the panel for indigent defense services.

The administrative judge shall revise the panel annually, and as incoming attorneys register with the clerk of the district court, and when removal of attorneys from the district or any other cause makes revision appropriate. (Authorized by K.S.A. 1983 Supp. 22-4501 and 22-4522; implementing K.S.A. 1983 Supp. 22-4501; effective May 1, 1984.)

105-3-2. Eligibility to serve. All licensed attorneys engaged in private practice shall be included on the panel, with the following exceptions: (a) full-time employees of any nonprofit corporation currently providing legal services to indigents; or

(b) those attorneys who request to be excused due to age or retirement, if there exists an adequate number of other local attorneys to handle the caseload of indigent defendants.

The above exceptions may be waived upon application to the administrative judge and with approval of the judge and the board. Additional exceptions may be made by the administrative judge with the approval of the board. (Authorized by K.S.A. 1983 Supp. 22-4501 and 22-4522; implementing K.S.A. 1983 Supp. 22-4501 and 22-4522; effective May 1, 1984.)

105-3-3. Rotation of appointments. All appointments shall be made in an orderly manner to avoid patronage, or the appearance of patronage, and to ensure fair distribution of appointments among all whose names appear on the panel. Names on the panel shall be in alphabetical order and appointments shall be made in sequence with the following exceptions: (a) When the court determines there is a conflict of interest, the next listed attorney shall be appointed.

(b) When the court determines the attorney lacks sufficient experience in a serious felony case, the next qualified attorney shall be appointed.

(c) When the court determines an emergency appointment of counsel is required, the first available attorney may be appointed; or

(d) when the court determines the attorney is unavailable to promptly handle the case, the next listed attorney shall be appointed.

Any attorney who is passed over shall be first in sequence for the next appointment. (Authorized by K.S.A. 1983 Supp. 22-4501 and 22-4522; implementing K.S.A. 1983 Supp. 22-4501 and 22-4522; effective May 1, 1984.)

105-3-4. Responsibility for appointments. Panel attorneys shall have primary responsibility for those cases to which they have been appointed. (Authorized by K.S.A. 1983 Supp. 22-4501 and 22-4522; implementing K.S.A. 1983 Supp. 22-4501 and 22-4522; effective May 1, 1984.)

105-3-5. Removal from panel. (a) An administrative judge may remove any attorney from a panel for cause. The administrative judge shall promptly notify the board of a decision to remove an attorney from any panel.

(b) The board, after conferring with the administrative judge, may remove an attorney from any panel for cause.

(c) The decision to remove becomes effective upon notice to the attorney and shall remain effective until the board or administrative judge reinstates the attorney to the panel.

(d) An attorney removed from the panel shall be informed by the board of the cause for removal and shall be provided reasonable opportunity to appear and offer evidence for reinstatement at a hearing before the board. The hearing shall be conducted as a summary proceeding. (Authorized by K.S.A. 1983 Supp. 22-4501 and 22-4522; implementing K.S.A. 1983 Supp. 22-4501 and 22-4522; effective May 1, 1984.)

105-3-6. Distribution of panels. The administrative judge of each district shall distribute the list of panel members to judges of the district court, law enforcement officials within the district and the board. The list of panel members shall be distributed annually and as it is revised. (Authorized by K.S.A. 1983 Supp. 22-4501; implementing K.S.A. 1983 Supp. 22-4501; effective May 1, 1984.)

105-3-7. Appointments prior to court appearance.

(a) When legal representation is requested by a person entitled to counsel under K.S.A. 1982 Supp. 22-4503 and who is detained by law enforcement officials in districts with a public defender, the law enforcement officials shall contact the public defender to provide legal representation, prior to appearance before a court. The public defender shall provide the court with a completed affidavit of indigency from the detainee.

(b) When legal representation is requested by a person entitled to counsel under K.S.A. 1982 Supp. 22-4503 and who is detained by law enforcement officials in districts without a public defender, law enforcement officials shall contact a judge of the district court to appoint a panel attorney to provide legal representation, prior to appearance before a court. Law enforcement officials shall provide a judge of the district with information from the completed affidavit of indigency. If the judge finds that the detainee is indigent, the judge shall appoint an attorney from the panel. (Authorized by K.S.A. 1983 Supp. 22-4502; implementing K.S.A. 1983 Supp. 22-4501, 22-4502; effective May 1, 1984.)

**Article 4.—ENTITLEMENT TO
LEGAL REPRESENTATION**

105-4-1. Determination of eligibility. (a) At the commencement of proceedings against any defendant, the defendant may make application for legal representation at state expense by submitting, to the court, an affidavit of indigency on forms provided by the board. The court shall determine if the defendant is indigent, based upon consideration of the following factors, as defined in K.A.R. 105-4-2: (1) the defendant's liquid assets;

(2) the defendant's household income;

(continued)

(3) the defendant's reasonable and necessary expenses incurred to support the defendant's household;

(4) the anticipated cost of private legal representation; and

(5) any transfer of property by the defendant without adequate monetary consideration after the date of the alleged commission of the offense.

(b) An eligible indigent defendant is a person whose combined household income and liquid assets equal less than the sum of the defendant's reasonable and necessary living expenses plus the anticipated cost of private legal representation.

(c) The court may also consider any special circumstances affecting the defendant's eligibility for legal representation at state expense.

(d) If the court determines that the defendant is financially able to employ counsel, after counsel has been appointed, the court shall require the defendant to reimburse the board in accordance with the provisions of K.S.A. 1982 Supp. 22-4510 for all or part of the expenditures made on the defendant's behalf. (Authorized by K.S.A. 1983 Supp. 22-4504, 22-4522; implementing K.S.A. 1983 Supp. 22-4504, 22-4510; effective May 1, 1984.)

105-4-2. Definition of terms. Terms used to determine eligibility for indigents' defense services shall have the following meanings: (a) Liquid assets. The defendant's liquid assets shall be defined as cash in hand, stocks and bonds, accounts at financial institutions, real property or homestead having a net value greater than \$50,000, and any other property than can be readily converted to cash, with the following exceptions:

(1) the defendant's car, clothing, and household furnishings; and

(2) any other property, except a homestead having a net value greater than \$50,000, which is exempt from attachment or levy of execution by K.S.A. 60-2301, *et seq.*

The net value of the homestead shall be determined as the fair market value less the mortgage, other encumbrances, and the reasonable cost of sale. The net value of any property transferred after the date of the alleged commission of the offense shall be included in the determination of the defendant's liquid assets.

(b) Household income. The defendant's household income shall be defined as the defendant's income and the income of all other persons related by birth, marriage or adoption who reside with the defendant. Income shall include the total cash receipts, before taxes, from all resources, including money wages and the net receipts from nonfarm or farm self-employment. Further, income shall include regular payments from a governmental income maintenance program, alimony, child support, public or private pensions, annuities, and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

(c) The defendant's reasonable and necessary living expenses. The board shall calculate a table which establishes the amounts the board will allow as the defendant's reasonable and necessary expenses in-

curring to support the defendant and the defendant's household. The table shall represent 125% of the federal poverty income guidelines that are adopted in accordance with 42 USC 9847 and are published in the *Federal Register*. The board shall cause this table of reasonable and necessary living expenses to be published in the *Kansas Register* in May of 1984 and at such times thereafter as the federal poverty income guidelines are revised. Revisions in the federal poverty income guidelines shall not be adopted until considered and approved by the board.

(e) Transfer of property. If the defendant has transferred property after the date of the alleged commission of the offense, the court shall determine the reason for the transfer of property and shall determine whether adequate monetary consideration was received. If adequate monetary consideration was not received, the court shall presume that the transfer was made for the purpose of establishing eligibility unless the defendant furnishes clear and convincing evidence that the transfer was made exclusively for another purpose. If a transfer was made either for the purpose of establishing eligibility or without adequate monetary consideration, and the property is reconveyed to the defendant or an adjustment is made by which the defendant receives full value, the defendant shall, if otherwise qualified, be eligible to receive legal representation at state expense. (Authorized by K.S.A. 1983 Supp. 22-4504, 22-4522; implementing K.S.A. 1983 Supp. 22-4504; effective May 1, 1984.)

105-4-3. Affidavit of indigency. The board shall adopt a standard format for an affidavit of indigency which shall include the following information: (a) the defendant's liquid assets and household income;

(b) the defendant's household expenses;

(c) any extraordinary financial obligations of the defendant;

(d) the size of the defendant's household;

(e) any transfer of property by the defendant after the date of the alleged commission of the offense;

(f) the board's table of reasonable and necessary living expenses; and

(g) the anticipated cost of private legal representation.

If the information provided by the defendant on the affidavit is unclear, incomplete, contradictory, or questionable, further inquiry may be conducted by the board, the court, the county or district attorney, or other officer assigned by the court. The board shall publish and distribute the affidavit of indigency forms annually to the judicial administrator and to the administrative judge of each district. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4504; effective May 1, 1984.)

105-4-4. Finding of indigency. If the court finds a defendant who is entitled to counsel to be indigent, as defined by statute and these regulations, the court shall appoint counsel to provide legal representation. A court order authorizing legal representation at state expense shall be made on a form approved by the board. (Authorized by K.S.A. 1983 Supp. 22-4504, 22-

(continued)

4522; implementing K.S.A. 1983 Supp. 22-4503, 22-4504, 22-4505, 22-4506, 22-4512a; effective May 1, 1984.)

105-4-5. Partial indigency. (a) The court shall determine any defendant to be partially indigent if the defendant is able to pay some part of the cost of legal representation and if the payment or payments does not impose manifest hardship on the defendant or the defendant's household. Any defendant may be found to be partially indigent if the defendant's combined household income and liquid assets are greater than the defendant's reasonable and necessary living expenses but less than the sum of the defendant's reasonable and necessary living expenses plus the anticipated cost of private legal representation.

(b) Upon a determination of partial indigency, the court may order a defendant to pay, to the clerk of the district court, a sum not less than \$25 nor more than \$100 for attorney compensation allowed by the board, to help defray the cost of representation at state expense. Any payment or payments made pursuant to a determination of partial indigency shall apply to any judgment entered pursuant to K.S.A. 22-4513.

(c) If the defendant has made payment or payments after a determination of partial indigency and is thereafter acquitted, the board shall refund the payment or payments upon timely application by the defendant to the board. (Authorized by K.S.A. 1983 Supp. 22-4504, 22-4522; implementing K.S.A. 1983 Supp. 22-4504, 22-4522; implementing K.S.A. 1983 Supp. 22-4504, 22-4513; effective May 1, 1984.)

Article 5.—ATTORNEY COMPENSATION

105-5-1. General provisions. Subject to availability of funding, and with the approval of the appropriate judge as provided in K.S.A. 1982 Supp. 22-4507(b), attorneys appointed to represent indigent defendants pursuant to K.S.A. 22-4501, *et seq.*, shall be compensated for time spent in case preparation and presentation in court, at the rate set forth in K.A.R. 105-5-2.

Compensation shall be subject to maximum compensation limitations as set forth in K.A.R. 105-5-6 and K.A.R. 105-5-7. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-2. Rates of compensation. Appointed counsel shall be compensated at the rate of \$30 per hour for time spent in preparing cases for trial or appeal and for in-court presentation. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-3. Appellate courts; compensation. For services performed in appealing a case to the court of appeals or the supreme court, compensation shall be at the rate prescribed in K.A.R. 105-5-2, except that appointed counsel shall not be compensated for more than three hours of time spent in appellate court. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-4. Multiple attorneys. No more than one attorney shall be compensated for services rendered at the same stage of proceedings. In case of multiple appointments of attorneys who jointly represent a defendant, the appointing court shall designate the attorney to be compensated. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-5. Overpayments. If it is determined by the director that an attorney has been paid an amount in excess of what is allowable according to the current regulations regarding compensation, the director shall notify the attorney to immediately reimburse the board for a like amount. If not paid on demand, the director may recoup that amount from a subsequently approved claim from that attorney. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-6. Maximum compensation; non-tried cases.

(a) Appointed attorneys shall be compensated for time expended in representing indigent defendants and other indigent persons at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, compensation shall not exceed \$250 in the following types of cases: (1) felony cases in the trial court which are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable;

(2) habeas corpus cases as authorized by K.S.A. 1982 Supp. 22-4506;

(3) cases filed pursuant to K.S.A. 60-1507;

(4) habeas corpus cases as authorized by K.S.A. 22-2710;

(5) habeas corpus cases as authorized by K.S.A. 1982 Supp. 22-3428; and

(6) habeas corpus cases as authorized by K.S.A. 1982 Supp. 59-2917.

(b) Except as provided in K.A.R. 105-5-8, compensation shall not exceed \$100 in the following types of cases: (1) representation of grand jury witnesses determined to be indigent and called to testify pursuant to K.S.A. 22-3009;

(2) representation of indigent persons committed to custody as material witnesses pursuant to K.S.A. 1982 Supp. 22-2805;

(3) probation revocation hearings; and

(4) motions to modify sentence pursuant to K.S.A. 21-4603. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 22-3716 and K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-7. Maximum compensation; trials. Appointed attorneys shall be compensated for time expended in representing indigent defendants at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, compensation for felony cases tried on pleas of not guilty and submitted to a judge or jury for adjudication, including compensation for services at the preliminary hearing, sentencing and motions to modify sentence, shall not exceed \$1,000. This regulation will take effect on and after July 1, 1984. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-

(continued)

4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

105-5-8. Compensation; exceptional cases. (a) Compensation for attorneys' services in excess of the maximum amounts set out in K.A.R. 105-5-6 and K.A.R. 105-5-7 shall be approved only in exceptional cases. An exceptional case is: (1)(A) Any case involving a Class A or Class B felony charge; or

(B) any case tried on a not guilty plea in which there have been 25 or more hours spent in court in defense of the indigent defendant; or

(C) any case not submitted to a judge or jury in which there have been ten hours or more of in-court time spent in defense of the indigent defendant; and

(2) any such case which has been declared an exceptional case by the court due to its complexity or other significant characteristics. Such finding by the court is subject to final approval by the board.

(b) All claims for compensation in exceptional cases shall be accompanied by a specific finding in a court order setting forth the basis for the declaration that the case is exceptional.

(c) Compensation for attorneys' services in exceptional cases shall not exceed \$5,000 per case. However, the board may approve additional compensation if warranted by the extreme complexity of the case. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507; effective May 1, 1984.)

Article 6.—REIMBURSEMENT OF EXPENSES

105-6-1. Reimbursement generally. Appointed attorneys shall be reimbursed for expenses reasonably incurred in performance of duties when approved by the appropriate judge as provided in K.S.A. 1982 Supp. 22-4507(b). Expense reimbursements shall not be considered within the maximum amounts of compensation set out in K.A.R. 105-5-6 and K.A.R. 105-5-7. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

105-6-2. Expenses allowed. Expense reimbursements shall include, but not be limited to, reimbursement for the following expenses: (a) the cost of photocopying prepared briefs;

(b) the cost of binding not more than 10 appeal briefs per case;

(c) in-state travel and subsistence by appointed attorneys not to exceed the rate set by the secretary of the department of administration for state employees (K.S.A. 75-3201, *et seq.* and K.S.A. 75-4601, *et seq.*);

(d) expenses incurred by appointed attorneys in obtaining a computerized legal research if the court finds that the case presents a unique question of law to be researched. Such expenses shall not exceed \$100;

(e) expenses incurred by appointed attorneys in taking depositions, if found to be authorized by statute and necessary in order to provide an adequate defense and when prior approval has been obtained from the court;

(f) costs of mailing briefs; and

(g) expenses incurred by appointed attorneys which would otherwise have been approved and paid by the board directly to a third party in accordance with statute or rule and regulation. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

Article 7.—INVESTIGATIVE, EXPERT OR OTHER SERVICES

105-7-1. Order authorizing services. Each court order authorizing investigative, expert or other services for an indigent defendant shall be made on a form approved by the board and shall include an estimate of the cost of those services. A copy of this order shall be sent to the board promptly, after being signed by the judge. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4512a and 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508, 22-4512a; effective May 1, 1984.)

105-7-2. Claims. Each claim for compensation for investigative, expert or other services provided to an indigent defendant shall be made on a form approved by the board. The claims shall be signed by the payee and the judge prior to transmittal to the board. All claims for investigative, expert or other services shall include a timesheet detailing time expended in the performance of these services and any compensation received for the same services from any other source. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-3. Limitations. (a) Each claim for compensation shall be for investigative, expert or other services performed on or after the date of the order authorizing the services unless the judge finds that timely procurement of necessary services could not await prior authorization.

(b) Each claim shall not exceed the estimated cost set forth on the order authorizing the services. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508, 22-4522; effective May 1, 1984.)

105-7-4. Investigators. Each individual performing services as an investigator shall be compensated at a rate not to exceed \$20 per hour. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-5. Psychiatric or psychological services. Each individual performing psychiatric or psychological services shall be compensated at a rate not to exceed \$30 per hour. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-6. Interpreters. Each individual performing services as an interpreter for the defense shall be compensated at a rate not to exceed \$20 per hour. No more than one interpreter per defendant may be compensated for services performed at the same stage of

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the proceeding. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-7. Other services. Each individual performing other allowable defense services shall be compensated at a rate not to exceed \$20 per hour. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-8. Maximum compensation. Any claim in excess of \$300, in any one case, for investigative, expert or other services shall require board approval. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

105-7-9. Services not compensable. The following services shall not be compensable unless approved by the board: (a) lie detector tests;

(b) psychological stress evaluation exams;

(c) psychiatric or other services arising out of proceedings to determine competency to stand trial;

(d) other expert tests unless the results are admissible as evidence; and

(e) any other expert services which are not necessary for an adequate defense of the case. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4508; effective May 1, 1984.)

Article 8.—COURT REPORTERS— TRANSCRIPTS

105-8-1. Generally. (a) When an attorney appointed to represent an indigent defendant on appeal determines that a transcript or partial transcript of the trial is necessary to prosecute the appeal, the attorney may request a court order for the transcript. Attorneys shall order complete transcripts only when absolutely necessary for the appeal, in accordance with supreme court rules.

(b) Each court order for a transcript shall be made on a form approved by the board. A copy of the order shall be mailed to the board promptly, after being signed and approved by a judge. The order shall specify whether a full or partial transcript is to be prepared. (Authorized by K.S.A. 1983 Supp. 22-4507; implementing K.S.A. 1983 Supp. 22-4505, 22-4507, 22-4509; effective May 1, 1984.)

105-8-2. Claims. Claims for transcript fees shall be made on a form approved by the board and shall be signed by the appropriate judge prior to transmittal to the board. (Authorized by K.S.A. 1983 Supp. 22-4507; implementing K.S.A. 1983 Supp. 22-4505, 22-4507, 22-4509; effective May 1, 1984.)

105-8-3. Compensation. (a) Court reporters shall receive compensation for one original transcript in a single-defendant case appealed to the appellate courts. In multi-defendant cases appealed to the appellate courts, court reporters shall be compensated for one original transcript and one transcript copy for each additional co-defendant.

(b) Compensation shall be at the rate set for transcripts pursuant to K.S.A. 20-916. (Authorized by K.S.A. 1983 Supp. 22-4507; implementing K.S.A. 20-916, K.S.A. 1983 Supp. 22-4505, 22-4507, 22-4509; effective May 1, 1984.)

105-8-4. Claims not allowed. Claims by court reporters for transcripts of pleas of guilty or nolo contendere, preliminary hearings, voire dire proceedings, opening statements or closing statements shall not be compensated except when the defendant alleges reversible error at that particular stage of the proceeding. (Authorized by K.S.A. 1983 Supp. 22-4507; implementing K.S.A. 1983 Supp. 22-4509; effective May 1, 1984.)

Article 9.—CLAIMS GENERALLY

105-9-1. General provisions. (a) All claims for payment for legal representation provided to an indigent defendant by attorneys, court reporters, investigators and all others shall be submitted to the board for payment not later than 60 days after the termination of services.

(b) Unless otherwise specified, all claims that comply with these rules and regulations shall be processed for payment by the director.

(c) Claims not conforming with rules and regulations prescribed by the board may be denied payment. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

105-9-2. Approval of claims. (a) Each claimant shall complete and sign the necessary claim forms and submit them to the court for approval.

(b) The judge shall examine each claim and determine if it is reasonable and in accordance with rules and regulations adopted by the board. In determining the reasonableness, the judge shall consider the nature and complexity of the factual and legal issues involved and the time reasonably necessary to prepare and present the case.

(c) The judge may reduce the amount of any claim submitted for approval. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

105-9-3. Claims from attorneys. Each claim from an attorney for compensation and reimbursement of allowable expenses shall be filed with the board on a voucher form approved by the board. Each claim shall be accompanied by a timesheet, in a form approved by the board, detailing:

(a) the date of each compensable activity;

(b) the purpose of the activity performed;

(c) the type of activity performed;

(d) the amount of time, in tenths of hours, spent on each activity; and

(e) the amount of compensation received for the same services from any other source. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

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105-9-4. Proration. The board may prorate payment of claims in an equitable manner if the board determines that funding in any fiscal year is insufficient to pay all claims in full. (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4507, 22-4522; effective May 1, 1984.)

Article 21.—PUBLIC DEFENDER GUIDELINES

105-21-1. Qualifications. Each public defender shall be an attorney licensed to practice law in Kansas and shall be selected on the basis of merit. Primary qualifications shall be: (a) demonstrated commitment to the provision of quality legal representation for eligible persons charged with or convicted of criminal conduct;

(b) demonstrated ability to properly administer a law office of similar size and responsibility to that of the public defender office; and

(c) demonstrated knowledge of criminal law and effective ability to provide actual representation. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

105-21-2. Scope of representation. Except as otherwise provided by law or by ethical considerations, each public defender shall accept and undertake representation of all persons assigned to that office and determined to be eligible for the services of the public defender in accordance with K.S.A. 1982 Supp. 22-4501, *et seq.* (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

105-21-3. Withdrawing from cases. Any public defender may withdraw from any court-appointed case when that defender determines that there exists a possible conflict of interest in further representation of the defendant. The public defender may refuse to accept court-appointed cases when it is determined jointly by the public defender and the director that the current active caseload would preclude the public defender from providing adequate representation to new clients. When a decision is made to withdraw from a case or to not accept cases due to current caseloads, the public defender shall communicate this decision to the administrative judge of the district, who shall appoint attorneys, in sequence, from the panel for a period not to exceed three months unless such period is extended or terminated by the board at its next regularly scheduled meeting. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

105-21-4. Misdemeanor or juvenile appointments. Any public defender, with the approval of the director, may elect to accept misdemeanor or juvenile appointments not covered by agreement or contract in the district or county of jurisdiction. However, the public defender shall make a record of time expended both in court and in preparation of such a case and shall submit this timesheet with a bill for services rendered to be computed at the rate set out in K.A.R. 105-5-2. The timesheet and bill shall be submitted to the clerk

of district court of the county in which the case was heard. A copy of this billing and timesheet shall be sent promptly to the director. The bill shall designate the state board of indigents' defense services as the payee and shall include the title of the case, case number and any other identifying information needed by the clerk for processing, as well as the total amount due according to the timesheet. Expenses incurred by the public defender office may also be included in this billing.

The public defender may, at any time, refuse to accept misdemeanor or juvenile appointments. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

105-21-5. Investigative, expert or other services. When it appears that the procurement of investigative, expert or other services is necessary for an adequate defense of an indigent client, any public defender may request such services in an *ex parte* application to the district court where the action is pending. The public defender shall comply with all other rules and regulations governing investigative, expert and other services as provided in K.A.R. 105-7-1, *et seq.* (Authorized by K.S.A. 1983 Supp. 22-4507, 22-4522; implementing K.S.A. 1983 Supp. 22-4508, 22-4522; effective May 1, 1984.)

105-21-6. Records and reports. Each public defender shall keep accurate records of cases assigned and make monthly reports in the form and with the content prescribed by the director. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

Article 31.—CONTRACT COUNSEL GUIDELINES

105-31-1. General provisions. (a) The board may elect to contract with one or more private attorneys for the delivery of indigent defense services in any county, counties, or district when there is evidence that such contracting may be cost effective or that the assigned counsel panel lacks attorneys of sufficient expertise or number.

(b) The duration of the contract shall be set forth in the contract and shall be subject to availability of funds. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522, 22-4523; effective May 1, 1984.)

105-31-2. Awarding the contract. (a) The board shall not pursue a contract through the competitive bidding process but only through negotiation.

(b) Contracts to individual attorneys or firms shall be awarded on the basis of:

(1) the experience and qualifications of the attorney or firm;

(2) the willingness and ability of the attorney or firm to comply with the performance criteria and statistical reporting provisions of the contract; and

(3) the negotiated rate of compensation. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522, 22-4523; effective May 1, 1984.)

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105-31-3. Qualifications. Each attorney qualified to serve on the panel shall be qualified to enter into a contract for the purpose of providing legal representation to indigents. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522, 22-4523; effective May 1, 1984.)

105-31-4. Appealed cases. In addition to the contract compensation, any contract attorney may be provided compensation at the rate prescribed in K.A.R. 105-5-3 for appealed cases, subject to the approval of the court and the board. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4505, 22-4522; effective May 1, 1984.)

105-31-5. Exceptional cases. Subject to board approval, any contract attorney may be provided compensation in addition to the contract compensation for cases determined to be exceptional in nature as defined by K.A.R. 105-5-8. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4522; effective May 1, 1984.)

105-31-6. Other provisions. The procedure for withdrawing from cases and procuring investigative, expert or other services shall be set forth in the contract. (Authorized by K.S.A. 1983 Supp. 22-4522; implementing K.S.A. 1983 Supp. 22-4508, 22-4522; effective May 1, 1984.)

RONALD E. MILES
Director

Doc. No. 001726

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**KANSAS WATER OFFICE
ADMINISTRATIVE REGULATIONS**

Article 3.—PUBLIC HEARINGS ON STATE WATER PLAN; PROPOSED CONTRACTING PROCEDURES

98-3-1. (Authorized by K.S.A. 82a-917, 82a-923; effective, E-73-6, Dec. 8, 1972; effective Jan. 1, 1974; revoked, May 1, 1984.)

98-3-2, 98-3-3. (Authorized by K.S.A. 82a-923; effective E-73-6, Dec. 8, 1972; effective Jan. 1, 1974; revoked, May 1, 1984.)

Article 5.—STATE WATER PLAN STORAGE

98-5-1. Definitions. (a) "Assignment" means the transfer of any right under a water purchase contract to a third person or the transfer of any of the water contract right holder's duties and obligations owed to the state to a third person.

(b) "Chairperson" means the chairperson of the Kansas water authority.

(c) "Conservation storage water supply capacity" means the space in a reservoir which has been:

(1) Purchased, contracted for purchase, or otherwise acquired by the state; and

(2) designated for the storage of water for any beneficial purpose or for sediment accumulation purposes in proportion to the amount of storage purchased, contracted for purchase, or otherwise acquired by the state.

(d) "Days" means calendar days except when the time period ends on a legal holiday or weekend. In such a case, the next business day shall be the last day counted for the time period.

(e) "Designated representative" means any person designated by the director to perform duties and functions on the director's behalf.

(f) "Drought having a 2% chance of occurrence in any one year" means a drought having a statistical chance of occurring once every 50 years, on the average.

(g) "Industrial use" means any use of water primarily for the production of goods, food, or fiber, or for providing utility services, and includes any incidental uses.

(h) "Municipal use" means the various uses of water which is:

(1) Obtained from a common water supply source by a municipality, rural water district, other water supply district, or group of householders;

(2) delivered through a common distribution system; and

(3) used for domestic, commercial, trade, industrial, and any other related incidental uses for any beneficial purposes.

(i) "Natural flow" means that portion of the flow in a natural stream that consists of precipitation on the stream and reservoir water surface, direct runoff from precipitation on the land surface, groundwater infiltration to the stream, and return flows to the natural stream from municipal, agricultural, or other uses.

(j) "Reservoir" means a lake or other impoundment in which water is stored.

(k) "Reservoir yield" means the quantity of water which can be withdrawn from storage in the reservoir. Reservoir yield is determined by the rate of flow of streams into the reservoir, losses due to evapotranspiration from the reservoir surface, and the volume of water impounded in the reservoir.

(1) "Water reservation right" means the state's right to divert and store waters of all streams flowing into the conservation storage water supply capacity of a reservoir. The right shall be sufficient to ensure the

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yield of water throughout a drought having a 2% chance of occurrence in any one year.

(m) "Year" means the 12 month period beginning with a specified month and day of year and continuing through the day preceding the same month and day of the next succeeding calendar year. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1301 *et seq.*, effective May 1, 1979; amended May 1, 1980; amended May 1, 1984.)

98-5-2. Applications. (a) Each application to enter into a water purchase contract shall be made in writing on forms prescribed by the director and shall be signed by the person making the application or the person's chief officer or designated representative. The application shall be filed with the director.

(b) Each application shall include the following:

- (1) The name and address of the applicant;
- (2) the reservoir from which the applicant proposes to withdraw water;
- (3) the peak daily rate at which the applicant proposes to withdraw water and the total annual quantity to be withdrawn;
- (4) the uses proposed to be made of waters withdrawn; and
- (5) the estimated date of first withdrawal of water.

(c) With each application or at any time before negotiations for a water purchase contract, the applicant shall file the following items with the director unless the requirement is waived by the director:

- (1) The location and legal description of all works, ditches, conduits, and watercourses proposed to be constructed or used for the transportation of waters to and including the point of redirection;
- (2) the engineering report or other evidence to support the need for the annual quantity of water requested throughout the term of the contract;
- (3) any other information which the director may specify;
- (4) any special requirement applicable to the applicant; and
- (5) a list of alternative sources of water available to the applicant.

(d) In each application or at a time before use of the water as specified by the director, the applicant shall file the following items with the director unless the requirement is waived by the director:

- (1) An engineering report and specifications for metering water;
- (2) proof of any easement that is granted by the federal government for rights-of-way across, in, and upon federal government land which is required for intake, transmission of water, and necessary appurtenances;
- (3) engineering plans and specifications of any pump, siphon, conduit, canal, or any other device planned to be used to withdraw water from the reservoir; and
- (4) engineering plans and specifications of any pump, siphon, conduit, canal, or other device planned to be used to redirect water released from the reservoir to a watercourse.

(e) Upon receipt of an application in the office of

the director, a stamp showing the date and time of receipt shall be placed on the application form.

(f) The director or a designated representative shall review the application for compliance with statutory and regulatory requirements and for completeness.

(g) An application that is complete and that complies with statutory and regulatory requirements shall be assigned an application number. Application numbers shall be assigned in chronological order according to the date and time of receipt of the application.

(h) An application that is not complete or that does not comply with statutory or regulatory requirements shall have the stamp showing the date and time of receipt cancelled by drawing an X or other suitable mark across the stamp.

(i) Within 30 days after receipt of the application, the director or a designated representative shall notify the applicant that:

- (1) The application is accepted and assigned an application number;
- (2) the application is incomplete and additional information or evidence is required before a number will be assigned; or
- (3) the application does not comply with statutory or regulatory requirements and the reason why the application does not comply.

(j) When an application is accepted in writing by the director, notice of the acceptance shall be provided to other applicants for withdrawal of water from the same reservoir at each applicant's last known address. The notice shall specify the name of the applicant and the annual quantity of water included in the request.

(k) If a water purchase contract has not been executed by the 10th anniversary of the acceptance of an application, and if the applicant has not requested an extension of time for the application, the application shall be subject to cancellation by the director.

(l) Before cancellation of an application, the director shall notify the applicant in writing at the applicant's last known address that the application shall be cancelled 30 days after date of the notice unless the applicant submits a written request for an extension of time for the application. The notice shall be sent by restricted mail. The application shall be cancelled by the director if a written request to extend the application is not received within 30 days from date of the notice.

(m) On or before the 10th anniversary of the application, the applicant may request, in writing, that the application be extended for a period of up to three years. The director shall grant the extension unless the application is found to be incomplete or not in compliance with statutory or regulatory requirements.

(n) Any part of the application, except the reservoir from which the applicant proposes to withdraw water, may be amended at any time. The applicant shall file a new application to change the reservoir from which the applicant proposes to withdraw water. The new application shall be assigned a date and application number as provided in subsection (g) of this regula-

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tion. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1310a, K.S.A. 82a-1311a; effective May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1984.)

98-5-3. Contract negotiation procedures. (a) Any person with an application on file with the director may request to negotiate a water purchase contract by filing a written request with the director or a designated representative.

(b) The director shall review the request and shall notify the applicant in writing within 30 days as to whether the information on file is sufficient to request the authority to authorize negotiations for a water purchase contract.

(c) The director may require any applicant to provide information in addition to that included in the application required in K.A.R. 98-5-2(b) and (c). Such information shall be for the purpose of determining:

(1) The actual annual quantity of water needed;

(2) whether the proposed sale of water supply is in the public interest; and

(3) whether the benefits to the state from approval of the contract are greater than the benefits to the state from rejection of the contract.

(d) When sufficient information is available to determine whether the proposed sale is in the interest of the people of the state of Kansas and whether the proposed sale will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, the director shall notify the authority that a request to enter into negotiations for a written contract has been received.

(e) The director shall provide the authority with the information collected or developed to show that the proposed sale is in the interest of the people of the state of Kansas and that it will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto.

(f) The authority shall consider the request to begin negotiations for a written contract and make a finding that:

(1) The proposed sale is in the public interest and it will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated; or

(2) the proposed sale is not in the public interest and it will not advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated.

(g) If the authority finds that the proposed sale is not in the public interest or that it will not advance the purposes set forth in article 9, the authority shall do one of the following:

(1) Reject the request to begin negotiations and advise the applicant of the reasons; or

(2) request the applicant or the director to provide additional information which would permit the authority to find that the proposed sale is in the public interest and that it will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated.

(h) When the authority finds that the proposed sale is in the public interest and that it will advance the purposes set forth in article 9 of chapter 82a, the

authority shall authorize the director to negotiate with the applicant for the purposes of entering into a written contract for sale of water supply from a reservoir having conservation water supply capacity committed to the state.

(i) After negotiations for a water purchase contract have been authorized by the authority and when the proposed sale is not for surplus waters, the director or a designated representative shall notify all other persons with pending applications for water from the same reservoir that negotiations for a water purchase contract have been authorized by the authority. The notice shall include the name of the applicant with whom negotiations are underway, the person's application date and number, and the annual quantity requested.

(j) Each person who has an application on file with the director for water supply from the reservoir from which water is proposed to be sold shall choose:

(1) Not to request to negotiate for a written contract, or

(2) to file a written request with the director to enter into negotiations for a written contract as provided in subsection (a).

(k) Within 30 days after negotiations are authorized by the authority, a draft water purchase contract shall be sent by the director or a designated representative to the applicants with whom the negotiations are authorized.

(l) When contract details and explanations of contract requirements have been completed, the director shall send a proposed final contract to the applicant.

(m) After receipt of the proposed final contract, the applicant shall, within 10 days:

(1) Indicate acceptance of the contract by signing and returning it to the director or by other communication to the director;

(2) return the contract to the director with written comment;

(3) request a meeting with the director to discuss the contract; or

(4) request an extension of time for consideration of the contract.

(n) If the person and the director cannot agree on terms or language in the contract, the negotiations may be terminated by the director.

(o) Within 10 days after the applicant and the director both agree to a contract, the contract shall be submitted to the authority for consideration at a regular meeting of the authority or at a special meeting, if deemed necessary by the chairperson and director.

(p) Before approving any contract, the authority shall find that:

(1) The sale of water by written contract is in the interest of the people of the state of Kansas;

(2) the state filed a water reservation right for storage of water in the reservoir designated in the contract;

(3) the state, if necessary, signed an agreement with an agency or department of the United States of America for water supply storage in the named reservoir;

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(4) the person filed an application to negotiate the purchase of water from the named reservoir at an average daily rate equal to or greater than specified in the contract;

(5) the total of the water quantity being negotiated and the quantities of water in executed water purchase contracts for the same reservoir do not exceed the yield capability from the conservation storage water supply capacity of the reservoir through a drought having a two percent chance of occurrence in any one year; and

(6) the annual withdrawal and use of the quantity of water contracted by the applicant will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated.

(q) If the authority finds that the proposed sale of water is not in the interest of the people of the state of Kansas or that the proposed sale will not advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, the authority shall reject the contract and either:

(1) Terminate the contract negotiations; or
 (2) return the contract to the applicant and director with recommendations for contract changes.

(r) When the authority approves the contract, the director shall transmit copies to the house of representatives and the senate and to the secretary of state, as provided by statute in K.S.A. 82a-1307.

(s) The application shall be terminated when a regular contract is signed by the applicant, the director, and the chairperson, or their designated representatives, and if the contract is not disapproved by the legislature. If the contracted quantity of water is less than the quantity stated in the application, the applicant shall not retain the application number for the remaining quantity. A new application shall be filed for additional water.

(t) Upon expiration of the period for legislative review and if the legislature has not disapproved the contract, the person shall file a copy of the water purchase contract with the chief engineer.

(u) The director may waive any regulatory requirements in order to sell surplus waters. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1305; 82a-1306, 82a-1307, 82a-1308a, 82a-1311a, 82a-1312; effective May 1, 1979; amended May 1, 1980; amended E-82-7, April 10, 1981; amended May 1, 1981; amended May 1, 1984.)

98-5-4. Assignment. (a) The purchaser shall not assign, sell, convey, or transfer all or any part of the water purchase contract or interest in it, unless and until the assignment, sale, conveyance, or transfer is approved by the authority.

(b) The purchaser shall:

(1) Inform the director, in writing and in advance, of any proposed assignment, sale, conveyance, or transfer of all or any part of the water purchase contract;

(2) cite the reasons why the proposed assignment, sale, conveyance, or transfer of all or any part of the water purchase contract is in the public interest;

(3) set forth whether the assignment, sale, convey-

ance, or transfer will require a change in either place or purpose of use;

(4) set forth what quantity of water is to be subject to the assignment, sale, conveyance, or transfer; and

(5) provide copies of all documents which are pertinent to the assignment, sale, conveyance, or transfer of all or any part of the water purchase contract and any other information that the director or the authority may request.

(c) Before approving any assignment, sale, conveyance, or transfer of all or any part of the water purchase contract, the authority shall determine that:

(1) The contract was negotiated and signed by the parties to the contract in accordance with articles 9 and 13 of chapter 82a of Kansas Statutes Annotated; and

(2) the assignment is consistent with, and will advance, the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1316; effective May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1984.)

98-5-5. Rate charged for water. (a) The director shall fix the rate to be charged for water as provided in K.S.A. 1983 Supp. 82a-1308a. The rate shall be fixed on or before July 15 of each calendar year and shall take effect on January 1 of the following year.

(b) The rate fixed shall include amounts to cover the components required in K.S.A. 1983 Supp. 82a-1308a, as amended.

(c) The amount necessary, pursuant to K.S.A. 1983 Supp. 82a-1308a, subsection (a)(1), to repay the amortized capital costs, including interest payable thereon, shall be determined by using the formula

$$A = \frac{R + I1}{Q}$$

where:

(1) "A" equals the amount necessary to repay the amortized capital costs, including interest payable thereon;

(2) "R" equals the cumulative actual and projected amount of monies to be paid by the state for principal and interest on those reservoirs which contain conservation water supply capacity;

(3) "I1" equals the cumulative amount of interest, at the rate of 5 percent per annum, owed to the state general fund for advances made from the fund through state fiscal year 1983; and

(4) "Q" equals the total and projected requests for water, expressed in 1,000 gallon units, during the period from 1975 through the year when the last payment for principal and interest is scheduled to be made.

(d) The amount, pursuant to K.S.A. 1983 Supp. 82a-1308a, subsection (a)(2), as interest on the net amount of monies advanced from the state general fund for payment of amortized capital costs shall be determined by using the formula

$$B = \frac{(P-G) I2}{T}$$

(continued)

where:

(1) "B" equals the amount as interest on the net amount of monies advanced from the state general fund for payment of the amortized capital costs;

(2) "P" equals the cumulative actual payments for principal and interest during the period beginning with state fiscal year 1975 and ending with the most recent complete state fiscal year;

(3) "C" equals the cumulative amount of revenues designated for deposit in the state general fund during the same period for repayment of amortized capital costs, including interest thereon;

(4) "T" equals the sum, expressed in 1,000 gallon units, of the totals from each individual contract in effect during the most recent calendar year of either the minimum annual quantity of water obligated or the actual quantity of water used during the last complete calendar year, whichever quantity is greater; and

(5) "I₂" equals the average interest rate calculated for earnings during the previous 12 months on investments of state funds by the pooled money investment board.

(e) The amount necessary, pursuant to K.S.A. 1983 Supp. 82a-1308a, subsection (a)(3), to reimburse the state for the costs of administration and enforcement of the act shall be determined by using the formula

$$C = \frac{E}{T},$$

where:

(1) "C" equals the amount necessary to reimburse the state for the actual costs of administration and enforcement of the act;

(2) "E" equals the total actual costs of Kansas water office and division of water resources of the state board of agriculture for administration and enforcement during the last complete calendar year; and

(3) "T" equals the sum, expressed in 1,000 gallon units, of the totals from each individual contract in effect during the most recent calendar year of either the minimum annual quantity of water obligated or the actual quantity of water used during the last complete calendar year, whichever quantity is greater.

(f) The amount necessary, pursuant to K.S.A. 1983 Supp. 82a-1308a, subsection (a)(4), to repay the operation, maintenance and repair costs associated with the state's conservation water supply capacity shall be determined by using the formula

$$D = \frac{O}{T},$$

where:

(1) "D" equals the amount necessary to repay the operation, maintenance and repair costs associated with the state's conservation water supply capacity;

(2) "O" equals the actual amount paid for operation, maintenance and repair costs during the most recent state fiscal year; and

(3) "T" equals, the sum, expressed in 1,000 gallon units, of the totals from each individual contract in effect during the most recent calendar year of either the minimum annual quantity of water obligated or the actual quantity of water used during the last complete calendar year, whichever quantity is greater.

(g) The amount for depreciation reserve shall be the amount specified in K.S.A. 1983 Supp. 82a-1308a, subsection (a)(5).

(h) The rate fixed by the director shall be approved by the Kansas water authority on or before July 15 of each calendar year. Approval shall be obtained either at a regular or special meeting of the authority. The meeting may be conducted in person, by conference call, by telephone poll of the voting members of the authority, or by mail ballot of the voting members of the authority.

(i) Affirmative votes by a simple majority of the voting members shall be sufficient to approve the rate fixed by the director.

(j) The rate fixed for each calendar year shall apply to all water use under contracts negotiated after March 17, 1983.

(k) For any contract negotiated before March 17, 1983, the rate in effect on the date established by the contract for review and adjustment of the rate charged for water shall become the new rate to be charged for all water which must be paid for under terms of the contract. The new rate shall remain in effect until the next succeeding date established by the contract for review of the rate charged for water. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1306, K.S.A. 82a-1308a; effective May 1, 1984.)

98-5-6. Rate charged for surplus water. (a) The rate to be charged in every contract for the sale of waters which are found by the authority, pursuant to K.S.A. 1983 Supp. 82a-1305, to be surplus waters shall be double the rate set for water in accordance with K.S.A. 1983 Supp. 82a-1308a and the purchaser shall be obligated to pay for a minimum of 80 percent of the quantity in the contract.

(b) The rate charged for surplus waters shall change on January 1 of each calendar year as the rate set in accordance with K.S.A. 1983 Supp. 82a-1308a becomes effective. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1305; effective, T-84-29, October 19, 1983; effective May 1, 1984.)

98-5-7. Contract provisions. (a) Each contract for sale of water supply shall conform to the standard formats adopted by the director and approved by the authority. Whenever the director determines, during the contract negotiation process, that any article or portion of any article in the standard contract format is not needed or is not applicable, the director may delete the article or portion thereof from the standard contract.

(b) Any special requirement not covered in the standard contract format may be added as an additional article in the contract.

(c) The minimum annual charge for water required in each contract shall be the sum of the following two components:

(1) Fifty percent of the total annual amount of water contracted during the term of the contract multiplied by the rate established in accordance with K.A.R. 98-5-5; and

(2) fifty percent of the total annual amount of water

(continued)

contracted during the term of the contract, multiplied by the rate per annum as interest equal to the average rate of interest earned during the previous 12 months on the investment of state monies by the pooled money investment board, multiplied by the net amount of monies advanced from state funds for the costs incurred and associated with providing that 50 percent of the total annual amount of water contracted for purchase.

(d) The director shall determine the net amount of monies advanced from state funds for the costs incurred and associated with providing water for purchase. The net amount of monies advanced shall be determined by:

(1) Adding the following components:

(A) The cumulative amount of monies paid to the federal government for repayment of capital costs, including interest thereon, during the period beginning with state fiscal year 1975 and ending with the most recent complete state fiscal year; and

(B) the cumulative amount of monies paid to the federal government for repayment of operation, maintenance and replacement costs during the period beginning with state fiscal year 1975 and ending with state fiscal year 1983; and

(2) subtracting the cumulative amount of revenues deposited in the state general fund for repayment of capital costs or for unspecified purposes from the sum calculated under paragraph (d)(1). The cumulative amount of revenues shall not include any amount collected for administration and enforcement purposes during the period beginning with state fiscal year 1975 and ending with state fiscal year 1983; and

(3) Dividing the resultant amount calculated in (1) and (2) by the total annual yield, expressed in thousands of gallons per year, from the conservation storage water supply capacity. (Authorized by K.S.A. 82a-1319; implementing K.S.A. 82a-1305; K.S.A. 82a-1306; effective May 1, 1984.)

JOSEPH F. HARKINS
Director

Dec. No. 001798

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
December 21, 1983. Will expire May 1, 1984.)

Article 10.—SANITARY CONDITIONS AROUND RESERVOIRS

28-10-38. Boundaries of Big Hill reservoir sanitation zone. (a) Official map, drawing 72-25R, approved by the secretary of the Kansas department of health and environment on November 4, 1983, and as filed in the register of deed's office of Labette County, is incorporated by reference in this rule and regulation.

(b) The boundaries of the Big Hill reservoir sanitation zone shall be set and established as shown on the official map, drawing 72-25R.

(c) Land within the corporate limits of any city or land subject to a county sanitary code adopted under the provisions of K.S.A. 19-3701 *et seq.*, and any amendments thereto, located within the boundaries shown on the official map, drawing 72-25R, shall not be part of the sanitation zone or subject to any sanitation zone regulations. (Authorized by and implementing K.S.A. 65-187; effective Jan. 1, 1973; amended, T-84-40, Dec. 21, 1983.)

Article 19.—AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL

28-19-7. Definitions. All terms and abbreviations used in these emission and open burning control regulations shall have the following meanings unless otherwise defined in an individual regulation.

(a) *Alter* means any physical change to, or any change in the method of operating, any machine, equipment, device, or other article, or combination thereof, which constitutes a source of air contaminant emissions subject to the provisions of these regulations, if that change effects the amount or nature of these emissions. Routine maintenance or parts replacement shall not be considered to be an alteration. Increases or decreases in operating hours or production rates shall not be considered to be an alteration if production rate increases do not exceed the originally approved design capacity of the articles involved and if the increased emissions resulting from these changes do not exceed any emission or operating limitations imposed as a condition to any permit issued under K.A.R. 28-19-14.

(b) *Control device* means any equipment, device or other article that is designed, installed or both for the purpose of reducing or preventing the discharge of contaminant emissions to the air.

(c) *Department* means the Kansas state department of health and environment or an authorized representative of the department.

(d) *Direct heating equipment* means any device in

(continued)

which fuel is burned in direct contact with, and for the purpose of heating, air which comes in direct contact with the material being processed.

(e) *Director* means the secretary of health and environment or a designated representative of the secretary.

(f) *Emission source* means any machine, equipment, device or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

(g) *Existing* means any processing machine, equipment, device or other article, or combination thereof, or any indirect heating equipment or incinerator, that is completed, under construction, or under purchase contract on the effective date of any applicable regulation.

(h) *Indirect heating equipment* means any device in which fuel is burned to produce heat which is transferred through a heat conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

(i) *Incinerator* means any device or structure used for the destruction or volume reduction of garbage, rubbish, or other liquid or solid waste materials, by combustion, for the purpose of disposal or salvage.

(j) *Modified open burning operation* means an open burning operation in which the contaminants emitted to the ambient air as a result of combustion are reduced, controlled or both through positive regulation of fuel/air ratios, air screens or other control techniques. Combustion devices used solely for the purpose of disposing of flammable gases shall not be considered to be modified open burning operations.

(k) *Official observer* means a designated representative of the department who has been certified by the department as being trained, and qualified on the basis of actual testing, to determine the degree of opacity of visible plumes by direct visual observation. The testing procedure shall be established and published by the department. Such individuals shall be required to be re-tested at least once every six months in order to maintain their certification.

(l) *Opacity* means the degree to which a contaminant emission obscures an official observer's view of transmitted light passing through that contaminant. Zero percent opacity is equivalent to perfect transparency and 100 percent opacity is perfectly opaque.

(m) *Open burning operation* means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be considered enclosed when only those apertures, ducts, stacks, flues or chimneys that are required to supply combustion air and to permit the escape of exhaust gases are open during the combustion process.

(n) *Particulate* means any dispersed matter, whether solid or liquid, except uncombined water.

(o) *Potential contaminant emission factor* means

the mathematical expression derived by dividing the average value of the amount of air contaminant emissions that have been found to be associated with a specific type of processing or combustion operation by the quantity of material that was being processed at the time the emissions were determined or by some other meaningful parameter.

(p) *Potential contaminant emission rate* means the total weight of a contaminant that is, or, in the absence of control equipment, would be emitted from an air contaminant source when that source is operating at its maximum capacity. For the purposes of these regulations, the potential contaminant emission rate shall be determined by:

(1) Sampling in a flue or duct prior to the inlet of any control device serving the flue or duct;

(2) estimating such emissions by performing a "material balance" calculation which indicates the difference between processing input weight and output weight of materials;

(3) using potential contaminant emission factors as recognized by the department; or

(4) by using any other estimating technique mutually agreeable to the department and the person responsible for operation of the source.

(q) *Premises* means one or more contiguous or adjacent parcels of land, and any structures or equipment located on the parcels, that are under one ownership. For the purpose of this definition, a parcel of land that is bordering another parcel solely divided by a public roadway or a railroad right of way shall be considered to be adjacent.

(r) *Processing* means any operation related to the handling, storage, treatment or conversion of input materials to produce a salable or usable end product.

(s) *Smoke* means particulate emissions, resulting from incomplete combustion, that consist primarily of carbon, ash and other material and that form a visible plume in the ambient atmosphere.

(t) *Waste or wastes* means all discarded solid and liquid materials resulting from industrial, commercial and agricultural operations, and from community activities, that are not intentionally disposed of by means of water-carried systems that empty into the waters of the state. (Authorized by and implementing K.S.A. 65-3005; effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 30, 1983.)

28-19-3. Reporting required. (a) Any person who proposes to construct, alter, use or operate any processing machine, equipment, device or other article, or any combination thereof, that is capable of emitting any potential contaminant emissions equal to or in excess of the levels specified in subsection (b) of this regulation shall report this proposed activity to the department at least 90 days prior to initiating the activity. Reporting required by this section shall be on forms provided by the department and shall contain all information required by the department that is relevant to air pollution and that is available to, or that

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is reasonably capable of being assembled by, the person that completes the report. If the construction, alteration, use or operation of any article that is subject to this reporting requirement was not previously required to be reported under these regulations and if the construction, alteration, use or operation was initiated before January 1, 1984, then this alteration, construction, use or operation shall not be considered in violation of this regulation until 60 days after the department has notified the person responsible for the use or operation of the article that this use or operation must be reported. This notification shall be in writing.

(b) The following levels and types of air contaminant emissions shall be reported under the provisions of subsection (a) of this regulation:

(1) One or more pounds of particulate during any hour of operation;

(2) two or more pounds of sulfur dioxide or sulfur trioxide, or a combination of both, during any hour of operation;

(3) 50 or more pounds of oxides of nitrogen, calculated as nitrogen dioxide, during any cumulative 24-hour period;

(4) 50 or more pounds of carbon monoxide during any cumulative 24-hour period;

(5) 50 or more pounds of gaseous hydrocarbons, excluding methane, during any cumulative 24-hour period;

(6) any measurable quantity of lead or lead compounds;

(7) any air contaminant emissions from any incinerator used to dispose of refuse by burning or for the processing of salvageable materials, except incinerators that are installed on residential premises which contain less than six dwelling units and that are used to burn waste materials that are associated with normal habitation of those dwelling units; and

(8) any other air contaminant emissions that the secretary of health and environment or an authorized representative of the secretary determines may cause or contribute to air pollution within the state because of its specific chemical or physical nature or because of the quantity discharged. Failure to report sources of a contaminant subject to provisions of this paragraph shall not be considered in violation of the requirement of subsection (a) until 60 days after the person responsible for construction, alteration, use or operation of the source has received written notice from the department requiring that emissions from the source are to be reported.

(c) Construction required for activities that are subject to this regulation shall not be initiated until the department has provided written notice that the activity is approved or until any permit required for this activity has been issued under K.A.R. 28-19-14. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3007, 65-3010; effective Jan. 1, 1971; amended Jan. 1, 1972; amended E-73-8, Dec. 27, 1982; amended Jan. 1, 1974; amended May 1, 1975; amended T-84-39, Dec. 30, 1983.)

28-19-9. Time schedule for compliance. Except as otherwise noted in specific emission control regula-

tions, compliance with these regulations shall be according to the following schedules: (a) All new air contaminant emission sources or alterations to emission sources that are required to be reported under the provisions of K.A.R. 28-19-8 (a) shall be in compliance with all applicable emission control regulations at the time that they go into operation. The department may authorize the operation of a new or altered emission source for any additional specified time periods that are required to make necessary adjustments on the equipment before compliance can be demonstrated. This authorization shall be granted only at the request of the operator and under conditions that are approved by the department.

(b) Any air contaminant emission source that was operating, under construction or under purchase contract on January 1, 1971, and that has not previously been required to comply with any emission control requirement in these regulations shall comply with that emission control requirement or those requirements within 180 days after the department notifies the owner or operator that the emission source is required to be reported under the provisions of K.A.R. 28-19-8(a).

(c) The owner or operator of any portable stationary air contaminant emission source that has been issued a permit under K.A.R. 28-19-14 and which is moved to another location within the state shall report the move to the department, in writing, at least 10 days before the source commences operation at the new location. The report shall identify the equipment being moved, describe the old and the new location, indicate the scheduled date that operation of the source at the new location is to begin, and indicate the expected operating period at this location. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3010; effective Jan. 1, 1971; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 30, 1983.)

28-19-14. Permits required. (a) Any person who proposes to construct, alter, use, or operate any air contaminant emission source that is required to be reported under K.A.R. 28-19-8 and that has a potential contaminant emission rate in excess of the following limitations shall obtain a permit from the department of health and environment before beginning this activity:

(1) 10 tons per year or more of particulate;

(2) 10 tons per year or more of sulfur oxides;

(3) 10 tons per year or more of carbon monoxide;

(4) 10 tons per year or more of volatile organic compounds, excluding methane;

(5) 50 tons per year or more of oxides of nitrogen;

(6) Any measurable amount of lead or lead compound; and

(7) Any emission required to be reported under K.A.R. 28-19-8(b)(8).

(b) Application for a permit required by this regulation for the construction, alteration, use or operation of an emission source shall be made on forms provided by the department. The department shall send these

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forms to the person proposing the activity within 15 days of receipt of a report submitted in accordance with K.A.R. 28-19-8. The department may require the applicant to furnish any additional information that is relevant in determining compliance with these regulations and that is available to or that is reasonably capable of being assembled by the applicant.

(c) The department shall review any completed application that has been submitted in accordance with subsection (b) and shall provide written notice to the applicant of the approval, conditional approval, or denial of the permit within 180 days of receipt of the completed application. The reason for denial of any application shall be specified.

(d) Any permit issued for the construction or alteration of a source under the provisions of this regulation shall become void if the construction or alteration is not commenced within 18 months after the permit has been issued or if the activities required to complete the alteration or construction have been discontinued for 18 months or more.

(e) Any permit required for the construction or alteration of a source by this regulation shall not be issued if the department determines that the air contaminant emissions from the source will interfere with the attainment and maintenance of any ambient air quality standard that has been established under the provisions of the federal *Clean Air Act*, and amendments thereto, or under the provisions of state law.

(f) Any permit required by this regulation shall not be issued or renewed unless the fee required by K.A.R. 28-19-14a or 28-19-14b has been paid.

(g) The department shall collect an annual operating permit fee for an approved new or altered source only for each year following the year in which the construction of the new source or the alteration of an existing source has been completed.

(h) Subject to the provisions of subsection (k), the secretary shall issue an operating permit required by this regulation for any source that is operating, under construction, under purchase contract, or that is being altered on January 1, 1984. These sources shall be considered existing sources for the purpose of initially complying with the permit requirements of this regulation and shall only be subject to the provisions that are applicable to the renewal of permits at this time.

(i) Any permit issued or renewed under this regulation may be conditioned upon compliance by the owner or operator with any special restrictions that are deemed necessary to assure compliance with these regulations or otherwise prevent air pollution. These restrictions may include, but need not be limited to, special requirements concerning methods of operation, emission limitations or control procedures to be implemented. Such restrictions shall be stipulated in writing as part of, or as an attachment to, the permit.

(j) Any permit issued or renewed under this regulation may stipulate one or more air contaminant emission sources that are approved to be constructed, altered, used, or operated. These sources shall be located on the same premises, shall be under one ownership and shall be considered as part of the same

industrial grouping as determined by the department. The industrial grouping shall be identified by using the industrial titles and descriptions provided in the "Standard Industrial Classification Manual 1972," as published by the U.S. Government Printing Office. For the purpose of establishing the annual operating permit fee to be collected under K.A.R. 28-19-14b, the department shall stipulate the industrial grouping that is considered to be the primary activity covered by the permit.

(k) The secretary may refuse to issue or renew any permit, or may suspend or revoke any previously issued or renewed permit, that is required by this regulation if it is determined that the air contaminant emissions from the source are in violation of any of the requirements of these regulations or any applicable provision of state statute. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, and K.S.A. 1983 Supp. 65-3008; effective, E-78-8, Dec. 27, 1972; effective Jan. 1, 1974; amended, T-84-39, Dec. 30, 1983.)

28-19-14a. Construction or alteration permit fees.

(a) The department of health and environment shall not review any proposal to construct or alter an air contaminant emission source that requires a permit under K.A.R. 28-19-14 until the department has received a permit fee that has been determined as follows:

(1) The base fee shall be in the amount of 0.05% of the estimated capital cost of the activity for which application is made. The applicant shall provide a certified estimate of the capital cost of the facility with the application unless the fee is determined under the provisions of subsection (b) of this regulation. A minimum fee of \$100.00 shall be charged when the estimated capital cost is less than \$200,000.00 and a maximum fee of \$4,000.00 shall be charged when the estimated capital cost is more than \$8,000,000.00.

(2) If the proposed construction or alteration is subject to review and approval under the provisions of K.A.R. 28-19-16 or 28-19-17, there shall be an additional fee of \$1,500.00 added to the fee established by paragraph (1) of this subsection.

(b) If no estimate of the capital cost of the activity is included with the application, a base fee of \$4,000.00 shall be paid.

(c) The fee shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Receipt of any check for the fee that is not covered by sufficient funds shall be cause for the permit to be denied.

(d) The estimated capital cost of the activity means the estimated total cost of equipment and services that would normally be capitalized according to generally accepted accounting procedures. Certification of the estimated capital cost of the activity may be evaluated for credibility during the review period. If the department determines that the certified capital cost is not correct, it shall either recover an adjusted fee based upon the correct cost or deny the permit. (Authorized by and implementing K.S.A. 65-3005, and K.S.A. 1983 Supp. 65-3008; effective, T-84-39, Dec. 30, 1983.)

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28-19-14b. Operating permit fee. (a) The department of health and environment shall annually collect a fee for permits issued or renewed for the operation of air contaminant emission sources under the provisions of K.A.R. 28-19-14.

(b) The fee collected under subsection (a) shall be established on the basis of the classification of the contaminant source as identified in Table F-1, of this regulation. The annual fee collected for a source in any class shall be determined by multiplying the class number for the source, as determined by Table F-1, by \$20.00.

TABLE F-1—Operating Permit Fee Classification Table

Class Number	Source Type
1.	Incinerators (wire reclaimers only)
2.	Seed Cleaning; Ready-Mix Concrete Plants, ≥ 12 to < 100 cubic yards per hour capacity; Packaging Fumigants; Concrete Block Plants; Sawmill and Planing Mills; Metal Shredding; Bituminous Coal Loadout Site; Liquid Fertilizer Converters; Pipe Organs; Popcorn, packaged but not popped; Ornamental Floriculture and Nursery Products.
3.	Grain Elevators, storage capacity $\geq 50,000$ bu. to $< 175,000$ bu.; Ready Mix Concrete Plants, ≥ 100 cubic yards per hour capacity; Miscellaneous Plastic Products; Aluminum Extruded Products; Drawing and Insulating of Nonferrous Wire; Heating Equipment, Except Electric and Warm Air Furnaces; Fabricated Structural Metal Products; Farm and Garden Machinery and Equipment; Special Dies and Tools, Die Sets, Jigs and Fixtures and Industrial Molds; General Industrial Machinery and Equipment; Truck and Bus Bodies; Motor Vehicle Parts and Accessories; Games, Toys and Children's Vehicles; Cheese, Natural and Processed; Shortening, Table Oils and Margarine; Fabricated Rubber Products; Boat Building; Municipal Incinerators, with capacity $< 2,000$ lbs/hr; Concrete Slabs, Sewer Pipe and Tie Manufacturing; Sand Drying Operations; Pre-blended Concrete; Furniture Manufacturing; Appliance Manufacturing; Lubricant Blending; Waste Oil Re-refining; Fabricated Pipe Products; Research and Development Laboratories; Mobile Homes (frames); Pharmaceutical Preparations; Surgical and Medical Instruments and Apparatus; Dry Wall Finishing Materials; Signs.
4.	Millwork; Charcoal Manufacturing; Nonferrous Foundries (castings); Metal Forgings and Stampings; Valves and Pipe Fittings; Service Industry Machines; Brooms and Brushes; Prepared Feeds and Feed Ingredients for Animals and Fowl; Micronutrient Manufacturing; Rendering Plants; Dog, Cat and Other Pet Food (without can plant); Food Emulsifiers and Conditioners; Macaroni, Spaghetti and Egg Noodles; Kitty Litter; Miscellaneous Janitorial Supplies; Pesticide Mixing, Blending and Packaging; Paperboard Containers and Boxes; Refrigerant Manufacturing; Sunflower Oil Reclaiming; Liquid Nitrogenous Fertilizer Terminal; Granola Processing; Molasses, Mixed or Blended.
5.	Grain Elevators, storage capacity $\geq 175,000$ bu. to $< 450,000$ bu.; Aluminum Dross Processing; Rock Salt Mining; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating ≥ 475 HP to < 950 HP.; *Crushed and Broken Limestone, maximum capacity of primary crusher < 150 tons per hour; Hot Mix Asphalt Plant, maximum plant capacity < 200 tons per hour; Electric Lamps; Cotton Ginning; Tire Retreading; Heating Equipment; Outdoor Recreation Equipment; Reconditioned Barrels and Drums (without incineration).
6.	Colleges, Universities and Professional Schools; Correctional Institutions; Meat Packing Plants; Sausages and Other Prepared Meat Products; Drilling Mud Manufacturing; Aircraft Parts and Auxiliary Equipment; Railroad Equipment (railcar refurbishing); Baked and Fried Snacks, Potato Chips; Condensed and Evaporated Milk Processing; Steam Heat Generation; Hospitals.
7.	Secondary Aluminum Foundry; Brass and Bronze Foundry; Gray Iron Foundry; Bituminous Coal and Lignite (crusher);

- Grain Elevators, storage capacity $\geq 450,000$ to $< 875,000$ bu.; Hot Mix Asphalt Plants, plant maximum capacity ≥ 200 tons per hour; Dog, Cat and Other Pet Foods (with can plant); *Crushed and Broken Limestone, maximum capacity of primary crusher ≥ 150 tons per hour; Perlite and Vermiculite Manufacturing or Handling; Lead Oxide Manufacturing; Railcar Incineration; Detoxification or Destruction of Chlorinated Hydrocarbons.
8. Alfalfa Dehydrators and Sun Cured Plants; Roofing Granules Processing; Cement Bulk Terminals; Sewerage Systems, (lime burning); Sodium Silicate Processing.
 9. Grain Elevators, storage capacity $\geq 875,000$ bu. to $< 2,500,000$ bu.; Expanded Shale Manufacturing; Commercial Printing; Greeting Card Publishing; Beet Sugar; Electric Power Generation, internal combustion only; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating ≥ 950 HP to $< 10,000$ HP; Natural Gas or Petroleum Liquid Storage Only; Electric Power Generation, steam generation only (excluding coal fired); Brick and Structural Clay Tile; Clay Pipe and Refractories; Paperboard Containers and Boxes (with printing); Reconditioned Barrels and Drums (with incineration); Steel Drum Manufacturing; Paperboard Mills; Paints, Varnishes, Lacquers, Enamels and Allied Products.
 10. Salt Mining, Evaporation or Brine Process; Steel Foundries; Gasohol Manufacturing.
 11. Aircraft Manufacturing; National Security; Sewerage Systems, (sludge incineration).
 12. Grain Elevators, storage capacity $\geq 2,500,000$ bu. to $< 10,000,000$ bu.; Electric Power Generation, internal combustion and steam generation (excluding coal fired).
 13. Lubricating Oils and Greases; Petroleum Bulk Terminals; Medicinal Chemicals and Botanical Products; Petroleum Liquid Storage (with pump station).
 14. Ammunition, Except for Small Arms; Storage Batteries.
 15. Grain Elevators, storage capacity $\geq 10,000,000$ bu.; Flour and Other Grain Mill Products; Soybean Oil Mills; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating $\geq 10,000$ HP; Natural Gas Liquids; Mixed, Manufactured or Liquefied Petroleum Gas Production and/or Storage and Distribution; Helium Plants; Gypsum Manufacturing.
 16. Carbon Black; Asphalt Felts and Coatings; Electric Power Generation, total plant generating capacity < 1000 MW (coal fired); Soap and Other Detergents.
 17. Sulfuric Acid Manufacturing; Nitrogenous Fertilizer Manufacturing; Phosphoric Acid Manufacturing; Industrial Chemical Manufacturing; Cellophane Manufacturing.
 18. Distilled, Rectified and Blended Liquors; Fiberglass Insulation Manufacturing; Tire Manufacturing.
 19. Explosives; Portland Cement Manufacturing; Motor Vehicles and Passenger Car Bodies.
 20. Electric Power Generation, total plant generating capacity ≥ 1000 MW (coal fired); Petroleum Refinery.

* Primary crusher—initial crushing unit to process quarried rock.

(c) The department shall send written notice to any source that is required to pay a permit fee under this regulation. This notice shall be sent to the owner or operator of the source not later than January 1 of each year, shall specify the source classification and class number assigned to the source, and shall specify the amount of the fee that is to be remitted to the department.

(d) The permit fee shall be received by the department before April 1 of each year.

(e) If any fee is not paid by April 1, the department shall assess and collect an additional permit fee of \$5.00 for each day that the fee is not paid after March 31.

(f) Any source that does not submit the permit fee before June 1 of any year shall be considered to be an inactive source. The department, before July 1 of any year, shall send written notice to the permit holder of

(continued)

this determination and that the permit will be revoked unless a hearing is requested within 15 days of the notice.

(g) Any source that is deactivated shall not be reactivated or granted an operating permit unless the department has determined that the source complies with the emission and permit requirements of these regulations that pertain to the construction and operation of new sources. The 90 day reporting period required by K.A.R. 28-19-8(a) shall apply to the date that the source is proposed to be reactivated.

(h) The permit fee required by this regulation shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Any check for the fee that is not covered by sufficient funds shall be considered to not have been received and the operation of the source shall continue to remain subject to the provisions of subsections (d), (e), (f) and (g) of this regulation. (Authorized by and implementing K.S.A. 65-3005, K.S.A. 1983 Supp. 65-3008; effective, T-84-39, Dec. 30, 1983.)

28-19-45. Open burning prohibited. Any person shall not cause or permit the following on any premises: (a) Open burning of any wastes;

(b) open burning of any item for the purpose of salvaging operations; or

(c) on-site open burning of structures, vegetation, or other combustible materials. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3010; effective Jan. 1, 1971; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended, T-84-39, Dec. 30, 1983.)

Article 29.—SOLID WASTE MANAGEMENT

28-29-17a. Financial assurances for closure and post closure care. (a) After May 1, 1982, any person applying for or renewing a permit for a solid waste disposal area or processing facility shall file an estimate of the costs of closing the area or facility. The department shall evaluate the cost estimate and either accept the estimate as made or revise it in accordance with its evaluation. When the area or facility is to be constructed in more than one phase, the initial closure estimate may be prepared separately for one or more phases. Disposal operations shall not be commenced in any part of a site until a closure estimate for that part has been accepted and financial assurances, as provided for in this regulation, have been made. The closure estimate for solid waste processing facilities shall be based on the cost of removal and disposal of the maximum quantity of wastes which can be contained in approved waste storage.

(b) Except as otherwise specifically provided in this rule and regulation, each person desiring to obtain a permit or to renew a permit shall establish a closure trust fund designated "in trust for the closure of (name of solid waste disposal area or processing facility)." A bank or other financial institution authorized to administer trusts in the state of Kansas shall act as the

trustee of the closure trust fund. The trust fund instrument shall include the following provisions:

(1) A statement that the trust is established to insure that upon abandonment, cessation, or interruption of the operation of the facility or area, all appropriate measures are taken to prevent present or future damage to human health or the environment;

(2) A statement that monies in the fund shall not be assigned for the benefit of creditors, except as the permittee may incur financial obligations for work performed on an approved site closure plan;

(3) A statement that monies in the fund shall not be used to pay any final judgment against the permittee or site owner arising out of the operation of the site before closure;

(4) A statement that disbursement shall be permissible only upon written approval of the secretary; and

(5) A statement that if it is determined by the secretary that the permittee has failed or refused to perform, or has improperly performed, any measure specified in the site closure plan, the secretary shall have the right to use part or all of the closure trust fund to perform these measures and properly close the disposal area or processing facility. The trustee shall release these funds to the department upon receiving a written order from the secretary serving notice of the closure violations and providing an itemized estimate for the corrective work.

(c) Deposits in the closure trust fund shall be made one of the following ways:

(1) The permittee may make an initial cash deposit equivalent to the estimated cost of closure at the end of the first year of operation. Each year on the anniversary date of the permit, the permittee shall evaluate the adequacy of the trust fund based on accepted price indices, changes in technology, and other factors relating to closure costs. If the closure fund is found to be inadequate, the permittee shall make any additions to the trust that are necessary to assure its adequacy for the current permit year. The trust fund shall not be reduced below the initial cash deposit in the fund. When this option is selected, any income accruing to the fund under the management of the trustee may be returned to the permittee.

(2) The permittee may make an initial cash deposit equal to the accepted cost estimate for closure multiplied by a present value factor as determined by the following formula:

$$PVF = [(1/1.02)]^{SL}$$

Where PVF = present value factor
SL = site life in years

When this option is selected, all income accruing to the fund under the management of the trustee shall be added to the closure trust fund.

(d) When a permittee initiates a site closure plan, as provided for in K.A.R. 28-29-12, the permittee shall submit an itemized list of the work to be performed in closing the site, together with the estimated cost. If the monies in the closure trust fund are insufficient to complete all items of work included in the site closure plan, the fund shall be prorated among essential items

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of work to be performed. As items of work are completed by the permittee and accepted by the department, the secretary shall authorize the release of funds from the closure fund to reimburse the permittee for the work done. When the site closure work has been completed and accepted, the secretary shall authorize return of all unexpended monies in the fund to the permittee.

(e) Permittees who hold valid permits issued before July 1, 1982 and who meet the following conditions may furnish, for a period of up to three years ending June 30, 1985, a performance bond or other surety running to the department and the state of Kansas as obligee in lieu of establishing a closure trust fund as herein provided. Each permittee who chooses to substitute a surety for the closure trust fund shall meet the following conditions:

(1) The permittee shall file a cost estimate for closing the site or facility as provided in paragraph (a) of this regulation.

(2) Surety in the amount determined necessary by the secretary shall be obtained and maintained in full force and effect after July 1, 1982.

(3) On or before June 30, 1983, the permittee shall establish a closure trust fund as provided in paragraph (b) of this regulation and deposit 34% of the estimated closure fund. Thereafter an additional 33% of the closure fund shall be deposited on June 30, 1984, and on June 30, 1985. On an annual basis, the surety may be reduced in the dollar amount equal to the total deposit in the closure trust fund.

(4) The surety shall be on a form prescribed by the department, payable to the department and the State of Kansas, and shall contain a provision that the permittee will faithfully perform all requirements of the permit and these regulations. This surety shall be executed by the permittee and a corporate surety licensed to do business in the state of Kansas.

(f) Persons operating construction and demolition landfills or other special use landfills or facilities incidental to their business or occupation may file a permit bond with the department in lieu of the requirements of paragraphs (a) and (b) of this regulation.

(1) The bond shall conform to the requirements of paragraph (e)(4) of this regulation and shall apply to all disposal operations of the owner or operator, permitted or otherwise.

(2) The minimum amount of the bond shall be \$5,000. The minimum amount may be increased by the secretary depending on the number of permitted disposal areas and the cumulative acreage operated by the person at any one time.

(3) The effective term of the bond shall be three years, or one year longer than the estimated life of the site, whichever is greater. If for any reason the surety elects to cancel the coverage of the bond, the coverage shall automatically extend for one year beyond the date specified in the notice of cancellation. Notices of cancellation shall be served on the secretary in the manner of service of summons and complaint as provided in the Kansas rules of civil procedure.

(4) Nothing in this subsection shall relieve any

person of any obligation to secure necessary permits and approvals or any other duty required by any applicable provisions of these regulations.

(g) Any permit issued under these regulations shall be subject to suspension or cancellation at any time if deposits due to the closure or post-closure maintenance funds are not properly escrowed, if a surety bond obtained for a permit is cancelled, or if the surety is relieved from liability for any reason. However, a permit shall not be cancelled or suspended under this provision if, within 90 days after notice of cancellation, the permittee files with the department a similar bond approved by the secretary. This bond shall be effective for the balance of the permit period and shall be in effect commencing on or before the date of cancellation of the previous bond. (Authorized by K.S.A. 1982 Supp. 65-3406; implementing K.S.A. 1982 Supp. 65-3406, 65-3407; effective, E-82-8, April 10, 1981; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983.)

28-29-17b. Post closure operation and maintenance fund. (a) After May 1, 1982 or on the first permit renewal date thereafter, a post closure maintenance and operating fund shall be established by each holder of a solid waste disposal area permit in which the solid wastes are not to be removed as a part of the planned closure and which have:

(1) leachate or gas collection and treatment systems;

(2) waste containment systems and appurtenances with planned maintenance schedules;

(3) environmental monitoring systems with planned maintenance schedules and periodic sampling and analysis requirements; or

(4) requirements to maintain insurance coverage during the long-term care period. This fund shall be designated "in trust for the post closure operations and maintenance of (name of solid waste disposal area or processing facility)." A bank or other financial institution authorized to administer trusts in the state of Kansas shall act as trustee of the trust fund.

(b) The trust fund instrument shall include the following provisions:

(1) A statement that the fund shall at all times exist for the mutual benefit of the site owner and the people of the state of Kansas;

(2) A statement that monies in the fund shall not be:

(A) Assigned for the benefit of creditors except as the site owner may incur financial obligation connected with the approved post closure operation and maintenance of the site; or

(B) Used to pay any final judgment against the permittee arising out of the ownership or the operation of the site or the facility during its active life or after closure;

(3) A statement that disbursement from the fund shall be permissible only upon written approval of the secretary; and

(4) A statement that, whenever the secretary determines the owner of the disposal area or processing facility violates any of the terms or conditions of the

(continued)

approved site closure plan, either by failure to commence any item of work when scheduled or to diligently complete in skillful manner any item of work required by the plan, the secretary shall have the right to use part or all of the fund to carry out post closure operation or maintenance. The trustee shall release these funds to the department upon receipt of a written order serving notice of violation and an itemized estimate of the cost of work to be performed by the department.

(c) The minimum amount of the annual cash payment to the fund shall be calculated by multiplying the estimated annual post closure operating and maintenance costs by a factor determined by the following formula:

$$\frac{\text{(Present value of an annuity)}}{\text{(Amount of an annuity)}} = \frac{[1 - (1 + i)^{-n}]/i}{[(1 + i)^{SL} - 1]/i}$$

i = the mean annual interest rate = 0.02

n = the number of years for which the owner is responsible for long term care of the site under the terms of the permit.

SL = estimated site life in years.

(d) One year after closure, and annually thereafter for the period specified in the permit, any owner who has carried out all necessary post closure operating and maintenance requirements of the site closure plan for the disposal area or processing facility may apply to the secretary to be reimbursed, from the post closure operation and maintenance fund, an amount equal to the actual costs for operation and maintenance for that year. The application for payment shall be accompanied by an itemized list of costs incurred. Upon a determination that the costs are in accordance with the approved site closure plan, the secretary shall authorize the trustee to release the funds to the owner for that year. Any funds remaining in the trust at the end of the long-term care period shall be released to the permittee. (Authorized by K.S.A. 1983 Supp. 65-3406; implementing K.S.A. 1983 Supp. 65-3406, 65-3407; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983.)

28-29-18. Insurance required. (a) Each person operating a solid waste processing facility or disposal area shall secure and maintain liability insurance for claims arising from injuries to other parties, including bodily injury or damage to property of others. This insurance shall be of the types and in not less than the amounts listed in subsections (d) and (e) below. Each person securing a permit shall file evidence of satisfactory insurance coverage at the time the department issues the permit and before any site development work is started.

(b) The liability insurance shall be issued by an insurance company authorized to do business in Kansas or through a licensed insurance agent operating under the authority of K.S.A. 1982 Supp. 40-246b. The liability insurance shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216, except as authorized by K.S.A. 1982 Supp. 40-246b.

(c) A certificate or memorandum of insurance shall be furnished to the department for its approval showing specifically the coverage and limits, together with

the name of the insurance company and insurance agent. If any of the coverages set forth on these certificates or memorandums of insurance are reduced, cancelled, terminated, or non-renewed, the permittee or insurance company shall, not less than 30 days before the effective date of the action, furnish the department with appropriate notices of that action. Timely proof of periodic renewal shall be furnished to the department by submittal of a certificate or memorandum of insurance before the expiration date of the policy.

(d) The permit application and all other factors shall be reviewed by the department to determine an adequate amount of insurance coverage for each disposal area or processing facility. The determination shall be based on the types of waste disposed, and on the location and area of the site. The policy shall provide coverage, including completed operations coverage, with a minimum liability limit of \$500,000 for bodily injury and \$200,000 for property damage. The policy shall have not more than a \$5,000 deductible for each occurrence. The minimum coverage shall include the following exposures:

(1) Coverage of premises and operations, including operations of independent contractors;

(2) Coverage for contamination or pollution; and

(3) Extension of the contamination and pollution liability coverage for vehicles of the solid waste processing facility or disposal area when these vehicles are away from the permittee's premises.

(e) The department shall specify, at the time a permit is issued, whether the permittee must furnish coverage specifically for contamination, pollution or property damage arising from a non-sudden occurrence. Minimum coverage required for a non-sudden occurrence shall be \$1,000,000, with a \$25,000 deductible for each occurrence.

(f) Insurance policies furnished under this regulation shall contain the following endorsements:

(1) Any deductible amount provided for in any part of the policy shall be paid by the insurer upon establishment of legal liability of any insured and the insurer shall be entitled to recover from the insured for that deductible amount.

(2) Contractual liability coverage specifically referring to and covering the obligation of the permittee to defend, indemnify and hold harmless the state of Kansas, and its officers, agents and employees, both officially and personally, from alleged claims or causes of action for personal injury, property damage or devaluation arising out of the issuance of the permit or operation of any site or facility thereunder.

(g) Any applicant may request the department to evaluate the hazard or hazards involved and may request a variance, under K.A.R. 28-29-2, from the specific insurance coverage amounts prescribed in this regulation when:

(1) The solid waste management activity is conducted solely on the premise where the wastes are generated;

(2) The applicant performs the waste management activity;

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(3) The applicant is the owner of the property where the activity is conducted; and

(4) The applicant is able to demonstrate other financial responsibility satisfactory to the secretary. (Authorized by K.S.A. 1983 Supp. 65-3406; implementing K.S.A. 1983 Supp. 65-3406, 65-3407; effective, E-79-22, Sep. 1, 1978; effective May 1, 1979; amended, E-82-8, April 10, 1981; amended May 1, 1982; amended, T-84-41, Dec. 21, 1983.)

28-29-26. Used oil. (a) "Used oil" means any oil which has been refined from crude petroleum or any re-refined oil which, through use or contamination, has become unsuitable for continued service in the application for which it was originally intended. This term shall not include any solid waste determined by the secretary to be a hazardous waste under the provisions of K.S.A. 65-3431 and any amendments thereto.

(b) Prohibited disposal. The disposal of used oil by discharge into any sewers, storm drainage systems, surface or ground waters, or by deposit on or under land shall be prohibited. The use of used oil as a pesticide carrier, sealant, coating, or a dust control agent for roads, parking lots, or any other similar purpose also shall be prohibited. The term "disposal" shall not include the utilization of used oil as a fuel in devices which operate in compliance with the Kansas air quality act.

(c) Used oil collectors. Any person, except a person collecting solely from self-owned and self-operated sources, shall not transport more than 500 gallons of used oil annually over public highways, or maintain any storage facility that receives more than 10,000 gallons of used oil annually, without first registering with the department as a used oil collector. Any such person shall register as a used oil collector in accordance with the provisions of K.A.R. 28-31-6. Each registered used oil collector shall:

(1) Transfer used oil only to another registered used oil collector, a registered used oil recycler, or a person outside the state; and

(2) Maintain a log that indicates the source and disposition of all used oils. Records of all logs shall be kept for a period of three years. Upon written request of the department, each used oil collector shall submit any information from the log that the department requests.

(d) Used oil recyclers. Any person recycling more than 5,000 gallons of used oil annually from other than self-owned and self-operated sources shall obtain a permit as a used oil recycler. Each application for a permit shall include a flow diagram of the plant, sources of plant wastes, methods of waste disposal, monitoring requirements and ultimate disposition of the recycled oil. All facilities shall be designed with a spill prevention control and countermeasures plan and a contingency plan for fires, explosions, or other emergencies.

(e) Used oil storage facilities. Every person generating 500 gallons or more of used oil annually shall provide and maintain used oil storage facilities. Used oil storage facilities shall be designed and constructed

to prevent spillage, seepage, or other discharge of used oil onto or into the land, or into ground or surface waters of the state. Used oil shall be removed from storage facilities on a periodic basis consistent with the design capacity of the facility. The used oil shall be removed only by the owner or a registered used oil collector. Persons operating used oil storage facilities to store oil from other than self-owned or self-operated sources shall accept used oil in quantities not exceeding five gallons per day from any individual, provided that the storage facility is not filled to capacity.

(f) Sellers of more than 500 gallons of lubricating oil or other oil in containers for use off the premises shall post and maintain, near the point of sale, durable and legible signs informing the public of the importance of collection and recycling of used oil. The signs shall indicate how and where used oil may be recycled and shall include locations and hours of operation of conveniently located collection facilities. (Authorized by and implementing K.S.A. 1983 Supp. 65-3406; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983.)

28-29-27. Medical services waste. "Medical services waste" means those solid waste materials which are potentially capable of causing disease or injury and which are generated in connection with human or animal care through inpatient and outpatient services. Medical services waste shall not include any solid waste which has been classified by the secretary as a hazardous waste under K.S.A. 1982 Supp. 65-3431 and any amendments thereto, or which is radioactive treatment material licensed under K.S.A. 1982 Supp. 48-1607 and regulations adopted under that statute.

(b) Segregation. All medical services waste shall be segregated from other solid wastes at the point of origin.

(c) Storage. All medical services waste shall be stored in a manner and in a container that will prevent the transmission of disease or the causing of injury. Hypodermic needles and syringes, scalpel blades, suture needles, or other sharp objects shall be stored only in a rigid, puncture proof container which has been closed to prevent the escape of any material, including liquids or aerosols. All reuseable containers used to store infectious waste shall be cleaned and disinfected before each use.

(d) Collection. Medical services wastes shall be collected at least daily from the point of origin for transport to a storage or disposal area or a processing facility. Personnel shall take precautions to prevent accidental contact with the waste during transfer.

(e) Transportation. All medical services wastes transported off-site shall be transported in a manner which will prevent the spread of disease or the causing of injury to persons.

(1) The waste transporter or disposal firm shall be notified of the types of waste.

(2) Containers of medical services waste transported off-site shall be "international orange" in color.

(f) Processing. In any processing of medical services waste, dispersal of aerosols and liquids shall be prevented through the use of proper coverings, seals, and ventilation. Personnel shall be protected against con-

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tact with the waste through the use of protective clothing and equipment. Medical services waste that has been processed may be combined with other solid waste. Where feasible, all medical services wastes shall be processed before transportation off-site by:

(1) Sterilizing infectious wastes by autoclaving or chemical treatment, to destroy the disease transmission potential; or

(2) Grinding, melting, or pulverizing sharp objects to destroy their injury producing potential.

(g) Disposal. Medical services waste shall be disposed of in a manner which minimizes the risk to health, safety, or the environment. The following shall be considered acceptable disposal methods:

(1) Discharge of liquids to a sanitary sewer which is connected to a secondary sewage treatment plant;

(2) Incineration of combustible solids, followed by disposal of the ash in a sanitary landfill;

(3) Disposal in a hazardous waste disposal facility which has a permit issued under K.A.R. 28-31-9; or

(4) Disposal in a sanitary landfill in accordance with the provisions of K.A.R. 28-29-23(s). (Authorized by and implementing K.S.A. 1983 Supp. 65-3406; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983.)

Article 41.—OIL FIELD WASTE DISPOSAL

28-41-9. Assessment against all petroleum and gas produced in state. (a) An assessment at a uniform rate shall be made against all petroleum and gas produced in the state. This assessment shall apply to the first purchase of oil and gas from the producer.

(b) Each first purchaser of the production shall, before issuing checks or otherwise accounting for the production, deduct \$.008 per barrel for each barrel of oil and \$.00024 for each 1000 cubic feet of gas produced and removed from the lease each month. The first purchaser shall remit the amounts so deducted to the director on or before the 20th of each month.

(c) Monthly summary reports of purchases and remittances shall be made to the director.

(d) The assessment shall not apply to gas which is being returned to the ground for repressuring purposes within the field, but shall apply to gas which is produced and removed from the lease and returned to the ground for storage purposes.

(e) The charge and assessment against both oil and gas shall first be effective for production occurring in the month of December 1983.

(f) The director shall provide each first purchaser with a statement of program costs by September 1 of each year. This regulation shall become effective on and after January 1, 1984. (Authorized by and implementing K.S.A. 65-171d; effective Dec. 31, 1947; amended July 1, 1949; amended Sept. 1, 1950; amended July 1, 1955; amended July 1, 1958; amended July 1, 1966; amended Feb. 15, 1977; amended May 1, 1982; amended, T-84-42, Jan. 1, 1984.)

BARBARA J. SABOL
Secretary

Doc. No. 001797

(Published in the KANSAS REGISTER, January 26, 1984.)

SENATE BILL No. 496

AN ACT relating to corrections; concerning a prerelease program for persons sentenced to the custody of the secretary of corrections; establishment and operation of prerelease centers; local advisory committees.

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

Section 1. (a) The secretary of corrections is hereby authorized to establish a prerelease program under which inmates receive training and other services to better prepare themselves for release upon parole, conditional release or discharge from their maximum sentence.

(b) Within the limitations of appropriations available therefor, the secretary of corrections may establish and operate prerelease centers. Each prerelease center shall be used only for:

(1) The housing and confinement of minimum custody inmates during the period preceding their anticipated release upon parole, conditional release or discharge from their maximum sentence;

(2) the housing and confinement of those minimum custody inmates which the secretary determines are necessary to provide maintenance and other support services for the operation of the prerelease center;

(3) the housing of paroled inmates who would benefit from the prerelease program, as determined by the secretary of corrections; and

(4) at a prerelease center located at a state institution or facility, the secretary of corrections may house and confine temporarily not more than 15 minimum custody inmates to provide maintenance, support and other services to that state institution or facility upon request of the chief administrative officer of the state institution or facility and approval by the secretary of corrections.

(c) No minimum custody inmate sentenced for committing a felony of a higher classification than a class D or E felony may be housed and confined at any prerelease center until the inmate has been in minimum custody status for 90 days or more, except that for good cause the secretary of corrections may make an exception and may house and confine any such inmate at a prerelease center for the purpose of participating in the prerelease program under subsection (b)(1).

(d) The prerelease center established at the Winfield state hospital and training center shall not be used as a work release center or honor camp.

(e) The secretary of corrections shall designate a local advisory committee for each prerelease center composed of persons who are residents of the community or area where the prerelease center is located.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body January 11, 1984/

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

Passed the HOUSE January 19, 1984.

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

APPROVED January 23, 1984.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 23rd day of January, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, January 26, 1984.)

SENATE BILL No. 495

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1984, for the department of corrections, Kansas state penitentiary, Winfield state hospital and training center and Larned state hospital; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1984, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund the following:

Community services	\$1,113,778
Renovate facilities at Winfield state hospital and Topeka state hospital for prerelease centers for minimum-custody inmates	1,166,000

Provided, That this project shall not be subject to the provisions of K.S.A. 1983 Supp. 75-5404 requiring the convening of a negotiating committee for architectural services: Provided further, That the above agency is hereby authorized to negotiate and enter into contracts for this renovation project: And provided further, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive.

Total

(b) On the effective date of this act, of the \$5,081,828 appropriated for the above agency for the fiscal year ending June 30, 1984, by section 5(a) of chapter 7 of the 1983 Session Laws of Kansas from the state general fund in the community corrections account, the sum of \$1,252,039 is hereby lapsed.

(c) The position limitation established by section 12 of chapter 7 of the 1983 Session Laws of Kansas for the department of corrections is hereby increased from 199.5 to 304.5.

Sec. 3.

KANSAS STATE PENITENTIARY

(a) There is appropriated for the above agency from the state general fund the following:

Renovate and equip outside dormitory no. 2 to provide additional bedspace for minimum-custody inmates, including construction of a modular facility	\$153,000
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Provided, That the above agency is hereby authorized to negotiate and enter into contracts for this project: Provided further, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive.

(b) The position limitation established by section 3 of chapter 26 of the 1983 Session Laws of Kansas for the Kansas state penitentiary is hereby increased from 417.5 to 431.5.

Sec. 4.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures	\$17,000
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(b) There is appropriated for the above agency from the state institutions building fund the following:

Remodel Holly kitchen	\$228,952
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Provided, That the above agency is hereby authorized to negotiate and enter into contracts for this project: Provided further, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive.

Sec. 5.

LARNED STATE HOSPITAL

(a) There is appropriated for the above agency from the state institutions building fund the following:

Planning—Remodel Sellers building for youth rehabilitation center program	\$20,500
Planning—Code improvements to Allen building for youth rehabilitation center program	13,500

Total

Sec. 6. Position limitations. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriation act of the 1983 regular session of the legislature or in any other appropriation act of the 1984 regular session of the legislature may be exceeded upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 7. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1984 regular session of the legislature and having an unencumbered balance as of June 30, 1984, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1985, for the same use and purpose as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body January 11, 1984.

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

Passed the HOUSE January 19, 1984.

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

APPROVED January 23, 1984.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 23rd day of January, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

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State of Kansas
Vol. 1, No. 48
November 11, 1982
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Secretary of State
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