

# KANSAS REGISTER



**State of Kansas**

**JACK H. BRIER  
Secretary of State**

**Vol. 3, No. 12**

**March 22, 1984**

**Pages 409-472**

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## State of Kansas

**DEPARTMENT OF  
HEALTH AND ENVIRONMENT****PUBLIC NOTICE**

A Certificate of Need application from the Susan B. Allen Hospital, El Dorado, for the development of a 25-bed long-term care unit, was filed for 90-day review on February 27, 1984 by the Kansas Department of Health and Environment, and shall be available for public inspection at the Health Systems Agency of Southeast Kansas, 355 North Waco, Wichita, Kansas.

A Certificate of Need application from the St. Francis Regional Medical Center, Wichita, for the replacement of its data processing system, was filed for 90-day review on February 27, 1984 by the Kansas Department of Health and Environment, and shall be available for public inspection at the Health Systems Agency of Southeast Kansas, 355 North Waco, Wichita, Kansas.

A Certificate of Need application from Vector, Inc., for a 120-bed adult care home in Johnson County, was filed for 90-day review on February 27, 1984 by the Kansas Department of Health and Environment, and shall be available for public inspection at the Kansas Department of Health and Environment, Office of Health and Environmental Planning, phone (913) 862-9360, extension 535.

A Certificate of Need application from Vector, Inc., for a 90-bed adult care home in Leavenworth County, was filed for 90-day review on February 27, 1984 by the Kansas Department of Health and Environment, and shall be available for public inspection at the Kansas Department of Health and Environment, Office of Health and Environmental Planning, phone (913) 862-9360, extension 535.

**BARBARA J. SABOL**  
Secretary of Health and Environment

Doc. No. 001959

## State of Kansas

**BOARD OF EMBALMING****NOTICE OF MEETING**

Notice is hereby given of the regular meeting of the Kansas State Board of Embalming on Thursday, April 5, 1984, at 8:30 a.m., at the board's office, 214 West Sixth Street, Suite 203, Topeka, Kansas.

**DOUGLAS "MACK" SMITH**  
Executive Secretary

Doc. No. 001962

## State of Kansas

**DEPARTMENT OF HUMAN RESOURCES  
KANSAS COUNCIL ON EMPLOYMENT  
AND TRAINING****NOTICE OF MEETING**

The Kansas Council on Employment and Training will meet from 9:00 a.m.-12:00 noon on Friday, March 23, 1984, in the Centennial Room, Stormont-Vail Regional Medical Center, 1500 S.W. 10th Street, Topeka, Kansas. The meeting agenda includes the following:

- I. JTPA Status Report
- II. Recommendations of Dislocated Worker Committee
- III. Orientation on Kansas Labor Market and Performance
- IV. Recommendations of State Plan Development Committee
- V. Overview of Draft SDA Plans

The meeting is open to the public.

**LARRY E. WOLGAST, Ed.D.**  
Assistant Secretary

Doc. No. 001961

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



PHONE: 913/296-2236

State of Kansas

**ATTORNEY GENERAL**

OPINION NO. 84-24

**Public Utilities—Powers of State Corporation Commission—Valuation of Utility Property by Commission. Representative Stephen R. Cloud, Thirtieth District, Merriam; Representative Robert J. Vancrum, Twenty-Ninth District, Overland Park; Representative Ron Fox, Twenty-First District, Overland Park, March 9, 1984.**

Section 2 of 1984 House Bill No. 2927 (as amended by House Committee of the Whole) would empower the State Corporation Commission to exclude from the rate base of a public utility all or a portion of costs of acquisition, construction or operating which were incurred (in whole or in part) due to a lack of efficiency or prudence, or costs incurred in the acquisition or construction of excess capacity. Such legislation, if enacted, could be enforced by the State Corporation Commission and the courts of this state. Cited herein: K.S.A. 66-128, 1984 House Bill No. 2927. TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001963

State of Kansas

**OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER NO. 84-71

**OFFER OF REWARD**

WHEREAS, Clarence A. Lavin, Jr., age 36, of rural Topeka, Shawnee County, Kansas, was shot and killed on or about February 9, 1984; and

WHEREAS, said killing appears to have been a heinous crime and homicide in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, John Carlin, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and conviction of the perpetrators of this crime.

This document shall be filed with the Secretary of State as Executive Order No. 84-71, and shall become effective immediately.

Dated March 13, 1984.

JOHN CARLIN  
Governor

Attest: JACK H. BRIER  
Secretary of State

Doc. No. 001960

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES****NOTICE OF REVIEW  
OF GRANT APPLICATIONS**

The following applications for federal monies are in the process of review. More information can be obtained from the contact person listed. Comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Avenue, Topeka, Kansas 66603.

**DHR030984-002-15916RN**—Sand Hills State Park Improvements including asphalt parking lot, fencing, signs, and displays, near Hutchinson on K-61 Highway for \$7,596,000 federal funds to match equal state funds. Contact Peggy Livingood, Kansas State Park and Resource Authority, 503 Kansas Avenue, P.O. Box 977, Topeka, Kansas 66601, 913/296-2281. Comments due by April 6, 1984.

**DHR031584-001-13612OK**—American Indian Child Welfare Services Training and Technical Assistance Project is directed toward conducting child welfare practice oriented training and technical assistance in Oklahoma, Kansas, New Mexico and Arizona for \$165,702. Contact Antonia Dobrec, President, Three Feathers Associates, P.O. Box 5508, Norman, Oklahoma 73070, 405/360-2919. Comments due by April 30, 1984.

The following applications for federal monies under federal assistance programs have been reviewed and returned to the applicant for submission to the federal agencies involved.

**KS840309-001-15916RN**—Project to establish campgrounds and supporting facilities at Cheney State Park. \$22,400. Kansas State Park and Resources Authority, 503 Kansas Avenue, P. O. Box 977, Topeka, Kansas 66601. Attention: Keith A. Springer, 913/296-2281.

**KS840312-001-11302SG**—Economic Development Support—South Central Kansas Development District, Inc. for \$66,550 to provide professional experience to local units of government in 14 counties to promote balanced urban/rural growth. Jack E. Alumbaugh, Sutton Place, Suite 102, Wichita, Kansas 67202.

**KS840313-001-11302MC**—Economic Development Support for Planning Organizations for \$50,000 to provide professional experience to local units of government in nine counties to promote balanced growth. John R. Cyr, Substate Region 10, Municipal Building, Beloit, Kansas 67420, 913/738-2218.

JERRY SHELOR  
Secretary of Human Resources

Doc. No. 001873

## State of Kansas

**BOARD OF REGENTS**

**NOTICE TO ALL PERSONS HAVING  
AN INTEREST IN THE REGULATIONS  
GOVERNING TRAFFIC AND PARKING  
ON THE ROADS, STREETS, DRIVEWAYS  
AND PARKING FACILITIES AT THE  
UNIVERSITY OF KANSAS MEDICAL CENTER**

Notice is hereby given to all interested parties that on April 11, 1984, at 3:00 p.m. C.D.T., at the University of Kansas Medical Center, Battenfield Auditorium, Olathe and Rainbow Boulevard, Kansas City, Kansas, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas Medical Center.

The following is a summary of the substance of the rules and proposed changes:

**1. Parking, general regulations.** The current regulations specify restrictions on vehicles operated on campus and define who is considered a student. The proposed change adds the location, phone number and hours of operation of the Parking Services Office.

**2. Same, student, faculty, staff and employee parking.** The current regulations establish the types of parking permits available, how permits are used and replacement permits. The proposed amendments would eliminate the moped permit and reduce the charge for replacement permits from \$3.00 to \$1.00.

**3. Same, visitors.** The current regulations specify certain conditions under which visitors may legally park on the University of Kansas Medical Center campus. The proposed amendment would allow exemption of payment for one (1) group 1 parking violation.

**4. Same, special restricted parking areas.** The current regulations specify certain restricted parking areas for the handicapped and specific types of patients and outpatients. No amendments are proposed.

**5. Same, access to lots and zones.** The current regulations specify the times and locations for parking restrictions, and specify which lots each permit entitles a person to park. No amendments are proposed.

**6. Same, violations of regulations.** The current regulations specify the penalties for misuse of parking area. No amendments are proposed.

**7. Payment of fees for violations.** The current regulations specify where fines are to be paid, late payment penalty and conditions under which a vehicle may be removed from campus. No amendments are proposed.

**8. Appeal of violation notices.** The current regulations establish the procedure for appeals from a charge of misuse of parking area. The proposed amendment would increase the length of time allowed for appeal.

**9. Permit fees.** The current regulations establish permit rates and refund procedures. The proposed amendments would change the sales from quarterly to semi-annual and change the refund policy.

**10. Bicycle regulations.** The current regulations

specify restrictions on parking bicycles on campus. The proposed amendment would delete this section.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to A. J. Yarmat, Ph.D., Assoc. Vice Chancellor of Academic Affairs, Room A-201, University of Kansas Medical Center, 39th and Rainbow Blvd., Kansas City, Kansas 66103.

WILLIAM R. KAUFFMAN  
General Counsel  
Board of Regents

Doc. No. 001967

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services required for a second-phase analysis and report on the repair of terra cotta cornices and related work on the Memorial Building, 120 West 10th, Topeka, Kansas.

Following an initial report on the instability of the said cornices, funding has been made available for further analysis and repair recommendations. The study shall require on-site, hands-on investigation of the parapet and cornice to determine the existing method of support and installation; the development of comprehensive repair alternatives and their estimated costs of construction; and recommendations and cost estimates for the waterproofing of the structure including roofing, flashing, drainage and exterior walls. The selected firm shall provide expertise in terra cotta construction and architectural sensitivity for the building's historic character.

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

Expressions of interest should be directed in writing to Norman Wilson, Capitol Complex Architect, 625 Polk Street, Topeka, Kansas 66603, no later than April 6, 1984.

JOHN B. HIPPI, AIA  
Director  
Division of Architectural Services

Doc. No. 001969



## State of Kansas

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

Subject to legislative approval of the appropriation for planning funds, notice is hereby given of the commencement of negotiations for professional architectural services for the design of the Coliseum at Kansas State University, Manhattan, Kansas.

Current programming data is based upon an arena with minimum seating capacity of 15,000. It is anticipated the lower seating areas will be retractable so the main floor area can be expanded for events other than basketball including concerts, convocations and University-wide functions such as commencements. In addition to the seating and main floor area, the Coliseum will include intercollegiate athletic offices, locker rooms and athletic and building support functions. The public areas will include lobbies, concourses, concession areas, ticket booths and meeting rooms.

Current projections anticipate a facility with 175,638 net programmed square feet, 237,111 gross square feet and an estimated construction cost of \$14,500,000.

Subject to legislative approval of the project, the State Building Advisory Commission will nominate firms for the project at their meeting of April 11, 1984. Nominated firms will be interviewed by a negotiating committee at a later date.

In order to be considered, firms must maintain an office in Kansas staffed by one or more architects licensed by the Board of Technical Professions. Firms must also be on file with the Division of Architectural Services.

Expressions of interest should be directed to Mr. Jack Nelson, Division of Architectural Services, 625 Polk, Topeka, Kansas 66603, phone (913) 233-9367, no later than April 6, 1984.

JOHN B. HIPPI, AIA  
Director  
Division of Architectural Services

Doc. No. 001968

## 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, APRIL 2, 1984**

#A-4827

Kansas School for the Visually Handicapped, Kansas

City—REPLACE RADIATION COVER WITH GRILLS, Brighton Recreation Center

#25967

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

#25968

Statewide—MAY (1984) MEAT PRODUCTS

#57052

Adjutant General's Department, Topeka—FUEL OIL, Kansas National Guard, Fort Riley

#57053

University of Kansas Medical Center, Kansas City—CONDUIT BENDER

#57054

Kansas State University, Manhattan—LABOR AND MATERIAL TO INSTALL CHAIN LINK FENCE

#57055

Kansas Fish and Game Commission, Pratt—LABOR AND MATERIAL TO INSTALL STEEL SIDING, Farlington

#57062

Winfield State Hospital and Training Center, Winfield—ENSURE AND ISOMIL

#57063

Winfield State Hospital and Training Center, Winfield—CANNED GOODS AND MISCELLANEOUS MEATS

#57064

Department of Transportation, Topeka—POST, STEEL GUARD RAIL

#57075

Department of Corrections, Topeka—INSTITUTIONAL DORMITORY FURNITURE, Winfield and Topeka

#57092

Wichita State University, Wichita—COMPUTER SYSTEM

#57093

Secretary of State, Topeka—COMPUTER SYSTEM

#57107

Pittsburg State University, Pittsburg—PARTIAL ROOF REPLACEMENT, Porter Building

#57117

Wichita State University, Wichita—COMPUTER BOARDS

**TUESDAY, APRIL 3, 1984**

#A-4703

Larned State Hospital, Larned—STORM WINDOW INSTALLATIONS, Administration, Gheel, and Hospital Buildings

#57065

Topeka State Hospital, Topeka—PLATES

#57066

Wichita State University, Wichita—LABOR AND MATERIAL TO INSTALL BOILER FEED WATER AND TRANSFER WATER LINES

#57067

University of Kansas, Lawrence—STEAM FLOW CONDENSATE METER

#57068

Pittsburg State University, Pittsburg—PARKING LOT REPAIRS, Learning Center

#57069

University of Kansas Medical Center, Kansas City—WORD PROCESSING SYSTEM

#57070

University of Kansas, Lawrence—ARGON ION LASER

(continued)

#57071

University of Kansas Medical Center, Kansas City—  
PEPTIDE SYNTHESIZER

#57072

University of Kansas Medical Center, Kansas City—  
CENTRIFUGE ROTOR

#57073

Kansas State University, Manhattan—UV-VIS SPEC-  
TROPHOTOMETER

#57074

Kansas State University, Manhattan—LIQUID HE-  
LIUM DEWAR

#57094

Kansas State University, Manhattan—TRACTOR

#57100

Kansas State University, Manhattan—MICROCOM-  
PUTERS

#57114

Department of Transportation, Topeka—LEVEL  
ROD, PHILADELPHIA C TYPE

**WEDNESDAY, APRIL 4, 1984**

#A-4720

Topeka State Hospital, Topeka—FURNISH AND  
INSTALL CHILLED WATER PUMP AND MOTOR

#A-4744 and #A-4925

Youth Center at Atchison, Atchison—RENOVATE  
PARKING LOT, Administration Building

#25961

University of Kansas Medical Center, Kansas City—  
HIGH EFFICIENCY AIR FILTERS

#25962

University of Kansas Medical Center, Kansas City and  
other state agencies—X-RAY FILM AND SUPPLIES  
(CLASS 13)

#57095

Kansas State University, Manhattan—LAB INCUBA-  
TOR AND GLASSWARE

#57096

Kansas State University, Manhattan—WAVEFORM  
DIGITIZER

#57097

University of Kansas, Lawrence—TRANS-OPTIC  
ANSWER SHEETS

#57098

University of Kansas Medical Center, Kansas City—  
DISPLAY STATIONS AND CONTROLLERS

#57101

Kansas State University, Manhattan—MICROCOM-  
PUTER SYSTEM

#57102

Wichita State University, Wichita—CLOSED  
CIRCUIT TV EQUIPMENT

#57103

Kansas State Penitentiary, Lansing—LAUNDRY  
EQUIPMENT

#57104

Larned State Hospital, Larned—CHINA AND  
TUMBLERS

#57105

Kansas State University, Manhattan—GAS HALIDE  
LASERS

#57106

University of Kansas Medical Center, Kansas City—  
CARDIOGRAPH PAGERWRITER

#57111

University of Kansas Medical Center, Kansas City—  
GAMMA REFERENCE SOURCES

#57112

University of Kansas Medical Center, Kansas City—  
SPECTROPHOTOMETER

**THURSDAY, APRIL 5, 1984**

#A-4794

Larned State Hospital, Larned—REROOF STAFF  
HOUSES 300, 301 and 302

#A-4873

Emporia State University, Emporia—FURNISH AND  
INSTALL HIGH VOLTAGE CAPACITORS, Central  
Power Plant Facility

#25964

University of Kansas, Lawrence—UNIFORM, LINEN  
AND MOP RENTAL, LAUNDRY SERVICE FOR  
HOUSEKEEPING AND FOOD SERVICE

#25969

University of Kansas Medical Center, Kansas City—  
DRAPERY AND CUBICLE CURTAIN CLEANING  
SERVICE

#25970

Pittsburg State University, Pittsburg—ACOUSTICAL  
CEILING AND GRID SYSTEM AND INSTALLATION

#57099

University of Kansas, Lawrence—MICROCOM-  
PUTER SYSTEM

#57113

University of Kansas, Lawrence—MICROSCOPE

#57119

Fort Hays State University, Hays—PHOTOGRAPHIC  
PROCESSOR

#57120

University of Kansas Medical Center, Kansas City—  
FURNISH AND INSTALL CERAMIC GRANULAR  
SEAMLESS FLOORING

#57121

Kansas State University, Manhattan—PROJECTOR

#57122

University of Kansas, Lawrence—PLAIN PAPER  
COPIER

#57123

University of Kansas, Lawrence—FILM INSPEC-  
TION MACHINE

**FRIDAY, APRIL 6, 1984**

#A-3559(d)

University of Kansas, Lawrence—VENTILATION  
MODIFICATION, Room 419, Watson Library

#A-4784

Youth Center at Topeka, Topeka—REROOF SHIN-  
GLE ROOF AREA, School Building

#57116

Wichita State University, Wichita—VIDEO TERMI-  
NALS

#57118

University of Kansas Medical Center, Kansas City—  
TOPOGRAPHER SOFTWARE

**THURSDAY, APRIL 12, 1984**

#25965

Wichita State University, Wichita—PUBLICATION  
OF MONTHLY RADIO PROGRAM GUIDE FOR  
KMUW

**WEDNESDAY, APRIL 18, 1984**

#25957

Statewide—TIRES AND TUBES

NICHOLAS B. ROACH  
Director of Purchases

## 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 March 8-14:**

**SB 831**, by Committee on Ways and Means: An act concerning emergency medical services; establishing the office of emergency medical services within the Kansas highway patrol; providing certain powers and functions and imposing certain duties upon the office of emergency medical services, the emergency medical services council and the director of emergency medical services; amending K.S.A. 65-4326, 65-4329, 65-4330, 65-4331 and 74-2105 and K.S.A. 1983 Supp. 65-4314, 65-4315, 65-4316, 65-4318, 65-4319, 65-4320, 65-4321, 65-4322, 65-4324 and 65-4325 and repealing the existing sections; and also repealing K.S.A. 75-5630, 75-5632, 75-5633, 75-5634, 75-5635 and 75-5636 and K.S.A. 1983 Supp. 75-5631.

**SB 832**, by Committee on Ways and Means: An act authorizing the state board of regents to purchase certain real property and construct parking facilities for the use of Wichita State University.

**SB 833**, by Committee on Ways and Means: An act concerning state educational institutions under the control and supervision of the state board of regents; relating to higher education faculty relations; prescribing certain powers, duties, functions and procedures; providing for certain rights; memorandums of understanding; declaring certain acts to be prohibited practices; imposing certain fees; amending K.S.A. 75-4322 and repealing the existing section.

**SB 834**, by Committee on Ways and Means: An act concerning educational institutions under the control and supervision of the state board of regents; authorizing a reduced-service program for certain faculty members; amending K.S.A. 74-4925 and repealing the existing section.

**SB 835**, by Committee on Federal and State Affairs: An act concerning alcoholic liquors; unlawful acts by minors; suspension of motor vehicle driving privileges; amending K.S.A. 41-715 and repealing the existing section.

**SB 836**, by Committee on Federal and State Affairs: An act concerning municipalities; relating to libraries; amending K.S.A. 12-1223, 12-1225 and 12-1226 and K.S.A. 1983 Supp. 19-101a and repealing the existing sections.

**SB 837**, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; reciprocal memberships in certain clubs; definitions; amending K.S.A. 41-2601 and repealing the existing section.

**SB 838**, by Committee on Federal and State Affairs: An act relating to contracting for collection services for the state board of regents and state educational institutions.

**SB 839**, by Committee on Federal and State Affairs: An act relating to the development of the Missouri River for barge traffic; enacting an interstate compact for this purpose; concerning the purpose, membership and duties and responsibilities of member states; and providing for withdrawal from membership by member states.

**SB 840**, by Committee on Federal and State Affairs: An act concerning drivers' licenses and nondrivers' identification cards; background color on photographs of minors; amending K.S.A. 1983 Supp. 8-243 and 8-1328 and repealing the existing section.

**SB 841**, by Committee on Ways and Means: An act concerning the state board of regents; relating to regulation and control of traffic and parking at certain educational institutions; amending K.S.A. 74-3209, 74-3210, 74-3211 and 74-3213 and repealing the existing sections.

**SB 842**, by Committee on Ways and Means: An act concerning the state board of regents; relating to travel and other expenses for recruitment of personnel for the state board of regents and for state educational institutions under the control and supervision of the state board of regents; amending K.S.A. 76-727 and repealing the existing section.

**SB 843**, by Committee on Federal and State Affairs: An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section.

**SB 844**, by Committee on Ways and Means: An act relating to the Kansas commission on civil rights; concerning the appointment of hearing examiners; amending K.S.A. 1983 Supp. 44-1003 and repealing the existing section.

**SB 845**, by Committee on Ways and Means: An act relating to the law enforcement training center; increasing certain docket fees to provide additional funds for the financing thereof; amending K.S.A. 1983 Supp. 20-362 and 28-172a and repealing the existing sections.

**SB 846**, by Committee on Ways and Means: An act concerning the disposition of unclaimed property; relating to agreements for the recovery of property; amending K.S.A. 58-3932 and repealing the existing section.

**SB 847**, by Committee on Federal and State Affairs: An act concerning automatic telephone dialing-announcing devices; prohibiting use in certain cases; consumer protection; amending K.S.A. 50-626 and repealing the existing section.

**SB 848**, by Committee on Federal and State Affairs: An act concerning libraries; relating to the powers and duties of library boards; amending K.S.A. 12-1225 and repealing the existing section.

**SB 849**, by Committee on Ways and Means: An act repealing K.S.A. 1983 Supp. 74-5605a relating to qualifications for applicants for admission to courses conducted by the law enforcement training center.

**SB 850**, by Committee on Ways and Means: An act concerning sales of liquor by clubs; concerning disposition of revenues from tax on sales of liquor by clubs; creating the interlibrary loan development fund; amending K.S.A. 1983 Supp. 79-41a03, 79-41a04 and 79-41a05 and repealing the existing sections.

**SB 851**, by Committee on Ways and Means: An act amending the self-service storage act; concerning the procedure for sale of certain property stored; amending K.S.A. 58-817 and repealing the existing section.

**SB 852**, by Committee on Ways and Means: An act relating to elections; concerning voting by new and former residents in presidential elections; amending K.S.A. 25-1802 and repealing the existing section.

**HB 3100**, by Committee on Federal and State Affairs: An act concerning corrections; relating to inmates of honor camps and certain work performed thereby.

**HB 3101**, by Committee on Ways and Means: An act relating to taxation; concerning the levy of taxes by the state of Kansas upon all tangible property in the state; amending K.S.A. 76-6b09 and repealing the existing section.

**HB 3102**, by Committee on Ways and Means: An act concerning the state board of regents; authorizing the conveyance of certain property in Johnson county, Kansas, to the Kansas university endowment association.

**HB 3103**, by Committee on Ways and Means: An act concerning special education for exceptional children; relating to the determination of the amount of state aid for the provision thereof; amending K.S.A. 72-967, 72-978 and 72-979, and repealing the existing sections.

**HB 3104**, by Committee on Ways and Means: An act concerning probation services; imposing certain fees therefor; prescribing the disposition of such fees; amending K.S.A. 1983 Supp. 21-4610 and repealing the existing section.

**HB 3105**, by Committee on Ways and Means: An act increasing certain docket fees; amending K.S.A. 32-155b and K.S.A. 1983 Supp. 8-2107 and 28-172a and repealing the existing sections.

**HB 3106**, by Committee on Federal and State Affairs: An act authorizing hospital district No. 1, Linn and Bourbon counties, to enter into a contract to borrow money for the purpose of building an addition to an existing home for the aged; placing certain conditions upon such contract.

**SCR 1666**, by Senator Pomeroy: A proposition to amend section 2 of article 2 of the constitution of the State of Kansas, relating to senators and members of the House of Representatives.

**SCR 1667**, by Senator Parrish: A concurrent resolution urging the State Department of Education to reduce the amount it retains from federal block funds for administration of federal grants for education programs.

**SCR 1668**, by Committee on Education: A concurrent resolution directing the Kansas State High School Activities Association to make a conscientious effort to combine, compact and revise the schedules of activities it regulates so that such activities become truly "extracurricular" in nature.

**SR 1865**, by Senators Steineger, Mulich and Rehorn: A resolution congratulating and commending the surveying profession for its contribution to the history, development and quality of life in Kansas and the United States.

**SR 1866**, by Senator Ehrlich: A resolution congratulating and commending Robert D. Hilgendorf on his excellence in service to the Kansas community of Great Bend and KVGB radio station through his contributions to the broadcasting industry.

**SR 1867**, by Senator Gannon: A resolution congratulating and commending Betty Amos on being named Kansas Teacher of the Year for 1984.

**SR 1868**, by Senator Thiessen: A resolution congratulating and commending Anne Wiley for her outstanding work as state president of the Future Homemakers of America for Kansas.

**SR 1869**, by Senators Meyers and Ehrlich: A resolution establishing April 3 through April 10, 1984, as Kansas Health Planning Week.

**SR 1870**, by Senator Winter: A resolution honoring Dr. Carl Knox for his twenty-two years of service as superintendent of Lawrence Unified School District 497.

**HR 6135**, by Representative Heinemann: A resolution rebutting recent remarks by outsiders that the State of Kansas is "boring."

**HR 6136**, by Representative Patterson: A resolution congratulating and commending Anne Wiley for her outstanding work as state president of the Future Homemakers of America for Kansas.

**HR 6137**, by Representative Aylward: A resolution honoring Kathryn and Lewis Brewer for their years of service to scouting and to their community.

**HR 6138**, by Representative Ramirez: A resolution congratulating and commending the Bonner Springs High School boys' basketball team and its coach, Carl Taylor, on winning the 1984 Class 5A State Basketball Championship in Kansas.

**HR 6139**, by Representative Flottman: A resolution in memory of the Reverend Arthur E. Kunzmann.

**HR 6140**, by Representative Littlejohn: A resolution congratulating Gena Staggs on winning the statewide 1984 nutrition poster contest for third and fourth grades.

**HR 6141**, by Representatives Love and M. Johnson: A resolution congratulating and commending the Wyandotte High School boys' basketball team and its coach, Randy Springs, on winning the 1984 Class 6A State Basketball Championship in Kansas.

**HR 6142**, by Representative Shelor: A resolution congratulating and commending the Sublette High School girls' basketball team and its coach, Jess Medina, Jr., on winning the 1984 Class 1A State Basketball Championship in Kansas.

**HR 6143**, by Representative Littlejohn: A resolution establishing April 3 through April 10, 1984, as Kansas Health Planning Week.

**HR 6144**, by Representative K. Ott: A resolution congratulating and commending the Mulvane High School boys' basketball team and its coach, Charles Mason, on winning the 1984 Class 4A State Basketball Championship in Kansas.

**HR 6145**, by Representative Polson: A resolution congratulating and commending the B & B (Baileyville and St. Benedict) High School boys' basketball team and its coach, Allen Pokorny, on winning the 1984 Class 1A State Basketball Championship in Kansas.

**HR 6146**, by Representative Polson: A resolution congratulating and commending the Nemaha Valley High School boys' basketball team and its coach, Dennis Getzlaff, on winning the 1984 Class 3A State Basketball Championship in Kansas.

**HR 6147**, by Representative Barr: A resolution congratulating and commending the Silver Lake High School girls' basketball team and its coach, Loren Ziegler, on winning the 1984 Class 3A State Basketball Championship in Kansas.

**HR 6148**, by Representative Moomaw: A resolution congratulating the Dighton High School girls' basketball team and its coach, Barry Mellen, on winning second place in Class 2A State Basketball Championship in Kansas and commending the school and community on winning the 1984 Sportsmanship Award.

**HR 6149**, by Representative Sprague: A resolution congratulating and commending the Canton-Galva High School girls' basketball team and its coach, Grace Welch, on winning the 1984 Class 2A State Basketball Championship in Kansas.

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF SALE

Sealed bids on DOT Quotation 6844 for the sale of junk tires and batteries, used wooden pallets, miscellaneous junk scrap aluminum and aluminum signs, miscellaneous junk scrap metals and steel signs, obsolete/surplus parts and used water pressure tank, located at the Kansas Department of Transportation storage yard, Topeka, Kansas; Kansas Department of Transportation district yard, Chanute, Kansas; and Kansas Department of Transportation district yard, Hutchinson, Kansas, will be received until 10:00 a.m., Monday, April 16, 1984.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, Kansas; James D. Jones, District Engineer, Topeka, Kansas; D. E. Kimbell, District Engineer, Chanute, Kansas; and M. S. Fry, District Engineer, Hutchinson, Kansas.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 001965

(Published in the KANSAS REGISTER, March 22, 1984.)

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified consultant engineering firm for a project in the following county:

**Seward County**—54-88 K 2355-01/BRF 038-1(50)—Bridge design only of the bridge over the Cimarron River at Arkalon.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by April 9, 1984.

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

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

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 001971

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC AUCTION  
AT SITE

APRIL 24, 1984, 11:00 A.M.

The Kansas Department of Transportation will offer for sale at public auction the following land located and described as follows:

The tract of land is located west of Lenexa, Kansas on 95th Street. The site is located at the southeast quadrant of the section of I-435 and 95th Street. The site is the former location of the Kansas City Power and Light Company substation.

A tract of land in the West Half of the Northeast Quarter of the Northwest Quarter of Section 5, Township 13 South, Range 24 East of the 6th P.M., in Johnson County, Kansas described as follows: COMMENCING at the Northeast corner of said Quarter Section; thence South 87 degrees 34 minutes West, 661.9 feet; thence South 02 degrees 23 minutes East, 140.0 feet to the point of beginning; thence South 87 degrees 34 minutes West, 397.3 feet; thence South 09 degrees 56 minutes East, 1,182.5 feet; thence North 88 degrees 20 minutes East, 242.0 feet; thence North 02 degrees 23 minutes West, 1,175.7 feet to the place of beginning. The above contains 8.61 acres, more or less.

The above land is subject to easements of record.

The seller retains any and all abutters rights of access to said highway, appurtenant to the remaining property of the buyer; except and reserving, however to the buyer, his heirs and assigns, the right of access to the highway over and across the following described course: BEGINNING at the beginning of said 'FIRST' course and extending South 87 degrees 34 minutes West, 60.0 feet.

## TERMS OF THE SALE:

Cash, certified or cashier's check. The buyer will receive a Quitclaim Deed the day of the sale.

Option, cash or a personal check for ten percent of the purchase price the day of the sale. The balance of the purchase price will be paid by cash, certified or cashier's check on or before May 24, 1984. If the balance is paid on or before said date a Quitclaim Deed will be given to the buyer. If the balance of the purchase price is not paid on or before said date, the ten percent down payment will be forfeited to the seller.

Buyer will receive a Quitclaim Deed only.  
SELLER RESERVES THE RIGHT TO REJECT  
ANY AND ALL BIDS

NOT RESPONSIBLE FOR ACCIDENTS

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 001958

(Published in the KANSAS REGISTER, March 22, 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., March 29, 1984 and then publicly opened:

**DISTRICT ONE**

**Wyandotte**—435-105 K 0989-01—2.809 miles Grading and four bridges, beginning approximately 0.513 mile north of I-435 and Leavenworth Road, then north on I-435 on new alignment (Federal Funds).

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

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

**JOHN B. KEMP**  
Secretary of Transportation

Doc. No. 001948

(Published in the KANSAS REGISTER, March 22, 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., April 19, 1984 and then publicly opened:

**DISTRICT ONE**

**Atchison**—3 U-0803-01—0.115 mile Grading, Concrete Pavement and Bridge, beginning at the intersection of 6th Street and US-59, then north on 6th Street in the City of Atchison (Federal Funds).

**Atchison**—116-3 K-0115-01—0.364 mile Grading, Bituminous Surfacing, and Bridge over the Delaware River, beginning approximately 1.3 miles east of the Atchison-Jackson County line, then east on K-116 (Federal Funds).

**Atchison**—116-3 K-0116-01—0.346 mile Grading, Bituminous Surfacing, and Bridge over Elk Creek, beginning approximately 0.5 mile east of the Atchison-Jackson County line, then east on K-116 (Federal Funds).

**Douglas**—23 C-1635-01—0.208 mile Grading and Bituminous Surfacing, beginning approximately at the west city limits of Lecompton, then east on County Highway FAS 214 in the City of Lecompton (Federal Funds).

**Douglas**—23 C-1636-01—0.265 mile Grading and Bridge over Coon Creek, beginning approximately at the west edge of Lecompton, then west (Federal Funds).

**Douglas**—23 C-2014-01—2.472 miles Aggregate Base Course, beginning approximately 2.6 miles north of Baldwin City, then west on County Highway FAS 1375 (Federal Funds).

**Jackson**—43 C-1158-01—0.170 mile Grading and Bridge over the tributary to Straight Creek, beginning approximately 6.8 miles east and 2.3 miles north of Holton, then east (Federal Funds).

**Johnson**—435-46 M-1330-01—Bituminous Overlay, all ramps and loops at the Interchange of I-435 and US-69, plus through lanes on US-69 over I-435 between the ramps (a length of 0.45 mile), and the west ramps of the I-435 and US-169 Interchange, that portion not previously reconstructed (State Funds).

**Johnson**—10-46 M-1329-01—1.15 miles Concrete Pavement Patching, beginning at K-10 and Caenen Lake Road, then east on K-10 (State Funds).

**Johnson**—10-46 K-2114-01—2.40 miles Cold Milling and Bituminous Overlay, beginning approximately at the west abutment of the bridge on K-10 over I-35, then west on K-10 (State Funds).

**Marshall**—58 C-1468-01—0.179 mile Grading, beginning approximately 2.5 miles east and 2.7 miles south of Marysville, then south on County Highway FAS 1239 (Federal Funds).

**Shawnee**—89 C-1669-01—0.189 mile Grading and Bridge over the tributary to the Wakarusa River, beginning approximately 5.5 miles west of Auburn, then west on County Highway FAS 619 (Federal Funds).

**Shawnee**—70-89 M-1328-01—1.023 miles Concrete Pavement Patching and Bituminous Overlay, beginning at R.P. 364.352 (Golden Avenue Bridge), then east on I-70 to the beginning of Turnpike Maintenance at the bottom of the ramp (State Funds).

**Wyandotte**—132-105 K-1986-01—Repair of three bridges on 65th Street over K-132, K-132 over Francis Road and K-132 over Atchison, Topeka and Santa Fe Railroad tracks in the City of Kansas City (State Funds).

**Wyandotte**—70-105 M-1331-01—1.695 miles Bituminous Pavement Patching, beginning at the 18th Street Interchange, then east on I-70 (State Funds).

**DISTRICT TWO**

**Clay**—14 C-1041-01—0.189 mile Grading and Bridge over Five Creek, beginning approximately 5.0 miles west and 1.2 miles south of Clay Center, then south (Federal Funds).

**Dickinson**—21 U-0650-01—0.103 mile Grading and Bridge on NW Third Street over Mud Creek in the City of Abilene (Federal Funds).

**Dickinson**—70-21 K-2499-01—9.1 miles Latex

(continued)

Modified Slurry Seal, beginning at the Dickinson-Saline County line, then east on I-70 (State Funds).

**Geary**—70-31 K-2470-01—11.367 miles Bituminous Overlay (Shoulders), beginning approximately 0.8 mile west of the east Interchange of I-70 and K-18, then east on I-70, westbound shoulders (Federal Funds).

**Jewell**—45 C-1344-01—Bridge over Oak Creek, beginning approximately 4.5 miles east and 7.5 miles north of Burr Oak, then east (Federal Funds).

**Jewell**—45 C-1346-01—Culvert beginning approximately 7.1 miles east and 7.5 miles north of Burr Oak, then east on County Highway FAS 336 (Federal Funds).

**Jewell**—45 C-1343-01—Bridge over Troublesome Creek, beginning approximately 2.7 miles east of Burr Oak, then east (Federal Funds).

**McPherson**—59 C-1624-01—0.151 mile Grading and Bridge over Smoky Hill River, beginning approximately 1.5 miles east of Lindsborg, then east (Federal Funds).

**McPherson**—59 C-1569-01—0.094 mile Grading and Bridge over the tributary to Blaze Fork Creek, beginning approximately 5.0 miles north of Inman, then north (Federal Funds).

**McPherson**—59 C-1573-01—0.075 mile Grading and Bridge over Blaze Fork Creek, beginning approximately 2.0 miles east of Inman, then east (Federal Funds).

**McPherson**—59 C-1574-01—0.179 mile Grading and Bridge over Blaze Fork Creek, beginning approximately 2.7 miles south and 2.7 miles east of Inman, then east (Federal Funds).

**Morris**—64 C-1623-01—0.369 mile Grading and Bridge over Six Mile Creek, beginning approximately 9.4 miles west and 1.5 miles south of Wilson, then south (Federal Funds).

**Saline**—70-85 K-2472-01—15.3 miles Latex Modified Slurry Seal, beginning at a point on I-70 at the west side of the Junction of I-70 and I-135, then east on I-70 to the Saline-Dickinson County line (State Funds).

**Washington**—101 C-0740-01—0.284 mile Grading and Bridge over Cherry Creek, beginning approximately 2.0 miles west of Haddam, then south (Federal Funds).

### DISTRICT THREE

**Norton**—69 C-1850-01—1.477 miles Bituminous Surfacing beginning approximately at the east edge of Norton, then east on County Highway FAS 502 (Federal Funds).

### DISTRICT FOUR

**Allen**—1 C-1532-01—0.266 mile Grading and Bridge, beginning approximately 6.8 miles west of Savonburg, then north on County Highway FAS 6 (Federal Funds).

**Anderson**—2 C-1606-01—0.208 mile Grading and Bridge over Pottawatomie Creek, beginning approximately 0.5 mile east and 3.2 miles south of Harris, then south (Federal Funds).

**Bourbon**—6 C-1615-01—0.104 mile Grading and

Bridge over Mill Creek, beginning approximately 4.6 miles north of Redfield, then north (Federal Funds).

**Bourbon**—69-6 K-0135-02—12.814 miles Concrete Pavement and Seeding, beginning approximately 0.05 miles north of the north city limits of Fort Scott, then north on US-69 to the Bourbon-Linn County Line (State Funds).

**Cherokee**—11 C-1672-01—Widening of bridge over Crooked Creek located approximately 2.4 miles north and 3.1 miles west of Galena (Federal Funds).

**Crawford**—69-19 M-1327-01—11.174 miles AS-1 Shoulders, beginning at the north Junction of US-69 and K-57, then north on US-69 to the Crawford-Bourbon County line (State Funds).

**Franklin**—30 C-1325-01—4.012 miles Aggregate Base Course and Bituminous Surfacing, beginning approximately at Princeton, then east on County Highway FAS 259 (Federal Funds).

**Franklin**—30 C-1707-01—0.144 mile Grading and Bridge over Payne Creek, beginning approximately 4.5 miles east and 1.7 miles north of Williamsburg, then north (Federal Funds).

**Franklin**—30 C-1814-01—1.746 miles Aggregate Base Course, beginning approximately 4.4 miles north and 3.0 miles west of Ottawa, then west on County Highway FAS 260 (Federal Funds).

**Labette**—50 C-0854-01—0.315 mile Grading and Bridge over Labette Creek, beginning approximately 2.0 miles south and 1.0 mile west of Oswego, then west (Federal Funds).

**Linn**—69-54 K-0526-02—2.701 miles Concrete Pavement and Seeding, beginning at the Linn-Bourbon County line, then north on US-69 (State Funds). Bids on the seeding portion of the project will be received only from small business enterprises.

**Neosho**—67 C-1622-01—0.189 mile Grading and Bridge, beginning approximately 1.6 miles north and 2.3 miles west of Erie, then west on County Highway FAS 168 (Federal Funds).

**Woodson**—104 C-1581-01—0.462 mile Grading and Bridge over Duck Creek, beginning approximately 4.8 miles west and 9.1 miles north of Yates Center, then north (Federal Funds).

### DISTRICT FIVE

**Barber**—4 C-1201-01—3.0 miles Bituminous Surfacing, beginning approximately 6.0 miles west of Hardtner, then west on County Highway FAS 30 (Federal Funds).

**Barber**—4 C-1711-01—0.179 mile Grading and Bridge over Mulberry Creek, beginning approximately 1.0 mile southeast of Sun City, then southeast (Federal Funds).

**Barber**—4 C-1712-01—0.075 mile Grading and Bridge, beginning approximately 0.7 mile east of Sun City, then southeast on County Highway FAS 32 (Federal Funds).

**Butler**—8 C-1807-01—0.227 mile Grading and Bridge over Rock Creek, beginning approximately 6.7 miles west and 1.6 miles south of Latham, then south (Federal Funds).

**Butler**—54-8 K-0152-02—7.441 miles Concrete Pavement and Seeding, beginning approximately 0.3

(continued)



mile east of the east city limits of Augusta, then east on US-54 (State Funds).

**Butler**—96-8 K-1677-01—2.133 miles Grading, Bituminous Surfacing, Seeding, and two Bridges, beginning approximately 0.49 mile east of the east Junction of K-96 and US-54, then east on K-96 (State Funds).

**Cowley**—18 C-1162-01—2.451 miles Grading and Bituminous Surfacing, beginning approximately 2.45 miles south of Winfield, then north on County Highway FAS 5024 and FAS 161 (Federal Funds).

**Cowley**—77-18 K-0215-04—4.125 miles Grading, Bituminous Surfacing, Seeding and three Bridges, beginning at the north Junction of US-77 and K-15, then north on US-77 (State Funds). Bids on the R. C. Box bridge and the seeding portions of the project will be received only from small business enterprises.

**Rush**—83 C-1852-01—3.100 miles Subgrade Modification, beginning approximately at Loretta, then north on County Highway FAS 231 (Federal Funds).

**Rush**—83 C-1851-01—3.000 miles Subgrade Modification, beginning approximately 5.0 miles south of Alexander, then south on County Highway FAS 524 (Federal Funds).

**Sedgwick**—87 U-0883-01—0.075 mile Grading and Surfacing, intersection improvements at the intersection of Mosley Avenue and 17th Street in the City of Wichita (Federal Funds).

**Sedgwick**—54-87 U-0884-01—0.201 mile Grading and Plant Mix (Comm. Gr.), intersection improvement at the intersection of Kellogg (US-54) and Dugan Road in the City of Wichita (Federal Funds).

**Sumner**—96 C-1692-01—0.087 mile Grading and Bridge over the tributary of Blutt Creek, beginning approximately 0.8 mile north and 7.8 miles west of Caldwell, then west (Federal Funds).

**Sumner**—96 C-1718-01—0.075 mile Grading, Bituminous Surfacing and Bridge over Oak Creek, beginning approximately 0.8 miles west and 0.5 miles north of Wellington, then north (Federal Funds).

#### DISTRICT SIX

**Seward**—88 C-1514-01—2.498 miles Bituminous Base (Road Mix), beginning approximately 0.5 mile east of the Junction of County Highway FAS 939 and US-54, then east on County Highway FAS 939 (Federal Funds).

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

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

JOHN B. KEMP  
Secretary of Transportation

#### State of Kansas

### DEPARTMENT OF HEALTH AND ENVIRONMENT STATEWIDE HEALTH COORDINATING COUNCIL

#### NOTICE OF MEETING

The Statewide Health Coordinating Council will meet on March 28, 1984, at the Holiday Inn South, 3802 South Topeka Avenue, Topeka, Kansas. The public is invited to attend this meeting. For detailed information, contact the Office of Health and Environmental Planning, Kansas Department of Health and Environment, 6700 South Topeka Avenue, Building 321, Topeka, Kansas 66620, (913) 862-9360, ext. 535.

BARBARA J. SABOL  
Secretary of Health and Environment

Doc. No. 001970

(Published in the KANSAS REGISTER, March 22, 1984.)

### NOTICE OF REDEMPTION CITY OF EL DORADO, KANSAS INDUSTRIAL REVENUE BONDS

SERIES G, 1974

Dated May 1, 1974

NOTICE IS HEREBY GIVEN, for and on behalf of the City Commission of the City of El Dorado, Kansas, that ALL of the outstanding City of El Dorado, Kansas Industrial Revenue Bonds, Series G, 1974, dated May 1, 1974, which are numbered 101-140, inclusive, in the aggregate outstanding principal amount of \$40,000 shall be called for redemption and payment on May 1, 1984 at a redemption price of the outstanding principal amount of said bonds plus a redemption premium of four percent (4%) of the par value of said bonds. Accrued interest on the bonds will be paid through April 30, 1984, and all outstanding bonds will cease to bear interest after that date.

Payment of the accrued interest, redemption price and redemption premium on the bonds so called for redemption will be made on or after May 1, 1984 upon presentation of such bonds, accompanied by all coupons maturing on or after May 1, 1984, at The Walnut Valley State Bank, El Dorado, Kansas.

DATED this 22nd day of March, 1984.

CITY OF EL DORADO, KANSAS

BY: The Walnut Valley State Bank

Fiscal Agent

BY: Stephen C. Funk

Vice President and

Trust Officer

Doc. No. 001957

Doc. No. 001972

(Published in the KANSAS REGISTER, March 22, 1984.)

**NOTICE OF REDEMPTION  
CITY OF KECHI, KANSAS  
INDUSTRIAL REVENUE BONDS  
SERIES 1975**

**Dated June 1, 1975**

NOTICE IS HEREBY GIVEN, for and on behalf of the City Commission of the City of Kechi, Kansas, that ALL of the outstanding City of Kechi, Kansas Industrial Revenue Bonds, Series of 1975, dated June 1, 1975, which are numbered 50-98, inclusive, in the aggregate outstanding principal amount of \$185,000 shall be called for redemption and payment on June 1, 1984 at a redemption price of the outstanding principal amount of said bonds plus a redemption premium of three percent (3%) of the par value of said bonds. Accrued interest on the bonds will be paid through May 31, 1984, and all outstanding bonds will cease to bear interest after that date.

Payment of the accrued interest, redemption price and redemption premium on the bonds so called for redemption will be made on or after June 1, 1984 upon presentation of such bonds, accompanied by all coupons maturing on or after June 1, 1984, at The Walnut Valley State Bank, El Dorado, Kansas.

Dated this 22nd day of March, 1984.

CITY OF KECHI, KANSAS  
BY: The Walnut Valley State Bank  
Fiscal Agent  
BY: Stephen C. Funk  
Vice President and  
Trust Officer

Doc. No. 001956

**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.

**DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATIONS**

**Article 1.—GENERAL  
ADMINISTRATION**

**44-1-103. Public or educational visits and tours.**

(a) As part of an overall program of crime prevention and aversion, any institution or facility principal administrator may develop a program, in cooperation

with the courts and other agencies, to educate the public concerning the consequences of felony conviction and incarceration. Request for participation in this program may be made by the court or court services, school districts, state and local governmental agencies, criminal justice agencies, service organizations, and religious denominations. Participation by citizens may be by a group or by an individual. Adults and juveniles 13 years of age or older may participate in this educational program. The number of participants in any group, the conditions and time of the program shall be at the discretion of the institutional director or facility administrator. Sponsoring agencies shall apply to the facility principal administrator at least 10 days before the desired date of participation. No recordings by video or audio methods, including film and videotape, shall be made without the approval of the principal administrator and the written consent of any person who is identifiable in the recording.

(b) The general public, groups or individuals may tour an institution or facility only while escorted by appointed personnel. Tours shall be conducted only at times convenient for the staff and conducive to efficient operation of the institution or facility, and to the safety and security of the staff, inmates, and general public.

(c) No group or individual shall be permitted in the institution without the approval of the institutional director or facility supervisor. While on the premises, the visitors shall be subject to the regulations of the secretary of corrections and the orders of the principal administrator. All visitors shall be subject to search and fingerprinting at the discretion of the principal administrator. (Authorized by and implementing K.S.A. 75-5251, and K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984.)

**Article 4.—TRAINING**

**44-4-101. Definitions.** For the purpose of this article the following definitions apply. (a) "Secretary" means the secretary of corrections.

(b) "Director" means the director of personnel and training.

(c) "Basic training" means a 200 hour block of instruction approved by the secretary.

(d) "Instructor" means any person selected to deliver training to correctional employees.

(e) "Certification" means successful completion of basic training.

(f) "Training officer" means those persons employed at each correctional facility to schedule, plan, coordinate and deliver orientation, basic and annual training to correctional employees. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1980; amended May 1, 1984.)

**44-4-102. Equivalent training or substitutions for training.** (a) Requests for waiver of all or part of the basic training requirements for corrections officers and parole officers, as provided for in K.S.A. 75-

(continued)



5212(c), shall be reviewed and approved by the director.

(b) Such requests shall be made in the form and manner prescribed in the department of corrections' internal management policies and procedures.

(c) Non-waivable requirements. The following training requirements shall not be waived: firearms, use of force, secretary of corrections' regulations, and department of corrections' internal management policies and procedures. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1980; amended May 1, 1984.)

**44-4-103. Establishment of training centers.** (a) The principal administrator of the Kansas state penitentiary, the Kansas state industrial reformatory, and the Kansas correctional vocational training center shall establish and equip a training center.

(b) The deputy secretary for community correctional services shall designate an appropriate site and arrange for needed equipment when necessary for delivery of instruction to parole officers. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1980; amended May 1, 1984.)

**44-4-104. Satisfactory completion of the course.** No correctional officer or parole officer shall be certified unless such officer has satisfactorily completed basic training. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1980; amended May 1, 1984.)

**44-4-105.** (Authorized by K.S.A. 1979 Supp. 75-5212; effective May 1, 1980; revoked May 1, 1984.)

**44-4-106. Annual training to retain certification.** The 80 hours of annual in-service training required by K.S.A. 1982 Supp. 75-5212(e) shall be a prerequisite for the retention of certification. The curriculum for the 80 hours of in-service annual training shall be as described in department of corrections' internal management policies and procedures. Such training shall not be a portion of the 200 hour basic training curriculum, but shall be in addition to basic training and shall consist of different or more advanced subject matter unless otherwise approved in writing by the director. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1980; amended May 1, 1984.)

**44-4-107. Qualifications of training personnel.** (a) Each training officer shall, within one year of appointment, successfully complete a training of trainers course.

(b) Training officers shall select only qualified personnel to act as instructors. Persons instructing firearms, self defense, first aid and CPR shall have received instructor training for that subject. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1984.)

**44-4-108. Maintenance of training records.** Training officers shall maintain a training file for each employee trained at their institution or facility. Elements that shall be included in this file are the names (titles) of courses attended, the number of hours of

each course, the dates and location of each course, and the agency or organization providing the training. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1984.)

**44-4-109. Annual training plan and report.** (a) Each training officer shall annually prepare a report of the past year's training and a plan for the forthcoming year.

(b) This report and plan shall be prepared in the form and manner prescribed by the internal management policies and procedures of the secretary and shall be submitted to the director. (Authorized by and implementing K.S.A. 1983 Supp. 75-5212; effective May 1, 1984.)

#### Article 5.—INMATE MANAGEMENT

**44-5-102. Identification procedure.** (a) The principal administrator of each institution or facility shall establish identification procedures adequate to initially identify the inmate and to maintain such identification at all times while under the custody of the secretary of corrections.

(b) An identification photo shall be taken during the admission process, within five days after receipt of the inmate. This photo shall be taken of the inmate as the inmate normally appears. A photo shall also be taken of each inmate with the hair pulled back behind the head or cut to length of one and one-half inches, at the inmate's option, and for males, with all facial hair removed. This provision shall apply to those inmates received directly at the state reception and diagnostic center as well as other institutions.

(c) An identification photo shall be taken at least every three years or at any time an inmate's appearance changes significantly.

(d) Photographs shall be taken using fine grain panchromatic black and white film. Four sets, front and side view, of prints shall be retained at the institution in the inmate file and four sets shall be sent to the central office of the department of corrections. All negatives shall be kept in the inmate institutional file. Color negative film may be used in lieu of black and white if eight sets of prints are retained at the institution and eight sets are delivered to the central office.

(e) Whenever any person distributes the next to last picture, that person shall immediately submit a written order to the institution for a replenishment of prints. The negatives shall not be distributed. Color prints shall be reordered when two pictures remain.

(f) Photocopies of a photograph shall not be used for official identification purposes.

(g) Identifiable photo prints shall display, on the front below the person's face, the following data:

- (1) Full name;
- (2) sex;
- (3) register number;
- (4) date of birth;
- (5) race;
- (6) date received;
- (7) crime;
- (8) sentences; and

(continued)

(9) description, including height, weight, color of hair, color of eyes and color of skin. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5205, 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-5-103. Disposition of inmate money and property.** (a) The principal administrator of each correctional facility shall take charge of any money or property which any inmate may possess at the time of entering the correctional facility or receive subsequent to admission. Only that property and the amount of property as is described in the department of corrections' internal management policy and procedure (IMPP) manual shall be permitted to be brought into the facility by the incoming inmate. Exceptions or additions to the described property list may be made by the principal administrator, based on legitimate and demonstrated need of particular inmates or of the general population of a particular correctional facility, with approval of the secretary of corrections. A copy of the property list shall be provided to any sheriff upon written request.

(b) If the inmate requests, any property in excess of the above list may be returned, for disposition, with the sheriff who delivered the inmate. If the property is not returned with the sheriff, the property shall be either sent to some person designated by the inmate, at inmate's expense, or, if the inmate desires and requests, the property shall be sold at fair market value and the proceeds placed in the inmate's trust account.

(c) (1) When returning an inmate to the court or to the sheriff, the principal administrator of the facility shall assure that only those items which are listed as permissible upon admission into the prison are transported with the inmate upon return to a jail.

(2) If it is certain that the inmate will return, the principal administrator shall store the property until the inmate returns.

(3) If, at the time the inmate leaves to return to the local jurisdiction, it is unknown whether or not the inmate will return to the correctional facility, the inmate shall make arrangements with the principal administrator to hold the inmate's property in storage, pending a determination of whether or not the inmate will be returned to the prison following the release to the court or jail. The form of the arrangements shall be at the principal administrator's discretion.

(4) If no arrangements are made for storage and it is uncertain whether the inmate will return, those items which the inmate does not transport shall be mailed or shipped by insured United States mail, United parcel service or by freight, at the state's expense, to some addressee designated by the inmate. As an alternative, any person designated by the inmate may pick up the property at the prison if the inmate has received authorization from and made arrangements with the principal administrator. Notice of these arrangements and demand that the property be picked up shall be mailed to the inmate's last known address. In such a case, if the property is not picked up within 30 days

after notice, it shall be mailed to the inmate's last known address.

(5) If this method is not successful in removing the property from the facility, then the property shall be held for one year. During this year, a diligent effort shall be made to notify the inmate. If the property has not been claimed after one year, it shall be disposed of, after approval of the state treasurer, by sale at fair market value. Proceeds from the sale shall be turned over to the state treasurer. However, intangibles shall be transferred, after seven years and according to K.S.A. 1982 Supp. 58-3901 *et seq.*, to the state treasurer.

(d) Following receipt, admission, and placement, inmates may be permitted to obtain and possess other articles of clothing and property pursuant to orders of the principal administrator of the facility in which the inmate is housed.

(e) During the admission, placement and orientation process, each inmate shall be told, by the principal administrator or designee, which items of property are permitted at that facility. The inmate shall be informed that some property permitted at the facility of residence may not be permitted in another facility to which the inmate might be transferred.

(f) The principal administrator of each facility shall publish a list of authorized personal property permitted at the facility. An inmate transferred within the department shall be permitted to retain only those items authorized by the receiving facility. Those items not permitted at the receiving institution shall be disposed of in the manner set forth in subsection (c).

(g) An inmate shall be given a signed, itemized receipt for each item of property turned over to the correctional authorities. A copy of this receipt shall be placed in, and remain a permanent part of, the inmate's record.

(h) If an inmate is transferred, the sending facility shall prepare, in triplicate, an inventory and statement of disposition of the property of the inmate being transferred. The original shall be given to the inmate, one copy shall be given to the receiving facility and a copy shall be placed in and become a permanent part of the inmate's record.

(i) The principal administrator of each facility shall promulgate orders stating which items of personal property must be registered and describing, in detail, the procedure to be followed for that registration. Registration shall be required for those items valued in excess of \$25.00. Each inmate shall be responsible for registration of that inmate's property in accordance with the principal administrator's order. Each inmate shall be required to produce, upon request, any personal property registered in that inmate's name unless that property was previously reported lost according to the procedure set forth in K.A.R. 44-16-101, *et seq.*

(j) (1) When an inmate possesses money at time of admission or receives money thereafter, the money shall be placed in a trust account within the inmate trust fund. The principal administrator shall account to the inmate for the money held in trust at least quarterly, and within a reasonable time following demand

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by the inmate. All inmate accounts shall be subject to audit by the secretary or the secretary's designee at any time.

(2) The principal administrator shall designate an employee to serve as custodian of the trust fund as required by K.S.A. 76-173.

(3) Each principal administrator shall establish procedures for inmate access to the inmate's trust account and for depositing and withdrawing amounts from any savings account established.

(4) Any monies placed in a savings account shall be immediately invested by the principal administrator to achieve the optimum interest return, considering the amount to be invested and the duration of the investment. The interest earned shall be allocated to the inmate savings account in accordance with procedures established by the secretary. That portion of the trust fund designated for trust account purposes shall, where possible, be placed in an interest bearing checking account. To the extent that monies designated for checking accounts exceed the daily cash flow demands of the trust fund, the excess monies shall be invested at interest to achieve the maximum available return. Interest earned from trust account deposits or investments shall be allocated to those inmates having trust accounts in accordance with procedures established by the secretary.

(k) Inmates shall be prohibited from conducting any transaction with any financial institution in which a financial account existed on the effective date of this regulation or establishing new accounts without written authorization from the principal administrator of the correctional facility. The principal administrator of the correctional facility shall authorize inmates to engage in transactions with financial institutions only when the principal administrator determines that:

- (1) Those transactions are not illegal;
- (2) those transactions do not constitute violation of any regulations of the secretary or orders of the principal administrator; and
- (3) those transactions do not interfere with the operation of the correctional facility. The principal administrator may impose any restriction deemed necessary to accomplish the objective of this regulation.

(l) Disposition of earnings from non-prison employment or work release shall be in accordance with secretary of corrections' IMPP 01-121.

(m) No account shall be established on behalf of an inmate jointly with right of survivorship with any other person after the effective date of this regulation, unless it is with a parent, spouse or child and the principal administrator gives written permission.

(n) In the event of an inmate's death, disposition of both the body and the estate shall be in accordance with IMPP 01-114 and 01-115. (Authorized by K.S.A. 75-5251, 75-5253, and K.S.A. 1983 Supp. 75-5210, 75-5252, 75-5268; implementing K.S.A. 58-208, 75-5254; K.S.A. 1983 Supp. 75-5257, 75-5268, 76-173, 76-174, 76-175; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

**44-5-104. Classification for custody.** (a) Custody

classification assigned to each inmate shall determine the security measures which are to be applied to that inmate at any particular time and under various circumstances, using the secretary of corrections' internal management policies and procedures (IMPP) numbers 011-107, which provides instructions for the classification process and for security designation, and 012-101, which provides a description of supervision requirements for each custody level, and the general and special orders of the principal administrator at the institution where the inmate is housed.

There shall be five basic custody levels to which an inmate may be assigned during that inmate's period of incarceration. The custody classification shall determine, in whole or in part, the security procedures applied to the inmate including the type of housing, area of assignment or activity, and the kind of supervision for maintaining control of that inmate. The level of custody shall also partially determine the level of privileges and freedoms allowed to an inmate since the required security measures affect the availability of such privileges and freedoms. The security measures exercised over an inmate at any particular custody level may be greater, but shall never be less, than those prescribed as applicable to that level of custody to which the inmate has been assigned.

(b) The basic levels of custody classification are as follows:

- (1) Maximum;
- (2) close;
- (3) medium;
- (4) minimum—institutional; and
- (5) minimum—community.

(c) Custody classification levels shall be assigned in accordance with the custody classification manual, secretary of corrections internal management policy and procedure (IMPP) 011-107.

(d) Each custody classification is defined by the description of security measures applied to inmates with that custody classification. The descriptions shall be developed and published in general and special orders of the principal administrator and in the security manual of the secretary of corrections' internal management policies and procedures, chapter 12.

(e) The institution director or facility supervisor shall establish security procedures to be applied to each custody classification, which are appropriate for the operation of their respective institutions or facilities.

(f) Any change in an inmate's custody classification shall be based on a recommendation of the program management committee of the institution or facility, using secretary of corrections' IMPP 011-107. The change in custody classification shall be made under the authority and by the order of the principal administrator.

(g) The principal administrator may designate any needed security procedures for temporary or special situations, subject to other regulations of the secretary of corrections, that are not inconsistent with secretary of corrections' IMPP 012-101. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-

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5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-5-105. The program plan and timetable.** (a) Within one month after each inmate's admission or re-admission evaluation, an initial classification committee shall meet with the offender to develop a program plan. The development of an inmate's program plan and timetable for projected completion shall be based on an interview of the inmate by the initial classification committee and on review of available information concerning the inmate, including any specific recommendations made by state reception and diagnostic center or Kansas correctional institution at Lansing regarding needed features in the program plan for that particular inmate. The program plan shall then be modified according to the availability of programs and services at the institution or facility. The initial classification committee shall also consider the inmate's personal preference for particular programs. The committee shall consider opinions of the security officers as they relate to the formulation of a plan.

(b) The program plan shall include various tasks which the inmate agrees to perform over an estimated period of time. The tasks shall be designed to assist the inmate in making changes that will better allow the inmate to re-enter the community and live without coming in conflict with the law. The tasks shall be of several types and may include activities in education, vocational training, psychological or psychiatric counseling or therapy, work, hobbies or leisure time activities, and participation in social, special interest or special counseling groups. The program plan shall include, as a basic and continuing requirement, the assessment, development, and maintenance of the characteristics of acceptable social behavior, obedience to the regulations of the secretary and the orders of the principal administrator and all laws, and the effort to solve problems identified by valid psychological testing so the inmate may live in the community without coming in conflict with the law.

(c) (1) Any inmate may elect not to participate in a formal program plan. In such an event, that inmate shall not be prohibited from participating in any programs as are available, but the inmate shall first obtain the recommendation and approval of the unit team. The unit team may recommend the inmate for parole eligibility based on the inmate's rehabilitation progress accomplished by the inmate's own initiative. The inmate shall not be penalized for refusal to participate in a formal program plan. The inmate shall nevertheless be subject to all the regulations of the secretary and the orders of the principal administrator, and shall be required to participate in any work assignments which are made by the unit team.

(2) Any inmate may, at any time, request the creation of a formal program plan. The unit team shall, within 60 days, confer with the inmate and shall draft a program plan and timetable for the inmate.

(d) The unit team members shall be available to attend the Kansas adult authority initial hearing, at the order of the authority pursuant to K.A.R. 45-5-1, to confer with the Kansas adult authority and to assist the

Kansas adult authority in establishing or identifying the parole eligibility date. (Authorized by K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 1983 Supp. 75-5210, 75-5220, 75-5229; effective, May 1, 1980; amended May 1, 1984.)

**44-5-106. Use of force or restraint on inmates.** (a) K.S.A. 21-3215, regarding use of force by a law enforcement officer in making an arrest, shall be applied to correctional officers and parole officers in making arrests, preventing escapes, apprehending escapees or parole violators and absconders, and in maintaining security, control, and discipline in the correctional situation.

(b) The use of mechanical restraints on an inmate for punitive purposes shall be prohibited. Mechanical restraints may be used only when necessary in the following instances:

(1) When transporting the inmate;

(2) upon the advice of clinical personnel that the inmate may cause injury to self or others, or when, based on the past history or present behavior, it appears likely that the inmate will cause injury to self or others;

(3) when hospitalized outside the correctional security setting; and

(4) when part of authorized practice in routine security procedures applied to an inmate based on the inmate's custody classification.

(c) No restraining device shall be applied in a manner which would cause significant physical pain or undue discomfort, restrict blood circulation or breathing, or otherwise injure or incapacitate the inmate beyond the extent necessary to maintain security and control. (Authorized by K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 21-4609, 75-5252, 75-5210; effective, May 1, 1980; amended, May 1, 1984.)

**44-5-108. Inmate rule book distribution and translation.** (a) Upon admission to the institution or facility, each inmate shall be given a copy of the department of corrections' inmate rule book. A copy shall be given to each staff member.

(b) (1) When a literacy or language problem prevents an inmate from understanding the rule book, a staff member or translator shall assist the inmate in understanding the rules. To the extent practical, a translation may be made for anyone whose language is other than English. A translation shall be made for any language spoken by significant numbers of inmates. An oral or written translation may be made available at the discretion of the principal administrator.

(2) The explanation or translation of the rules to the inmate upon admission shall be such as to reasonably result in adequate comprehension within the capability of the inmate. If an inmate cannot read or understand English, that inmate shall be required to sign a statement that the inmate has received a rule book and that it has been explained to the inmate.

(c) The inmate rule book shall be a reprint of the regulations of the secretary of corrections articles 44-12, 44-13, 44-14, 44-15 and 44-16.

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(d) At least two sets of the complete regulations of the secretary of corrections shall be available in the cellhouse or living unit for reference use by inmates. At least two sets shall also be available in the inmate library pursuant to K.A.R. 44-12-701. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f), 75-5252; effective May 1, 1980; amended May 1, 1984.)

**44-5-110. Inmate marriage ceremonies.** (a) Marriage ceremonies in correctional facilities shall not be conducted except according to the following rules and requirements:

(1) Inmates shall not marry other inmates.

(2) An inmate shall file a written request to the principal administrator of the institution or facility requesting a marriage ceremony at least 60 days prior to the desired date of the ceremony. This time frame may be waived by the principal administrator for good cause.

(3) The inmate shall complete a series of not less than three marriage preparation counseling sessions with either a clergyman, social worker or psychologist. If not completed, the ceremony may be denied.

(b) The full name and address of the prospective spouse, witnesses, celebrant, and all other details of the requested marriage and ceremony shall be submitted to the principal administrator in writing at least 10 days prior to the scheduled date of the marriage ceremony. All arrangements are subject to approval by the principal administrator.

(c) If the principal administrator has reason to believe that an inmate is already married, the principal administrator shall not permit the marriage ceremony unless the inmate produces satisfactory proof that the prior marriage has been terminated.

(d) All expenses associated with the marriage ceremony shall be the responsibility of the inmate or prospective spouse. The inmate shall not be granted a pass, escorted or furloughed for the purpose of obtaining a marriage license.

(e) Subject to secretary of corrections prior approval, the principal administrator shall publish general orders regarding marriage ceremonies and inmates shall comply with such general orders.

(f) The principal administrator's general orders shall establish reasonable restrictions on the nature and circumstances of the ceremony and the number of persons attending.

(g) This regulation shall apply only to marriage ceremonies performed in an institution. Other forms of marriage, including, but not limited to, common law marriage and marriage by proxy, shall not be subject to this regulation. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

**44-5-112. Clinical services, inmate treatment.** (a) The principal administrator in cooperation with the administrator's chief physician shall arrange for services to inmates both on an outpatient and on a hospital basis, and shall also make proper plans and arrangements for an inmate to be taken, when necessary,

to a medical facility outside the correctional institution. All such plans and arrangements shall be in compliance with internal management policies and procedures of the secretary of corrections. Procedures for inmates reporting a personal injury or medical problem shall be established, in writing, by order of the principal administrator and inmates shall be informed thoroughly regarding procedures.

(b) Adequate and necessary basic care shall be made available to inmates. The principal administrator shall establish, by order, a system for inmate medical care during normal working hours and for emergency medical care during evenings, weekends and holidays. The system shall be in compliance with internal management policies and procedures of the secretary.

(c) Medical assistants shall be certified according to current standards in Kansas and the principal administrator shall provide a program of continuing education.

(d) Adequate and necessary basic care, treatment and maintenance procedures shall be available for diabetics and hypoglycemics. The clinic shall provide diet requirements for these persons to the principal administrator and shall consult with the food service staff to plan necessary dietary modifications. A diet from which reasonable selection may be made and which is sufficient for their needs, may be used in lieu of special menus. Other dietary needs, verified by clinical personnel as being necessary and basic for adequate health care, shall be met. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

**44-5-113. Funeral or serious illness of relatives, attendance by inmates on non-furlough status.** (a) The principal administrator of an institution or facility may, at the principal administrator's discretion, permit an inmate to travel to visit a member of the inmate's immediate family, as defined in this subsection, who is in danger of death, and to attend the funeral of such a family member. If the person is a close relative, but not in the immediate family of the inmate, travel shall be limited to either a visit when the relative is in danger of death or to the funeral. For purposes of this regulation, immediate family includes parents, step-parents, siblings, step-siblings, children, step-children, spouse, grandparents and any person who filled the role of parent de facto with respect to the inmate, as confirmed by the director upon review of the social history.

(b) The attendance of the inmate shall be under escort by a qualified correctional employee and the inmate shall remain in the legal and actual custody of the secretary of corrections through the action of such correctional employee under the direction of the principal administrator.

(c) The inmate shall attend only at the inmate's own request.

(d) Correctional employees escorting inmates pursuant to this regulation shall be on official duty status.

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(e) Law enforcement officials at the location of destination shall be notified in advance that the inmate is being escorted into the vicinity. In the event of an escape, local law enforcement officials, as well as the principal administrator, shall be notified immediately by the correctional employee.

(f) Whenever possible, the principal administrator shall accommodate such travel requests. In making the decision, the principal administrator shall consider cost, administration, and staff availability. If possible, the opinion of correctional staff, including the psychologist or psychiatrist and chaplain at the correctional facility, shall be considered in assessing the likely effect that a grant or denial of the travel request would have on the inmate, including effects on the rehabilitation of the inmate. The principal administrator shall also consider the effect the presence of the inmate would have on the family and the community.

(g) Such escorted travel shall be limited to the boundaries of the state of Kansas. This limitation may be waived, by the secretary of corrections, upon request of the principal administrator, if peculiar or cogent reasons exist which are based in good correctional practice, rehabilitation needs, humane treatment, justice and fairness. The decision to request an exception shall be entirely within the discretion of the principal administrator. If travel is out of state, the inmate may be required to reimburse the state for costs of travel and supervision, at the sole discretion of the secretary of corrections.

(h) If an inmate is to be taken outside the state, the inmate shall be taken, if possible, before a district court judge and required to execute a waiver of extradition rights, after being advised of those rights by the judge. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

**44-5-114. Adjustment counseling.** Adjustment counseling shall be an on-going process and shall include face-to-face personal contact not less than once every 30 days. This contact shall be initiated by the unit team leader unless the contact occurs as a part of one of the following events: (a) Review of initial classification program plans;

(b) 120-day, annual, or special program plan reviews;

(c) sessions related to significant decisions;

(d) inmate-initiated contacts;

(e) referrals by institutional staff; and

(f) pre-parole and parole planning. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

## Article 6.—GOOD TIME CREDITS

**44-6-101. Definitions.** (a) "Establishment of good time credits" means the creation of that pool of credits which decrease part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from

incarceration earlier than the full minimum or maximum sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole, good time credits shall not be available to reduce the period of incarceration prior to a Kansas adult authority hearing for reparole.

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

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

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

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

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

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

(g) "Parole eligibility" is the characteristic of having served the sentence required by law to the extent that the law would permit immediate release on the order of the Kansas adult authority, by the granting of a parole. The docketing and conducting of a hearing by the Kansas adult authority to determine whether a parole will be granted may occur before or after eligibility but does not affect the eligibility itself.

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

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

(j) "Aggregated controlling sentence" means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the max-

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imum terms. The term "aggregated" shall be applied only to consecutive sentences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior penal credit shall be applied to cases in which the inmate is subsequently incarcerated on the same conviction. Credit for time served on probation or parole shall also be considered prior penal credit for

computation of certain consecutive sentences as required by statute.

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

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

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

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

(bb) "Secretary's certification of parole eligibility date" means the date set by the secretary of corrections as the parole eligibility date, based on program assessment. It may be coordinated with the Kansas adult authority parole hearing date to yield a simultaneous parole eligibility and hearing date. It may also be set earlier or later than the Kansas adult authority hearing schedule, based solely on program assessment. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective May 1, 1981; amended, T-84-32, Nov. 23, 1983; amended, May 1, 1984.)

**44-6-102.** (Authorized by K.S.A. 75-5251, K.S.A. 1980 Supp. 75-5205; implementing K.S.A. 1980 Supp. 22-3717; effective May 1, 1981; revoked, T-84-32, Nov. 23, 1983; revoked, May 1, 1984.)

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

**44-6-106. Authority to interpret court documents.** Department of corrections' staff designated by the secretary of corrections shall have authority to analyze and interpret the journal entry of judgment or the judgment form and any other documents from the court to a reasonable extent as necessary to execute the sentence and commitment. Authorized staff shall include principal administrators, records officers, classification officers and attorneys. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

**44-6-107. Application of law as of date of crime; statutes repealed still applied.** (a) The statutes constituting the substantive law in effect at the time the crime is committed shall apply to compute the sentence term and the release dates. No subsequent change in the statute constituting substantive law

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shall be applied if that law adversely affects the inmate. Changes in statute constituting substantive law which benefit the inmate may be applied to compute the inmate's sentence term and the release dates, but shall not be required to be applied except in the computation of parole eligibility. Parole eligibility shall be computed by applying the statute in effect at the time the inmate committed the crime for which imprisoned unless subsequent changes in the statute provide an earlier parole date. If the amendment would yield an earlier parole eligibility date, that amendment shall be applied. Statutes establishing the formula for computation of parole eligibility shall be considered substantive law and not procedural law.

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

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

TITLE OF LAW SYSTEM	EFFECTIVE DATE OF APPLICATION	SESSION LAW OR STATUTORY REFERENCE
(1) "Old code"	All prior to July 1970	
(2) "New code"	After July 1, 1980	
(3) Penal reform act of 1973	After July 1, 1974	S.B. 72, L. 1973, ch. 339
(4) "Firearms mandatory," "mandatory firearms," "mandatory gun," "gun act," all referring to the combination of mandatory prison term and prohibition of parole before minimum is served.	After July 1, 1976	K.S.A. 21-4618 and K.S.A. 22-3717, L. 1976, ch. 168
(5) "Parole eligibility reform law"	On and after January 1, 1979	K.S.A. 22-3717, L. 1978
(6) "Aid and abet parole limitation"	After July 1, 1981	K.S.A. 22-3717, L. 1981, ch. 156
(7) "Parole eligibility law split"	After July 1, 1981	K.S.A. 22-3717, 22-3717a, L. 1981, ch. 156.
(8) "Sentence toughening law," or "legislative good time credit law"	After July 1, 1982	H.B. 3104 and H.B. 2757, L. 1982, ch. 137 and 150
(9) "Previous consecutive credit limitation law"	After July 1, 1983	H.B. 2212, L. 1983, ch. 111, K.S.A. 21-4608(6), (d) and (e)

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

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

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

1981, ch. 156, § 1, July 1, 1981; L. 1982, ch. 137, § 3, July 1, 1982; L. 1982, ch. 150, § 2, July 1, 1982.

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

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

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

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

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

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

(5) K.S.A. 22-3717a [see subsection (d)]. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717; 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

(c) To establish the conditional release date, good time credits, not forfeited, shall be presumed earned and shall be applied to the maximum sentence term when first computed. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

(c) The provision of the law after January 1, 1979, requiring an automatic parole hearing where no hearing has been held nor date established, shall apply to certain cases as required by statute. (From January 1979 to July 1, 1981 this provision appears at K.S.A. 22-3717(2)(c). From July 1, 1981 to July 1, 1982, this provision appears at K.S.A. 22-3717a(c). After July 1, 1982 it does not appear.) For purposes of applying this provision, a date set for a parole hearing by the Kansas adult authority which is the same as the controlling minimum date shall be considered as having not been set. In such a case, the discretionary parole eligibility

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certification of the secretary of corrections or minimum term less good time credits, whichever is earlier, shall be used for parole eligibility. However, if a penalty for parole violation has been imposed which causes the hearing date to be simultaneous with the controlling minimum, the automatic hearing provision shall not apply. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

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

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

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

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

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

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

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

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

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

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

(3) If consecutive sentences are imposed to be con-

secutive to sentences for which the inmate was on probation, parole or conditional release, the parole eligibility shall be adjusted to give credit for time spent on probation, parole or conditional release. (See K.A.R. 44-6-138(f) for sentences extending past July 1, 1983. After that date the credit is not given.) (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

(b) For concurrent and consecutive composite sentences, parole eligibility shall be computed as described for pre-1970 sentences in K.A.R. 44-6-109. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

(b) Parole eligibility shall be at the secretary's discretion and shall be upon attainment of the lowest minimum custody status. Attainment of the lowest minimum custody status shall be based on observed behavior and an assessment of rehabilitation by the unit team that is consistent with public safety and the circumstances and severity of the crime. Parole eligibility shall not be sooner than the lapse of court jurisdiction at 120 days following sentence imposition or the mandate on appeal.

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

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

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

(d) Sentences imposed pursuant to K.S.A. 21-4618 (the "firearm mandatory" law) shall not be credited with good time on the minimum sentence. Parole

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eligibility shall be the minimum sentence as imposed. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

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

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

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

(f) For class D and E felonies, parole eligibility shall be set by discretionary certification of the secretary of corrections at any time after the court no longer has jurisdiction to modify the sentence. However, if no hearing date has been set by the Kansas adult authority for the parole hearing, the minimum term less good time credits shall be the parole eligibility date. In such a case, good time shall be earned, awarded and computed as if to be applied so the parole hearing date may be determined.

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

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

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

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

(2) For crimes committed on or after July 1, 1981,

this discretionary parole eligibility shall be limited so it will not be sooner than one-half the time otherwise required to reach parole eligibility on the sentence, including any applicable good time.

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

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

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

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

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

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

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

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

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

(1) Mixed concurrent—consecutive composites. In mixed composite sentences, the concurrent terms are computed for parole eligibility first, according to sub-

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section (j), and then combined with the consecutive sentences according to subsection (k). (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-113. Parole eligibility computation; good time on minimum—actual earning progressively, accounting method.** In determining parole eligibility for cases controlled by the law on and after January 1, 1979, including those after July 1, 1982, good time credits shall not be awarded in advance of earning or on a projected basis. Good time credits shall be awarded only after the inmate has been deemed, by the unit team, to have earned them. However, an auxiliary accounting record, separate from the official inmate record and for informational purposes only, may be used to show the maximum total authorized credits that the inmate may earn. This record may show the parole eligibility date which would occur if all good time were earned. This projected good time parole eligibility date shall not be shown as a parole hearing date, unless this is the same day as the hearing set by Kansas adult authority. The parole eligibility shall be computed by the department of corrections. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

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

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

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

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

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

(2) Unless otherwise ordered by the court, when consecutive sentences are imposed on the same date

and when they include one or more class A felonies, the Class A felony sentence parole eligibility period shall be served to completion first, as good time credits are not available to class A felonies. Other classes of crimes in the sentence shall be served after the class A felony parole eligibility period ends. When the class A felony sentence is served first, the 15 year parole eligibility shall be added to the sentence begins date to determine the parole eligibility date on the class A felony sentence. After this date the service of time on the non-class A felonies may begin. The parole eligibility on the sentences for felony classes other than A, as aggregated, shall then be added to the class A parole eligibility to determine the total composite parole eligibility for the aggregated composite sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; amended May 1, 1984.)

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

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

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

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

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

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

(2) Legislative good time credits shall apply to those sentences imposed under the "mandatory firearms law," K.S.A. 21-4618, which have a minimum term of 15 years or longer and which therefore have a fixed 15 year parole eligibility under K.S.A. 1981 Supp. 22-3717a. Good time credits shall also apply, after July 1, 1982, to those sentences imposed under the "habitual criminal act," K.S.A. 21-4504, that have a minimum term of 15 years or more and which therefore, pursuant to K.S.A. 1981 Supp. 22-3717a, have a fixed 15 year parole eligibility date and no good time

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credit available. However, in both these cases a comparison shall be made to determine which system gives the earlier parole eligibility date, using the following system:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) If such a crime was committed on or after July 1, 1981 and prior to July 1, 1982, the discretionary parole eligibility, as certified by the secretary of corrections, shall be limited as follows:

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

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

Discretionary parole eligibility shall not be available until the inmate has served the minimum number of years computed in item (ii). This shall constitute the limiting point but shall not constitute the parole eligibility itself. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-114b. Parole eligibility computation; crimes after July 1982 and crimes before but running past July 1982; composite sentences.** (a)(1) On new admissions after July 1, 1982 for concurrent sentences, one of which is for a crime committed before July 1, 1982 and the other for a crime committed after that date, the sentences shall be merged to form a composite ac-

(continued)

cording to K.S.A. 21-4608 and these regulations (see K.A.R. 44-6-140). However, the parole eligibility shall be computed on each of the underlying sentences using the system for the pre-July 1982 crime which would give the earlier parole eligibility, and using the new system, effective July 1982, for the post July 1982 crimes. Pursuant to K.S.A. 21-4608 and K.A.R. 44-6-140, which require that among concurrent sentences the minimum sentence requiring the longest time to be served before parole eligibility must be used as the controlling minimum sentence, parole eligibility shall be first computed for each sentence in order to identify the controlling minimum sentence.

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

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

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

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

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

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

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

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

(i) The time required to be served to reach parole eligibility for the pre-July 1, 1982 felony shall be computed by the system yielding the earliest parole eligibility, as if the sentence stood alone (see (b)(2) and (b)(3) below if more than one crime), according to K.A.R. 44-6-114a.

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

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

(2)(A) For consecutive sentences, whether imposed on the same date or different dates, for several offenses committed prior to July 1, 1982, parole eligibility shall be calculated using whichever of the two

compared methods of aggregation for parole eligibility purposes yields the earlier parole eligibility date, as follows:

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

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

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

(3) For consecutive sentences, whether imposed on the same or different dates, for crimes committed on or after July, 1982 the law on and after that date applies according to K.A.R. 44-6-114. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

(c) good time credit forfeitures;

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

(e) actual parole eligibility date;

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

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

(h) the current status of the case. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

(continued)

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

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

This allocation shall apply to offenses committed prior to July 1, 1982. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

SENTENCE Minimum (or) Maximum	GOOD TIME EARNED			MUST SERVE		
	Years	Months	Days**	Years	Months	Days***
1 Year	0	3	0	0	9	0
2 Years	0	6	23	1	5	7
3 Years	0	10	15	2	1	15
4 Years	1	1	15	2	10	15
5 Years	1	5	8	3	6	22
6 Years	1	9	0	4	3	0
7 Years	2	0	0	5	0	0
8 Years	2	3	23	5	8	7
9 Years	2	7	15	6	4	15
10 Years	2	11	8	7	0	22
11 Years	3	2	8	7	9	22
12 Years	3	6	0	8	6	0
13 Years	3	9	23	9	2	7
14 Years	4	0	23	9	11	7
15 Years	4	4	15	10	7	15
16 Years	4	8	8	11	3	22
17 Years	5	0	0	12	0	0
18 Years	5	3	0	12	9	0
19 Years	5	6	23	13	5	7
20 Years	5	10	15	14	1	15
21 Years	6	1	15	14	10	15
22 Years	6	5	8	15	6	22
23 Years	6	9	0	16	3	0
24 Years	7	0	0	17	0	0
25 Years	7	3	23	17	8	7
26 Years	7	7	15	18	4	15
27 Years	7	11	8	19	0	22
28 Years	8	2	8	19	9	22
29 Years	8	6	0	20	6	0
30 Years	8	9	23	21	2	7
31 Years	9	0	23	21	11	7
32 Years	9	4	15	22	7	15
33 Years	9	8	8	23	3	22
34 Years	10	0	8	24	0	0
35 Years	10	3	0	24	9	0
36 Years	10	6	23	25	5	7
37 Years	10	10	15	26	1	15
38 Years	11	1	15	26	10	15

39 Years	11	5	8	27	6	22
40 Years	11	9	0	28	3	0
41 Years	12	0	0	29	0	0
42 Years	12	3	23	29	8	7
43 Years	12	7	15	30	4	15
44 Years	12	11	8	31	0	22
45 Years	13	2	8	31	9	22
46 Years	13	6	0	32	6	0
47 Years	13	9	23	33	2	7
48 Years	14	0	23	33	11	7
49 Years	14	4	15	34	7	15
50 Years	14	8	8	35	3	22
51 Years	15	0	0	36	0	0
52 Years	15	3	0	36	9	0
53 Years	15	6	23	37	5	7
54 Years	15	10	15	38	1	15
55 Years	16	1	15	38	10	15
56 Years	16	5	8	39	6	22
57 Years	16	9	0	40	3	0
58 Years	17	0	0	41	0	0
59 Years	17	3	23	41	8	7
60 Years	17	7	15	42	4	15
61 Years	17	11	8	43	0	22
62 Years	18	2	8	43	9	22
63 Years	18	6	0	44	6	0
64 Years	18	9	23	45	2	7
65 Years	19	0	23	45	11	7
66 Years	19	4	15	46	7	15
67 Years	19	8	8	47	3	22
68 Years	20	0	0	48	0	0
69 Years	20	3	0	48	9	0
70 Years	20	6	23	49	5	7
71 Years	20	10	15	50	1	15
72 Years	21	1	15	50	10	15
73 Years	21	5	8	51	6	22
74 Years	21	9	0	52	3	0
75 Years	22	0	0	53	0	0
76 Years	22	3	23	53	8	7
77 Years	22	7	15	54	4	15
78 Years	22	11	8	55	0	22
79 Years	23	2	8	55	9	22
80 Years	23	6	0	56	6	0
81 Years	23	9	23	57	2	7
82 Years	24	0	23	57	11	7
83 Years	24	4	15	58	7	15
84 Years	24	8	8	59	3	22
85 Years	25	0	0	60	0	0
86 Years	25	3	0	60	9	0
87 Years	25	6	23	61	5	7
88 Years	25	10	15	62	1	15
89 Years	26	1	15	62	10	15
90 Years	26	5	8	63	6	22
91 Years	26	9	0	64	3	0
92 Years	27	0	0	65	0	0
93 Years	27	3	23	65	8	7
94 Years	27	7	15	66	4	15
95 Years	27	11	8	67	0	22
96 Years	28	2	8	67	9	22
97 Years	28	6	0	68	6	0
98 Years	28	9	23	69	2	7
99 Years	29	0	23	69	11	7
100 Years	29	4	15	70	7	15

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

(Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

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

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

(c) Application only to minimum until parole eligibility. All good time credit awards and forfeitures shall be applied only to the minimum sentence until the parole eligibility has been reached. However, meritorious good time shall be applied simultaneously to both the minimum and maximum sentence. After parole eligibility has been reached, no further good time credit of any kind shall be awarded on the minimum. After parole eligibility, all forfeitures of statutory good time credits or legislative good time credits, and all awards or forfeitures of "meritorious" good time credits, shall be applied to the maximum term of the sentence to form the conditional release date. The inmate shall be considered as proceeding toward the conditional release date following parole eligibility or hearing, subject to any order of the Kansas adult authority in passing or continuing the case.

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

(e) Records; form and manner set by secretary. Records shall be maintained in a form and manner established by internal management policy and procedure (IMPP) of the secretary. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

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

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

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

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

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

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

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

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

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

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

(c) Awarding on composite sentences using different systems before and after July, 1982. When multiple consecutive sentences are imposed on the same date, for crimes which were committed on separate dates spanning July 1, 1982, aggregated good time shall be awarded proportionately. Both old and new good time formulas shall be reflected in proportion to

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the length of the sentence for the crime committed before July 1, 1982 and for the crime committed on or after that date. This shall be done by using the old formula for crimes committed before July 1, 1982 and the new formula for crimes committed on or after July 1, 1982. At the time when the old formula good time credits would be used up if 100% of the good time credit is earned, the use of the old formula shall cease and the new formula shall be used from that point on. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-125. Good time forfeitures not restored; exceptions; limits; parole.** (a) After May 1, 1981, no good time restored. For all inmates, good time which was forfeited on and after May 1, 1981 shall not be restored at a later date. The principal administrator may request an exception in order that standards of basic fairness, equity and justice may be met. In such a case, the principal administrator shall show good cause for restoration of good time credits, in writing, to the deputy secretary for institutional services. Restoration of good time credits by exception shall be granted only upon written approval by the deputy secretary. Good time forfeited prior to the first effective date of this regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect.

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

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

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

(e) Forfeiture made by disciplinary process. Forfeiture of good time credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in K.A.R. 44-12-1 *et seq.* and 44-13-1 *et seq.* (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983

Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-126. Meritorious good time.** "Meritorious" good time credits shall be recommended to the Kansas adult authority for some meritorious act by the inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the principal administrator. The action taken by the Kansas adult authority shall be recorded in the inmate's record by the records officer at the institution. The application of these "meritorious" good time credits shall be in addition to the "statutory authorized" good time credits. For offenses committed on or after July 1, 1982, no meritorious good time shall be given. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

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

**44-6-133. Training for records staff; basis for sentence computation.** (a) The principal administrator of each facility shall ensure that any person responsible for the computation of sentences has been thoroughly trained. The records specialist shall provide the necessary training and report on satisfactory completion of that training to the principal administrator. At least one in-service training session shall be held following each legislative session for all persons designated as records officers. Records officers shall be familiar with the following statutes of the state of Kansas relating to sentence terms and computation:

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

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

(b) All computation shall be based on a 30 day month and a 360 day year except for computation of the 120 day court jurisdiction period following sentencing. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-134. Jail credit time (JC).** (a) Jail credit as basis for sentence begins date set by court. Since the court is required by statute to specify in the journal entry the sentence begins date which adjusts for jail credit, jail credit shall not be used in the sentence computation unless an authorization appears in the journal entry of judgment form. When only the number of days of jail credit earned is contained in the

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journal entry, the records office shall compute the sentence begins date by subtracting jail credit from the date of sentencing. The amount of jail credit shall not adjust the sentence begins date so that it falls prior to the date of commission of the offense. Jail credit shall be earned if the inmate was committed to the state hospital prior to sentencing on the current conviction. Jail credit shall not be earned for time spent on supervised probation unless the current sentence is consecutive to another, or unless probation time is spent in jail, since credit on the current sentence is already given for released time spent on probation or parole as required by statute.

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

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

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

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

(f) If the sheriff can verify jail time, but the journal entry does not order credit for jail time, credit for the jail time shall not be given without a nunc pro tunc order. The judge and county or district attorney shall be contacted to obtain such an order to correct the sentence begins date. The time verified by the sheriff shall be provided to the judge and county or district attorney. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

**44-6-135. Prior penal credit (PPC).** Prior penal credit shall be computed and applied by department of corrections' personnel. To compute prior penal credit, the sentence imposition date shall be subtracted from the date of the final disposition of the court by release on probation, appeal bond, or vacating of the sentence. Pre-sentence evaluation time at state reception and diagnostic center shall not be considered as prior penal credit, but shall be considered jail credit. Computations of prior penal credit shall be subject to the provisions of K.A.R. 44-6-134, 44-6-136, 44-6-137, and 44-6-138. (Authorized by K.S.A. 75-5251, K.S.A. 1982 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1982 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

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

(b) Delinquent time lost on parole shall only accumulate during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on parole. Credit shall therefore be allowed for any time spent in jail awaiting disposition on revocation hearings.

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

(d) The arresting officer shall endorse, on the back of the parole violation warrant or the arrest and detain order, the date of service, arrest and incarceration. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-137. Time lost on escape.** Time lost on escape shall be calculated by subtracting the date of escape from the date of apprehension on the Kansas charge regardless of whether the inmate is in or out of the state. The result of this computation shall be added to the minimum date, the parole eligibility date, maximum date, and conditional release date. If the time of apprehension in the other state is not able to be determined, the date of delivery into Kansas custody shall be used. A good faith effort shall be made to determine the time of apprehension. If time held on the Kansas warrant in the other jurisdiction includes time served for a charge or conviction in the other jurisdiction, the time of delivery into Kansas

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custody shall be used as the point at which the lost escape time stops. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

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

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

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

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

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

(f)(1) When a sentence for a crime committed on or after July 1, 1983 is to be consecutive to some previously imposed sentence, the aggregated minimums

and maximums shall be computed and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole or conditional release, no credit for time spent on that probation, parole or conditional release shall be given in computations for the aggregate sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

**44-6-139. Reserved.**

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

(b) Concurrent minimums only applied to sentences not parole eligible yet. The controlling minimum date for inmates readmitted with new concurrent sentences shall be computed only for sentences on which parole eligibility has not yet been achieved.

(c) Technical parole violations. The controlling minimum date of technical parole or conditional release violators shall not change from the original computation on which parole eligibility was originally achieved. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

**44-6-140a. Controlling minimum date; for consecutive composite sentence add terms.** To obtain the controlling minimum date for consecutive sentences, the minimum terms of those sentences which are consecutive shall be added and the resulting sum of years shall be added to the sentence begins date. This date shall determine the controlling minimum date for the consecutive sentences but shall not be used to determine parole eligibility. Parole eligibility shall be separately computed according to K.A.R. 44-6-111. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

**44-6-141. Controlling maximum date.** (a) Latest conditional release sentence controls. The sentence

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with the longest period of incarceration shall be designated as the sentence controlling the maximum date. The maximum term of the sentence controlling the conditional release date shall be added to the sentence begins date to establish the controlling maximum date.

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

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

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

(e) Violator returned past conditional release without new sentence. When a conditional release violator is returned without new sentences and the conditional release date has been reached on all other sentences, the maximum term of each active sentence shall be added to each of the sentence begins dates. The sentence requiring the longest period of incarceration to reach the maximum date shall be identified as the controlling maximum date and its length of sentence shall be the controlling maximum term. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

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

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

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

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

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

(f) Consecutives; one before, one after July 1982. When two sentences are consecutive and one crime is committed before July 1, 1982, and one is on or after July 1, 1982, the term to be served to attain conditional release shall be determined by using the Kansas adult authority statutory good time tables on the old sentence and by using the new legislative good time tables for the new sentence. The two terms determined in that manner shall be added to the sentence begins date to compute the conditional release date for the composite sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

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

**44-6-144. Minimum sentence expended at parole eligibility—sentence computation.** Once the inmate has become eligible for parole, or has been given a parole hearing by the Kansas adult authority, no other parole eligibility shall be established. However, if subsequent sentences are to be served consecutively to the earlier ones, the computation of the new parole eligibility shall utilize the minimum term of the earlier sentence as part of the complete computation. The earlier minimum sentence shall not be considered as eliminated by parole and may be used when required as an element in the computation of a subsequent or composite sentence. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

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**44-6-145. Incentive good time credits.** Incentive good time credits which were authorized and applied under previous policies and regulations shall continue to be credited to the inmate's sentence and applied to the record. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984.)

#### Article 7.—PROGRAMS AND ACTIVITIES

**44-7-102. Recreation, exercise and participation in athletic activities.** (a) Each principal administrator shall promulgate orders to provide and govern athletic activities for inmates. Inmates shall be permitted to participate in available activities based on their level of physical ability, fitness and acceptable behavior. All inmates shall be provided opportunity for adequate exercise to maintain physical and mental health.

(b) Recreational programs and activities shall be guided by the following:

(1) Inmates confined in disciplinary or administrative segregation shall be allowed to have exercise in accordance with K.A.R. 44-14-101(o).

(2) To the extent practical, each principal administrator shall establish recreational programs, including leisure time activities, compatible with the varying interests, activities, and physical and psychological needs of the inmates.

(3) Under certain conditions, recreational activities may be considered as a program task to be incorporated in an inmate's program plan.

(c) Any athletic competition in the institution or facility shall be conducted in accordance with the following guidelines: (1) Institution or facility personnel shall not compete in athletic programs with inmates, but may serve as instructors or coaches if they are competent and qualified.

(2) Competition between inmate teams and outside teams held within an institution or facility shall be at the discretion of the principal administrator. Such competition shall not interfere with work or training programs and shall not be open to public spectators without the prior approval of the secretary of corrections or the secretary's designee. A limited number of athletic events may be held outside the institution or facility annually. These events shall take place within the state of Kansas, and shall be held only with the principal administrator's approval and with prior approval of the secretary of corrections or the secretary's designee. Travel subsistence and fee costs associated with outside athletic events shall be paid from the inmate benefit fund.

(3) Inmate athletes shall not be afforded any special privileges or change in work assignments in order to participate in athletic events.

(4) Athletic equipment, including any trophies or prizes awarded, may be purchased with money from the inmate benefit fund if not provided in the regular budget.

(5) The principal administrator shall not permit any

games or contests which involve heavy bodily contact with great risk of injury, particularly football and boxing.

(6) Institution or facility personnel shall take every reasonable precaution to prevent injuries to inmate participants.

(d) The principal administrator of each institution or facility shall designate one or more employees to be responsible for and supervise all recreational programs.

(e) Equipment and facilities which are utilized for planned recreational activities shall be maintained in good condition and shall be suitable for these activities. (Authorized by and implementing K.S.A. 75-5201, 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-7-106. Incentive pay and inmate job assignments.** (a) The principal administrator of each institution or facility shall direct inmates to participate in work programs, as available, to acquire and exercise vocational skills and to develop acceptable work habits, job-related attitudes, and self-confidence while producing needed goods or services. Inmates shall be assigned to jobs in the institutions or facilities as aides, or as part of work details or maintenance crews.

(b) As much as possible, inmate participation in institutional jobs or correctional industries shall be on a 40 hour work week schedule.

(c) Institutional or facility work assignments shall be divided into four classifications, according to the nature and function of the job, as follows:

- (1) Skilled;
- (2) semi-skilled;
- (3) unskilled; and
- (4) student.

(d) In the Kansas state penitentiary, Kansas state industrial reformatory, and the Kansas correctional institution at Lansing, the job classification shall be distributed so that the number of jobs in each category approximates the percentages of the total number of inmates in each skill level in the population of the institution. Those percentages shall be established from time to time, by the secretary of corrections, by internal management policy and procedure (IMPP).

(e) Any inmate may be moved from one job classification to any other classification, and may be paid incentive pay commensurate with that classification. Such a decision shall be based upon the unit team's recommendation and judgment of the inmate's performance and shall follow consultation with the supervisor.

(f) Evaluation of inmate performance in institutional jobs or industries shall be considered a major indicator of progress toward fulfillment of the program plan. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5211; effective May 1, 1980; amended May 1, 1984.)

**44-7-107. Volunteer services and the criteria for volunteers.** (a) Each principal administrator shall establish a program of volunteer services by citizens to provide inmates with the opportunity of expanding

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and developing the scope of their relationships with diverse groups of individuals. Admission of each volunteer shall be subject to approval by the principal administrator on a continuous basis.

(b) Any individual interested in becoming a volunteer shall contact the principal administrator or designee of the correctional institution or facility to obtain and complete a volunteer application form.

(c) Each principal administrator shall designate a staff member to be responsible for the coordination of the volunteer program including interviewing potential volunteers, and screening, training, and orientation of volunteers.

(1) The screening process for volunteers shall include fingerprinting, photographing and security clearance.

(2) The training of volunteers shall include a thorough briefing on all relevant principal administrator's orders, and secretary of corrections' rules and regulations, and the exact procedures the volunteer is to follow in order to enter the institution or facility.

(3) The orientation process for volunteers shall include specific information on the volunteer program with special emphasis placed on the guidelines and techniques to be followed for counseling the inmates. The department's "volunteer information guidelines" and assignments to specific areas in the institution or facility shall be distributed to each volunteer. Violation of any order, regulation or procedure or any statute may result in a barring of the volunteer from the institution or facility, and impossible criminal prosecution.

(4) No volunteer shall be admitted to a correctional institution or facility without prior authorization and display of two forms of identification, one of which shall contain a photograph.

(5) The principal administrator shall be responsible for notifying the other institutions and facilities, and the secretary of corrections, of any volunteer or volunteers who have been barred from the institution or facility. This notice shall cite the reason or reasons for barring the individual or individuals and shall be given within seven days from the date of action. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1984.)

**44-7-108. Private non-prison employment.** (a) The principal administrator of any facility designated by the secretary for such a program shall establish a program whereby inmates having a minimum or medium custody classification may work at paid employment for a private industry or other business approved by the secretary. The program shall be referred to as private, non-prison employment. The program shall be distinct from any program of employment of inmates by a private business which is leasing space on the premises of the correctional facility. No inmate shall be engaged in the private, non-prison employment program unless minimum wage is paid. Minimum wage shall be state minimum wage unless federal contracts are involved. If federal contracts are

involved, minimum wage shall be the higher of the federal or state minimum wage.

(b) All employees of private, non-prison program businesses shall be part of and paid by that business. Security guards necessary for inmate workers shall be part of and paid by the correctional facility. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5211; effective May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

#### Article 8.—WORK RELEASE

**44-8-102. Work release participation.** (a) Regulations on work release may be explained and interpreted in secretary of corrections' internal management policies and procedures (IMPP) and the inmate shall refer to them before reliance upon any specific provision of these work release regulations.

(b) Each participant in the work release program shall:

(1) Actively seek and maintain full time gainful employment;

(2) participate in any counseling, education, or other self-help programs and activities recommended in the inmate's program plan by the secretary of corrections, the Kansas adult authority, or the facility staff;

(3) comply with all program regulations and general orders of the facility to which the inmate is assigned; and

(4) remain within the limits of confinement.

(c) A per diem rate established by the secretary of corrections for each day in the program shall be charged to the participants for food and lodging. This per diem shall be returned to the funding source, for participants of state operated facilities, or shall be paid to the local governmental correctional centers, private facilities, or halfway houses in which the participant is housed. Transportation costs shall be charged against a participant, at the rate established by the secretary of administration pursuant to K.S.A. 75-3203, after the participant has begun full time employment. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5267; effective, May 1, 1980; amended, May 1, 1984.)

**44-8-114. Eligibility and selection requirements for work release.** (a) Participants shall be selected on the basis of the applicant's need and at the discretion of the deputy secretary for community services or the deputy secretary's designee.

(b) Participation in the program shall be voluntary.

(c) Each applicant shall have satisfactorily completed at least 30 days in minimum custody before becoming eligible.

(d) Each applicant shall be required to have demonstrated satisfactory adjustment while incarcerated. Any inmate who committed serious rule violations, who has a history of assaultive behavior for violent crimes, emotional or mental health problems, with past involvement in organized criminal activities, or who, in the opinion of the reviewers, would be a risk

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to public safety or a discredit to the work release program may be excluded.

(e) Preference shall be given to residents of the state of Kansas.

(f) Each applicant's physical condition shall be sufficient to allow the applicant to acquire and maintain employment.

(g) Applications shall be accepted from inmates who are within 10 months of the earliest projected parole hearing. Entry into the program shall be restricted to a period within eight months prior to the earliest projected parole hearing. Participants may be required to remain in the program a minimum of three months.

(h) Inmates shall initiate the request for application to work release by contacting their unit team. The principal administrator may disapprove the work release application. The secretary of corrections or the secretary's designee shall make the final decision regarding approval or disapproval.

(i) Criteria for eligibility may be explained and interpreted in the secretary of corrections' internal management policy and procedure 15-101. Inmates shall refer to these for full information. Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5267; effective May 1, 1980; amended May 1, 1984.)

#### Article 9.—PAROLE

**44-9-103. Parole supervision.** (a) Conditions of parole, as established by the Kansas adult authority, shall be explained to the parolee and shall be enforced by the parole officer. After receiving the approval of the parole supervisor, any parole officer may request imposition of a special condition if, at any time during the supervision period, the parole officer determines that the client, or the community, would best be served by the addition of a special condition. A case report requesting the addition of such a condition shall be submitted by the parole officer to the Kansas adult authority through the parole services administrator. If the Kansas adult authority approves the special condition, the condition shall be prepared in writing, explained to the parolee, and a copy shall be forwarded to the parole services administrator for inclusion in the parolee file. In unusual circumstances, the parole officer may impose a special condition of parole without first receiving prior approval of the Kansas adult authority, if failing to take immediate action would place the parolee, the community, or both in danger. The parole officer shall not modify any condition of parole established by the Kansas adult authority without authorization from the Kansas adult authority.

(b) Assessment of risk and needs. The category and level of supervision under which the parolee will be supervised shall be determined by the score received on the risk and needs assessment form, in accordance with secretary of corrections internal management policy and procedure (IMPP) 014-101, unless an override is approved by the parole supervisor to

change the level of supervision. Reassessment of risk and needs for the parolee shall be completed at six month intervals, or when exceptional circumstances arise. (Authorized by K.S.A. 75-5251; implementing, K.S.A. 1983 Supp. 75-5210, 75-5215, 75-5217; effective, May 1, 1980; amended, May 1, 1984.)

**44-9-104. Categories of supervision.** (a) Intensive supervision shall require a minimum of two personal contacts per month with the client and one collateral contact each month. Personal contacts shall be at least two weeks apart, unless activity in the case requires additional contact.

(b) Regular supervision shall mean a minimum of one client field or office contact and one collateral contact per month, unless activity in the case requires additional contact.

(c) Reduced supervision.

(1) Reduced supervision I requires a minimum of one field contact and one collateral field contact each quarter.

(2) Reduced supervision II requires a minimum of one client field contact and one collateral field contact each six months.

(3) Reduced supervision III requires a minimum of one positive client contact and one collateral field contact each year. (Authorized by K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 75-5210, 75-5215, 75-5217; effective, May 1, 1980; amended, May 1, 1984.)

#### Article 11.—COMMUNITY CORRECTIONS

**44-11-111. Definitions.** (a) The term "secretary" means the secretary of corrections.

(b) The term "planning unit" means any county or group of cooperating counties that has established a local corrections advisory board for the purpose of developing a comprehensive plan.

(c) The term "comprehensive plan" means the working document developed annually by a local corrections advisory board setting forth the objectives and programs planned for a local community corrections system.

(d) The term "corrections advisory board" means a board established by a board or boards of county commissioners in a planning unit to develop and oversee a comprehensive plan.

(e) The term "community corrections system" means the structure that exists or is proposed to exist within a planning unit to deliver the community corrections services outlined in a comprehensive plan.

(f) The term "program" means a community corrections activity directed by a public or private agency to deliver services to victims, offenders, or the community.

(g) The term "community corrections grant funds" means funds made available to a planning unit by the department of corrections, pursuant to the Kansas community corrections act (K.S.A. 1982 Supp. 75-5290 *et seq.*).

(h) The term "chargeback" means the charge assessed against a planning unit for certain adults and

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juveniles that are committed to certain state institutions, as specified in K.S.A. 1982 Supp. 75-52,104.

(i) The term "grant year" means the year covered in an annual comprehensive plan. This year will begin at the start of a calendar year.

(j) The term "budget" means the total amount of money to be assigned to a program and amounts of money to be assigned to specific categories designated by the department of corrections. (Authorized by and implementing K.S.A. 1983 Supp. 75-5294; effective, May 1, 1981; amended, May 1, 1984.)

**44-11-114. Comprehensive plan; corrections program.** Each comprehensive plan shall describe the programs proposed to meet the primary correctional needs identified by the corrections advisory board. The program descriptions shall include:

- (a) Measurable service objectives;
- (b) type of service to be provided;
- (c) target group to be served, including characteristics and numbers;
- (d) number and function of staff; and
- (e) budget. (Authorized by K.S.A. 1982 Supp. 75-5294; implementing K.S.A. 1983 Supp. 75-5292(b), 75-52,102(a); effective, May 1, 1981; amended, May 1, 1984.)

**44-11-117.** (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-5296(b); effective May 1, 1981; revoked May 1, 1984.)

**44-11-118.** (Authorized by K.S.A. 1980 Supp. 75-5294; implementing K.S.A. 1980 Supp. 75-5296(b); effective May 1, 1981; revoked May 1, 1984.)

**44-11-125. Chargebacks; deductions from grant.** (a) Chargebacks for calendar quarters shall be computed by the department of corrections at the close of the quarter and subtracted from a subsequent quarterly grant payment to the planning unit.

(b) For commitments for the offense of aggravated juvenile delinquency, the chargebacks shall be assessed against the county from which the juvenile was originally committed. (Authorized by K.S.A. 1983 Supp. 75-5294; implementing K.S.A. 1983 Supp. 75-52,104, 75-52,105; effective May 1, 1981; amended T-84-6, March 29, 1983; amended May 1, 1984.)

**44-11-128. Transfer to calendar year.** Grant years of planning units may be adjusted to coincide with the calendar year. (a) To make that adjustment, a planning unit may lengthen or reduce by up to two quarters the period of time to which the comprehensive plan applies in the year of adjustment.

(b) Planning units making such an adjustment shall continue to progress in their percentage increase according to K.S.A. 1982 Supp. 75-52,101(h) as if they had not made the adjustment. The increases in percentage of the grant to which they are entitled shall continue to proceed by 12 month incremental periods based on the starting date of the first year plan.

(c) Comprehensive plans of those planning units that are adjusting to the calendar year by reducing the period of time to which the comprehensive plan applies shall be submitted to the department 30 days before the beginning of the calendar year.

(d) Requests by planning units to adjust to the calendar year by lengthening the period of time to which the latest comprehensive plan applies shall be submitted to the department 30 days before the end of the year to which the latest comprehensive plan applies. These requests shall be accompanied by a budget for the quarters to be added to the period covered by the comprehensive plan. (Authorized by and implementing K.S.A. 1983 Supp. 75-5296 and 75-52,105; effective May 1, 1984.)

## Article 12.—CONDUCT AND PENALTIES

### DEPARTMENT, VIOLENCE, DISRUPTIVE BEHAVIOR AND RIOT

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

(b) When writing a disciplinary report bringing the charge, when writing the investigation report and, if used, when writing the officer's statement in lieu of testimony, the writer shall state the specific circumstances surrounding the charge. The precise conduct which was the subject of the order shall be included. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-1, Jan. 5, 1983; amended, May 1, 1984.)

**44-12-306. Threatening or intimidating any person.** (a) No inmate shall, for any reason, threaten or intimidate, either directly or indirectly:

- (1) Any employee of the department of corrections or any of its facilities;
- (2) any employee of any contractor;
- (3) any state official, volunteer, or person on the premise or functioning as part of the correctional program or criminal justice system;
- (4) any official visitor. This rule shall specifically prohibit even conditional threats or intimidation. Violation of section (a) of this rule shall be a class I offense.

(b) A civilized warning by the inmate that the inmate may properly use legal process to enforce rights or redress wrongs, including use of the inmate grievance procedure, shall not be considered a violation of this rule. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984.)

**44-12-314. Sodomy.** No inmate, while on premises of a correctional or contract facility, shall commit or induce others to commit an act of sodomy, even with the consent of both parties. Participation in such an act shall be prohibited. Sodomy is defined in K.S.A. 21-3501. Violation shall be a class I offense. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1984.)

**44-12-316. Aggravated sodomy or aggravated sex-**

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ual act. No inmate shall force, or intimidate another person, or solicit or arrange for another person to apply force or intimidation to another person, in order to commit any kind of sexual act or sodomy. No inmate shall participate in any scheme or arrangement to force or intimidate another person to commit any sexual act. Aggravated sodomy is defined in K.S.A. 21-3506.

Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1984.)

**44-12-326. Sexual activity.** No inmate shall engage in sexual intercourse with any other inmate, staff member of visitor. Violation shall be a class I offense. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective T-84-32, Nov. 23, 1983; effective May 1, 1984.)

#### INMATE WRITING AND OTHER INMATE COMMUNICATIONS OR PUBLICATIONS

##### **44-12-601. Mail.** (a) Definitions.

(1) Legal mail means mail which effects the inmate's right of access to the courts or legal counsel. It includes letters between the inmate and the inmate's lawyer, a judge, a clerk of a court, any lawyer, or any intern or employee of legal services for prisoners.

(2) Official mail means any mail to an official of the state or federal government who has authority to control, or to obtain or conduct an investigation of, the custody or conditions of confinement of the inmate.

(3) Privileged mail means any mail between the inmate and the inmate's doctor.

(4) Censor means to remove or change any part or all of the correspondence or literature.

(5) Read means to read the contents of correspondence or literature to ascertain the content.

(6) Inspect means to open, shake out, look through, feel or otherwise check for contraband without reading or censoring.

(b) Inmates shall comply with the mail procedures and restrictions established by the order of the institution director or facility supervisor. Failure to comply with mail procedures or restrictions, or circumventing or attempting to circumvent mail procedures or restrictions by any means, shall be prohibited. Any delivery of mail through an employee, volunteer, teacher, or any other person who is not authorized to perform functions related to the established mail handling system shall be prohibited.

(c) Contraband. Items identified as contraband items shall be removed from any incoming mail and returned at state expense to the sender. The mail officer shall give the inmate written notification of this action. The notice shall include a list of the items returned, the date, and the name of the sender to whom they were returned. Items which are illegal under Kansas or U.S. law shall be seized and held as evidence for other law enforcement officers.

(d) Direct communication with officials. Outgoing official or legal mail sent by any inmate shall not be

opened. However, if any inmate threatens or terrorizes any person through such mail, subsequent mail including official or legal mail, from the inmate to the person threatened or terrorized may, at the request of that person, be read and censored for a time period and to the extent necessary to remedy the abuse.

(e) Incoming mail which is clearly identified as legal, official, or privileged mail shall be opened only in the inmate's presence. Such mail shall be inspected for contraband but shall not be read or censored.

(f) Violation of mail regulations of the department of corrections, orders of the principal administrator, or the laws of Kansas or the United States may result in an investigation. Additional mail restrictions, sufficient to prevent the continuation or reoccurrence of the violation, may be placed upon the offender.

(g) Incoming or outgoing privileged mail shall not be censored or read unless a previous abuse of the right, or other good cause, is shown and documented.

(h) Funds sent to inmates shall be in the form of a money order, a cashier's check, or a certified check.

(i) All incoming or outgoing mail, other than legal, official or privileged mail, may be inspected at any time. Such mail may be read and censored only when there is a reasonable belief that there is a threat to institutional safety, order or security, or to the safety and security of public officials or the general public, or when there is reasonable belief the mail is being used in furtherance of illegal activities. Such mail may also be censored if it is obscene and the addressee, or the responsible parent or guardian of an addressee who is a minor, has filed with the principal administrator a written complaint regarding previous correspondence and a request that future correspondence be stopped.

(j) In the event of any censorship of a communication to or from an inmate, the following procedures shall be conducted:

(1) The inmate shall be given a written notice of the censorship and the reason therefore without disclosing the censored material.

(2) The inmate shall be given the name and address of the sender of incoming mail or the addressee of outgoing mail and the date the item was received in the mail room.

(3) The author of that letter shall be given a reasonable opportunity to protest that decision.

(4) Complaints shall be referred to a prison official other than the person who originally disapproved the correspondence.

(k) Incoming bulk mail shall not be delivered unless each piece is individually addressed to the inmate by conviction name.

(l) Outgoing letters, first class, may be sent to as many people and to whomever the inmate chooses.

(m) Outgoing mail shall bear the full conviction name and address of the sender.

(n) The facility shall provide free writing paper and envelopes to all inmates in a reasonable amount. Inmates may also purchase stationery from the inmate canteen. The facility shall pay postage for the initial two pieces of first class domestic mail weighing one ounce or less each, per week, for each individual

(continued)



inmate. Any such domestic mail in excess of two pieces per week shall be paid by the inmate. All postage for legal and official mail shall be paid by the institution or facility. The facility shall not pay postage for (inmate) groups or organizations.

(o) Inmates may not correspond with any minor whose parent or guardian has filed a written objection to the correspondence with the institution director or facility supervisor. The inmate shall be notified of the objection when it is received, but need not be informed of the exact contents of the objection.

(p) Publications.

(1) Inmates may receive books, newspapers, and periodicals except that inmates at the reception center for evaluation purposes may receive newspaper publications only.

(2) The procedures for censorship of mail listed in subsection (j) of this regulation shall be used for censorship of publications.

(3) Inmates shall have the option of mailing censored publications out of the facility at their own expense, or discarding them.

(4) Publications which are obscene or otherwise illegal, or which meet the test for censorship of mail in subsection (i) of this regulation, shall not be allowed into the facility.

(5) On transfer between institutions or facilities, the inmate shall arrange change of address for newspapers and periodicals.

(q) Packages. A procedure for the handling of packages, both incoming and outgoing, shall be established by order of the principal administrator. This procedure shall be consistent with other rules and policies.

(r) Violation of this regulation shall be a class II offense. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

#### ATTEMPT, CONSPIRACY AND ACCESSORY TO COMMISSION OF OFFENSE

**44-12-1101. Attempt, conspiracy and accessory.** Any attempt or conspiracy to violate any rule, or acting as an accessory for any offense, shall carry the same penalty as the offense itself. The specific rule which is the basis of the attempt, conspiracy or accessory shall be stated and described in the disciplinary report.

(a) Attempt.

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

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

(b) Conspiracy.

(1) A conspiracy is an agreement with another person to commit an offense or to assist in committing an offense. No inmate may be convicted of a conspiracy unless an overt act furthering that conspiracy is al-

leged and proved to have been committed by the inmate, or by a co-conspirator.

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

(c) Accessory to an offense. Aiding an offender or one charged with an offense is knowingly harboring, concealing, or aiding any inmate who has committed an offense, or one who has been charged with an offense, with intent that such inmate shall avoid or escape from apprehension, disciplinary hearing, conviction, or punishment for such offense. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended T-83-23, Aug. 11, 1982; amended T-84-6, May 1, 1983; amended May 1, 1984.)

#### INCREASED PENALTIES

**44-12-1201. Increased penalty for involving one under 18.** If any inmate who is 18 years of age or older involves, induces or solicits an inmate who is less than 18 to commit an offense, the older inmate may be subject to a penalty which is double the penalty established for the offense under these regulations. A finding that the older inmate is guilty of the same offense committed by the younger inmate shall not be required. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984.)

#### CLASSIFICATION OF OFFENSES AND PENALTIES

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

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

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

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

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

(1) Disciplinary segregation, not to exceed 90 days;

(2) loss of "good time credits," not to exceed 6 months;

(3) extra work for up to two hours per day, not to exceed 30 days;

(4) restriction to inmate's own cell, not to exceed a period of 10 days;

(5) restriction from privileges, not to exceed 60 days;

(6) fine, not to exceed \$20.00;

(7) restitution; or

(8) an oral or written reprimand, including officially criticizing the inmate's behavior, admonishing the inmate regarding the violation and warning against repeating the behavior. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11,

(continued)

1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

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

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

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

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

(1) Disciplinary segregation, not to exceed 15 days;

(2) loss of good time credits, not to exceed three months;

(3) extra work for up to two hours per day, not to exceed 20 days;

(4) restriction to inmate's own cell for a period, not to exceed seven days;

(5) restriction from privileges, not to exceed 30 days;

(6) fine, not to exceed \$15.00;

(7) restitution; or

(8) an oral or written reprimand, including criticizing the inmate's behavior, admonishing the inmate regarding the violation and warning against repeating the behavior. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

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

(1) Restriction to inmate's own cell for a period not to exceed three days;

(2) restriction from privileges for period not to exceed 20 days;

(3) extra work for not more than two hours per day for a period not to exceed 10 days;

(4) fine, not to exceed \$10.00;

(5) restitution; or

(6) an oral or written reprimand, including officially criticizing the inmate's behavior, admonishing the inmate on the violation and warning against repeating the behavior. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

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

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

(b) The penalty for class IV offenses may be any, all or any combination of the following:

(1) Restriction from privileges for a period not to exceed 10 days;

(2) extra work for up to two hours per day for a period not to exceed five days;

(3) restitution;

(4) fine, not to exceed \$5.00; or

(5) an oral or written reprimand, including officially criticizing the inmate's behavior, admonishing the inmate on the violation and warning against repeating the behavior. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-12-1307. Fines imposition and collection; limits.** (a) In imposing and collecting fines, the disciplinary board or hearing officer and the principal administrator shall consider certain factors in determining the fairness and appropriateness of both the use and amount of the fine. These factors shall be as follows:

(1) The amount of funds the inmate has in the institution account;

(2) the history of the account with respect to level of income and expenditures;

(3) the inmate's ability to purchase basic hygiene and comfort items;

(4) the possibility of installment payments of the fine;

(5) any other fine currently assessed or to be assessed which might accumulate;

(6) outstanding or pending restitution requirements;

(7) family support payments;

(8) history of fines or restitution for this inmate;

(9) grants, gifts, social security, inheritance or other significant income or prospective income; and

(10) recent transfers of funds outside the institution for matters unrelated to family support.

(b) Fines shall be fairly and appropriately used. Fines shall not be used excessively, repetitively or in a cumulative manner. Fines shall not be used in such a way as to disrupt family support payments, tax payments, or to leave the inmate without sufficient money to buy basic hygiene and comfort necessities at any time for more than four consecutive days unless the items are provided to the inmate by the state. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

## Article 13.—DISCIPLINARY PROCEDURE

### PROCEDURE GENERALLY

**44-13-101. Disciplinary procedure established,**

(continued)

**general description of system.** (a) The principal administrator of each institution or facility shall establish a disciplinary procedure in accordance with these regulations.

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

(c) The contract work release centers shall not be required to use this disciplinary procedure but may use:

(1) The disciplinary procedures established by the United States bureau of prisons and amendments thereto; or

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

(d) Subject to the limitations and guidelines set out in these regulations and subject to the control of the hearing officer or board chairperson exercised within the parameters of the law and these regulations, the inmate shall be entitled:

(1) To receive advance written notice of the charge and a fair hearing by an impartial hearing body;

(2) to be present at the hearing;

(3) to present documentary evidence;

(4) to testify on the inmate's own behalf;

(5) to have witnesses called to testify on the inmate's behalf;

(6) to confront and cross examine witnesses against the inmate; and

(7) to representation by counsel or counsel substitute in certain serious cases.

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

(f) When an inmate allegedly commits an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency to be considered for prosecution unless the prosecutor provides a written statement requesting that certain types or classes of crimes not be reported, or requesting that no report be made. (See also KAR 44-13-103.)

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

(h) The disciplinary hearing process shall be structured as follows:

(1) Part I, which is the first hearing, shall include the explanation of the charge and the disciplinary process, and the taking of the plea; and

(2) Part II, which is the final hearing, shall consist of:

(A) Stage A, the fact finding needed to determine guilt or innocence; and

(B) Stage B, the disposition.

(i) At the first hearing, the inmate shall be advised of the nature of the offense and the nature and extent of the possible consequent discipline, the nature of the disciplinary process and the inmate's rights thereunder. In addition, a plea shall be taken from the

inmate at the first hearing. If a plea of guilty or no contest is entered during the first hearing, stage A of the final hearing shall not be required to be conducted in full. In lieu of stage A of the hearing, a finding of guilt may be recorded and the process shall go to final hearing, stage B for disposition. In these cases, stage B may be conducted along with the first hearing. If a plea of not guilty or no plea at all is entered, the process shall go to final hearing, stage A for the finding of guilt or innocence.

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

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

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

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

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

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

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

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

(p) In class I and II offense cases, following an administrative review of the record and any needed adjustments of the disposition by the principal administrator, the inmate may appeal the case to the secretary of corrections on the record. In class III offense cases, an appeal may be made to the principal administrator on the record following an initial review of the record by some person within the facility other than the principal administrator. No appeal to the secretary of corrections shall be permitted.

(q) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or any portion of it to the principal administrator of another Kansas state correctional facility for good cause shown and if justice and fairness will not thereby be infringed. An assignment or dele-

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gation shall not be made except by the secretary of corrections or by the principal administrator with the secretary of corrections' written approval. This restriction shall not prohibit hearings at a receiving institution following a transfer based on a classification decision in the sending institution where the offense occurred in the sending institution (see K.A.R. 44-13-507). (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-101a. Waiver of rights.** (a) The inmate shall be permitted to voluntarily waive the right to any time limit or process afforded by these disciplinary procedure regulations, K.A.R. chapter 44, article 13. The waiver shall be in writing and state with specificity the particular time limit or process being waived. The waiver shall be made in the form and manner approved or prescribed by the secretary of corrections and shall be witnessed by two impartial correctional employees. It shall be signed by the inmate and the board chairperson or hearing officer.

(b) The inmate shall be informed of the nature of the time limit or process being waived and of the impact and consequence of the waiver.

(c) The inmate shall be questioned by board chairperson or hearing officer prior to accepting the waiver to determine if it is knowingly and voluntarily made. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

**44-13-102.** (Authorized by K.S.A. 1980 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; revoked, T-83-23, Aug. 11, 1982; revoked, T-84-6, May 1, 1983; revoked, May 1, 1984.)

**44-13-103. Prosecution by outside agency.** (a) When an inmate allegedly commits an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency for consideration for prosecution unless the prosecutor provides a written statement requesting that certain types or classes of crimes not be reported, or requesting that no report be made.

(b) Notification for prosecution by outside agency shall not preclude a disciplinary charge and proceeding by the correctional facility for the rule infraction arising from the same facts. The disciplinary board may proceed or continue the case to await the outcome of the prosecution by the law enforcement agency. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1984.)

**44-13-104. Contract work release centers use federal disciplinary procedures.** (a) In any work release center operated on contract with the department, the facility administrator, may, in the administrator's discretion, use either the department of corrections' rules of disciplinary procedure or may use any other disciplinary procedure approved by the secretary of corrections which meets requirements of the United States constitution. Such procedures shall be submit-

ted to the secretary of corrections in writing for approval prior to use for department of corrections inmates.

(b) All inmates entering the work release program shall be notified at the time of application that the disciplinary program used in the work release center may be different from that used by the department of corrections and its other facilities. Upon admission to a work release center, a copy of the disciplinary procedure used at the center shall be provided to each inmate. This section shall be applicable to all sections of this article. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984.)

**44-13-105. The disciplinary administrator.** The principal administrator of each facility shall appoint a disciplinary administrator to manage the disciplinary process for the entire facility. The principal administrator may designate any suitable employee to carry out this task on a continuing basis. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, T-83-23, Aug. 11, 1982; effective, T-84-6, May 1, 1983; effective, May 1, 1984.)

**44-13-106 through 114 inclusive. Reserved.**

**44-13-115. Time limits; extensions.** Time limits established for the disciplinary process shall be complied with. Reasonable extensions may be made, after obtaining prior approval of the secretary of corrections or the secretary's designee, in the case of a substantial disruption of order in the facility or where the inmate has been transferred to another location. The facts justifying an extension shall be examined and fully documented and approved personally by the principal administrator. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1984.)

#### COMMENCEMENT OF PROCEEDINGS

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

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

(b) The disciplinary report shall be written within 48 hours of the offense, the discovery of the offense, or the determination following an investigation that the inmate is the suspect in the case and is to be named as defendant. The investigation shall be completed as soon as possible under the existing circumstances. If necessary, pending completion of the investigation,

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the inmate may be held in administrative segregation for a certain period pursuant to K.A.R. 44-14-302(b). The report shall be reviewed and approved or disapproved by the shift supervisor based on whether or not the report is sound, adequate and made in proper manner and form. If the charge is dismissed, or the report is otherwise rejected by the shift supervisor, a written explanation shall be made in the record and filed with the report, with a copy given to the officer. The report shall not be destroyed.

(c) The disciplinary report shall constitute a formal statement of the charge and shall be in a form prescribed by the secretary and shall include:

- (1) The name and number of the inmate;
- (2) the institution;
- (3) the signature and title of the writing officer;
- (4) the date and time of the alleged offense;
- (5) the date and time the report is written;
- (6) the nature of the alleged offense;
- (7) the class, title and number of the rule violated;
- (8) the specific rule which is the basis of an attempt, conspiracy or accessory under K.A.R. 44-12-1101;
- (9) the names of known witnesses;
- (10) a brief description of the circumstances and facts of the violation;
- (11) any unusual inmate behavior;
- (12) disposition of any physical evidence; and
- (13) any immediate action taken, including the use of force.

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

(e) If the offending conduct observed is a class II, III, or IV offense, the officer may orally warn or reprimand the inmate instead of writing a report. The oral warning or reprimand shall include officially criticizing the inmate's conduct, notifying the inmate of the violation and cautioning that it shall be discontinued and not repeated. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended T-83-23, Aug. 11, 1982; amended T-84-6, May 1, 1983; amended May 1, 1984.)

#### NATURE OF PROCEEDINGS

**44-13-301. Disciplinary board in class I offense cases.** (a) For the final hearing in all class I offense cases, an impartial board shall be appointed by the principal administrator.

(1) A three member board shall be appointed at the following institutions:

- (A) Kansas state penitentiary;
- (B) Kansas correctional institution at Lansing;
- (C) Kansas correctional vocational training center;
- (D) Kansas state industrial reformatory; and
- (E) State reception and diagnostic center;

(2) A two or three member board, as designated by the principal administrator, shall be appointed at the following institutions or facilities:

- (A) All honor camps; and
- (B) all department operated work release centers.

(b) The board shall be selected from the following:

(1) Security personnel who have at least two years prior service, which may be waived in writing by the

secretary of corrections, and who have completed required training; and

(2) treatment, counseling, programs, or classification personnel.

(c) The board, to the extent possible, shall not be composed entirely of personnel from the same division or section, but shall be from a mixture of divisions or sections.

(d) Any person who is the report officer, investigator, or a witness shall not be a member of the board.

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

(f) When a plea of not guilty in a class I case was entered by or on behalf of the inmate at the first hearing, the disciplinary board shall conduct both stages of the final hearing. When a plea of guilty or no contest in a class I case was entered at first hearing, either the disciplinary board or a hearing officer shall conduct the stages of the final hearing, as determined by the principal administrator or designee. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

(b) Each hearing officer shall have had experience hearing at least 10 disciplinary cases as a member of the board, except at the state reception and diagnostic center, work release centers, honor camps, and Kansas correctional vocational training center. At those facilities, substantial experience, but less than 10 cases, shall be required.

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

(d) In class II and III offense cases, the hearing officer may conduct both stage A and B of the final hearing. When a plea of guilty or no contest has been taken in class I cases at the first hearing, the hearing officer shall record a finding of guilt. Stage B may then be conducted either by the disciplinary board or by the hearing officer, as determined by the principal administrator or the administrator's designee. (See K.A.R. 44-13-405.) (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-303. Unit team as hearing board in class IV cases; nature of unit team hearing in class IV offense cases.** (a) The unit team to which the inmate is assigned shall act as a hearing board for all class IV offense cases. Whenever possible, the unit team hearing board shall consist of the unit team leader, a

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correctional counselor and a correctional officer from the unit team responsible for the inmate being disciplined.

(b) The class IV offense shall be treated as a minor offense and therefore shall have significantly less process and review in the fact finding, disposition and review procedures. It shall be conducted in accordance with K.A.R. 44-13-407 and recorded in accordance with K.A.R. 44-13-504. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

(b) The board or hearing officer may bring out the facts by direct or cross examination but the board shall not act as prosecutor to argue or persuade on behalf of the facility or charging officer against the accused inmate, nor on behalf of the inmate. However, the board may discuss the evidence presented among themselves. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-305.** (Authorized by K.S.A. 1979 Supp. 75-5210; effective May 1, 1980; revoked, May 1, 1984.)

#### HEARINGS GENERALLY

**44-13-401. Hearing within certain time.** (a) Except as otherwise provided in this section, the administrative hearing, by the disciplinary board or hearing officer of the institution, to determine the guilt or innocence and impose a penalty shall be held no less than seven nor more than 30 days from the date of the first hearing, subject to authorized continuances. The inmate may waive the seven day delay period and be heard at the next regular disciplinary session or as soon thereafter as the case can be heard.

(b) If the offense occurs while the inmate is in administrative or disciplinary segregation or while at the state reception and diagnostic center or Kansas correctional vocational training center, a work release center, or an honor camp, the disciplinary board hearing shall be held no sooner than 24 hours after service of the notice of charge.

(c) In class IV offense cases, the final hearing shall be held no earlier than 24 hours after service of the notice of charge. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984.)

**44-13-401a. Notice to inmate; time and place of**

hearing. Each inmate charged with an offense shall be given written notice of the time and place of the final hearing. This notice shall be given not less than 24 hours and not more than 10 days before the hearing. Notice shall be given by the disciplinary administrator or other responsible person designated by the principal administrator. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

**44-13-402. Continuing the hearing.** (a) In the event that the employee filing a complaint or the inmate charged is not prepared for the hearing, or if counsel is not available in those cases where counsel is allowed, one continuance of five working days, excluding Saturdays, Sundays and holidays, shall be allowed for each side upon request. In addition, one continuance of up to 15 working days, excluding Saturdays, Sundays and holidays, as requested, may be permitted to each side at the fair discretion of the hearing officer or board chairman or by the disciplinary administrator, if no board or hearing officer has yet been appointed for the case. Such continuance dates shall be recorded on the institution or facility disciplinary board log. The board may continue the case indefinitely for a reasonable period, as necessary, if:

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

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

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

(4) the inmate is transferred to state reception and diagnostic center, out to court or to a mental hospital before hearing; or

(5) the inmate is on "escape" status. At the board's discretion the case may be dismissed, or heard *in absentia* on the record, unless the inmate has been apprehended and is available at a known location for return to department of corrections custody for the hearing within six months.

(b) To obtain a continuance in advance of the hearing, the requesting party shall make the request to the chairman of the board or to the disciplinary administrator. The continuance shall be granted if it complies with the rules. If there is a hearing officer appointed for the case, the request shall be forwarded to that officer. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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

(b) At the first hearing, the presiding officer shall

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

(c) Counsel, if available pursuant to K.A.R. 44-13-408, shall be permitted to be with the inmate at the first hearing in the following cases:

(1) All class I cases;

(2) class II cases where the inmate is unable to prepare or present a defense as described in K.A.R. 44-13-408.

Counsel shall not be permitted in other kinds of cases.

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

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

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

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

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

(i) If the hearing officer finds at the first hearing that the case must be dismissed, the officer may dismiss the charge on the officer's own motion or on motion of either party. The hearing officer shall give a brief explanation on the record. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-404. Presence of inmate and presence of charging officer at first and final hearings; officer statements in lieu of testimony.** (a) The inmate shall be present at the first hearing and at all stages of the final hearing and disposition except as otherwise provided by these regulations or by law.

(b) In class I cases, the charging officer shall be present for direct examination, and for confrontation and cross examination, unless excused by the board. The board may excuse the charging officer only if it determines that institutional safety or correctional goals would be jeopardized. If not present, the of-

ficer's report and statement shall be made to the board or hearing officer in writing under oath. Copies of the report shall be provided to the inmate and it shall be read aloud at the hearing unless confidentiality is required to protect an inmate accuser, informant, or witness.

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

(d) In class III and IV cases, the officer's report and statement under oath shall be sufficient. The hearing body may, at its discretion, require the officer to be present. Telephone or radio may be used to answer questions or clarify facts. In all cases, if the charging officer requests, the hearing body shall allow the charging officer to be present. In such a case, the officer shall be present throughout and shall be subject to direct examination, confrontation and cross examination unless restricted by the hearing body according to these regulations.

(e) When the officer is not present to testify, the officer's statement under oath, along with the charge report, shall be admissible as evidence. The officer's statement under oath shall consist of the officer's rendition of all the facts of the case resulting from the charging officer's complete fact investigation. To the best of the officer's ability, it shall show all relevant and material facts which might be used to support both the facility's case against the inmate and the inmate's defense. When the officer is uncertain of a fact, the officer shall state that with respect to the fact. The charging officer may either adopt or defer under oath to any official neutral fact investigation report which might be conducted by another person or may submit the charging officer's own statement in addition to the investigation report. Confidential inmate testimony may be deleted from the statement in lieu of testimony and reported separately. The board shall call in the witness confidentially.

(f) If an alleged violation is based upon uncertain facts, an appropriate investigation shall be initiated within 24 hours of the time the allegation is made and shall be completed without unreasonable delay. The investigation shall determine whether a disciplinary action should be initiated or continue by determining whether the allegation is soundly based on reasonably reliable facts. The investigator shall be a staff member, and, where practical, shall be a staff member other than the person making the allegation. If an inmate is making the allegation, the officer receiving the allegation, and in a position to write the report, may also be the investigator.

(g) The investigation report may be adopted by the

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charging officer both as the charge itself, and as the officer's sworn statement in lieu of testimony in any case where appropriate and in accordance with the regulations. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-1, Jan. 5, 1983; amended, May 1, 1984.)

**44-13-405. Conducting the final hearing.** (a) The final hearing in the disciplinary process shall be conducted in two stages: stage A and stage B. In stage A, the board or hearing officer shall determine guilt or innocence and, in stage B, the board or hearing officer shall make a disposition, including the determination and imposition of sentence if guilt was established in stage A. Hearing officers may make a disposition only in class II and III cases and in class I cases where the plea was "guilty" or "no contest."

(b) In stage A, only the facts relevant to determination of guilt or innocence shall be considered. In stage B, the inmate's entire institution record and other relevant facts, observations and opinions may be considered. The unit team file shall be available to the board or hearing officer.

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

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

(e) The disciplinary process shall, to the extent possible, discover the truth regarding charges against the inmate. For this purpose, the chairperson shall be authorized to call and to interrogate any witness. All testimony and evidence shall be given or presented in the presence of the accused inmate; testimony or evidence shall not be received by the board or introduced by any board member outside the presence of the inmate, except as provided in (f) below, K.A.R. 44-13-403(d), 44-13-402(a)(5), 44-13-405(n), and as otherwise provided in these regulations.

(f) If the testimony of any inmate, in the judgment of the chairperson or hearing officer, will subject that inmate to possible retaliation for having testified, the chairperson may receive the testimony in confidence without confrontation or cross examination by the accused inmate and the witnesses may be sequestered. The testimony given under oath shall be examined and tested by the board or hearing officer. The chairperson shall closely question the testifying inmate to determine the veracity and weight of the testimony offered. The accused shall be apprised of the general nature of the confidential testimony, omitting those details that would tend to identify the inmate who

gave the confidential testimony. The identity of any confidential witness shall not be disclosed to the accused, to any other inmate, or to any staff not required to complete the process. The attorney, if any, shall be permitted to be present when the board receives testimony from the confidential witness, and the attorney may ask questions. The testimony shall be recorded for confidential review by the principal administrator and, on appeal, by the secretary of corrections.

(g) The chairperson may require the defendant to explain briefly what the purpose and nature of the testimony of a witness will be. The request for the witness may be denied or the testimony reasonably and fairly restricted if the testimony relates to something already disposed of, if it is clearly irrelevant or immaterial, if it is repetitious of other testimony, or for reasons specified in K.A.R. 44-13-405a. The truth of the testimony shall be presumed in making this decision.

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

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

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

(k) The board members, or hearing officer, in deciding whether or not the inmate is guilty, shall consider only the relevant testimony and report. The accused inmate's correctional and supervision record shall not be considered in determining guilt or innocence. The decision in the hearing shall be based solely on evidence presented as part of the hearing.

(l) The hearing shall proceed as follows:

(1) The prosecution shall state its case simply in summary and then the defense shall do likewise.

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

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

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

(m) If the accused inmate is disruptive or is deliberately refusing to be present, the hearing may proceed in absentia and the record shall indicate reason

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for the inmate's absence. The inmate's counsel, if available, shall be permitted to be present.

(n) Confrontation and cross examination may be denied by the hearing officer or chairperson when deemed necessary in any case except class I cases. In class I cases, it may be limited or denied when necessary to protect the safety of an accuser, informant, or witness or when necessary to maintain institutional safety, security and control. Unless a security risk is involved endangering some person, the explanation shall be in the record. If there is such a security risk, a written explanation of the reason shall be sent to the principal administrator with a copy to the secretary for confidential review.

(o) The chairperson of the board shall vote last.

(p) The board or hearing officer shall make their decisions of guilt or innocence and of disposition in private and the charging officer and accused inmate shall not remain in the room. However, if the board or hearing officer needs one or both present to provide further information to clarify facts, then both shall be present to hear what the other is saying unless exempt under subsection (f), (g), (h) or (o) above. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-405a. Calling witnesses.** (a) In determining whether to allow the inmate to call a witness from the prison population or from among prison employees, the disciplinary board or hearing officer shall balance the inmate's interest in avoiding loss of good time, assessment of a fine or placement in disciplinary segregation against the needs of the prison. These needs of the prison include:

- (1) The need to keep the hearing within reasonable time limits;
- (2) the need to prevent the creation of a risk of retaliation and reprisal;
- (3) the need to prevent the undermining of authority;
- (4) the need to limit, to a reasonable level, access to other inmates for the purpose of collecting statements or compiling documentary evidence;
- (5) the need to prevent disruption;
- (6) the need to administer swift punishment;
- (7) the need to avoid irrelevant, immaterial, or unnecessary testimony or evidence;
- (8) the need to reduce or prevent security hazards that may be presented in individual cases;
- (9) the need to use the disciplinary process as a rehabilitative tool and to modify inmate behavior;
- (10) the need to prevent the creation of undue risk to personal or institutional safety;
- (11) the need to reduce the chances of seriously inflaming tension, frustration, resentment and antagonism in the relationship between inmates and institution personnel;
- (12) the need to correct the behavior of inmates and develop in them a value system in order to foster their eventual return to the community; and
- (13) the prompt, efficient and effective resolution of

the disciplinary case with accurate and complete fact finding consistent with the level of process required by law for prison disciplinary cases.

(b) The hearing officer or chairperson shall have broad discretion in permitting or denying the witness request. In exercising the discretion, the board or hearing officer shall balance the inmate's requests and wishes against the needs of the prison. The goal of the hearing board or officer shall be to conduct the fact-finding process in a manner leading to the discovery of the truth.

(c) The board or hearing officer shall not abuse the discretion entrusted to them nor interfere with the level of process which is reasonably necessary to find the truth.

(d) If a witness is denied or cannot attend in a timely manner, the chairperson or hearing officer may admit the affidavit of such witness.

(e) If the requested witness is not an employee or inmate at the institution, the chairperson or hearing officer may deny the witness unless critical to determining elemental facts.

(f) The state shall not compel a witness to attend nor pay expenses for the witness to attend.

(g) When a request to call a witness is denied, a written explanation shall be made on the record unless it would endanger some person. In such a case, a written explanation shall be made to the principal administrator with a copy to secretary of corrections for confidential review. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1984.)

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

(b) The disciplinary board or hearing officer may:

- (1) Designate the minimum and maximum penalty;
- (2) impose a flat sentence, within the limits set in the disciplinary code; or

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

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

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

(e) The charging officer shall be notified promptly of the disposition. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980;

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amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-407. Procedure for conducting the unit team hearing in class IV offense cases.** (See also K.A.R. 44-13-303 and 44-13-504.) (a) The unit team shall explain the charge, the possible penalties, and the evidence against the inmate.

(b) The inmate shall have the opportunity to respond in the inmate's own defense.

(c) The unit team may permit witnesses at its discretion.

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

(e) No appeal shall be permitted.

(f) A summary record shall be made.

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

(h) The principal administrator or deputy director of programs shall review the record to assure the hearing was conducted in accordance with institution rules and secretary of corrections regulations. If not, the principal administrator shall modify the disposition to bring it into compliance, or revoke it, or order a new hearing or take other action as necessary to bring it into compliance. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-408. Representation by counsel or counsel substitute.** (a) Any inmate may request services of any staff member to represent the inmate at disciplinary hearings and to question relevant witnesses.

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

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

(d) Counsel shall be considered not available in cases in which counsel fails to appear within three days, or if it is determined that counsel will not appear within three days, excluding Saturdays, Sundays, holidays, and authorized continuances.

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

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

(g) In a class I case, if the inmate is represented by

legal counsel, the officer also shall be permitted to have representation by legal counsel provided by the staff attorney of the facility if one is on staff, or by a department staff attorney, if possible and if available. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

#### REPORTS AND RECORDS

**44-13-501. Preservation of all reports** (see also K.A.R. 44-13-508 and 509). No disciplinary reports shall be destroyed for any reason. If written in error, or incorrectly written, the report with case number shall be marked "void" and placed in the disciplinary board chronological file at the institution. If the charge was dismissed or a finding of not guilty was made by the disciplinary board, then the report shall be marked accordingly and placed in the disciplinary board chronological file at the institution. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended May 1, 1984.)

**44-13-503. Recording the final hearing.** (a) The chairperson shall assure that the final hearing is recorded entirely on an electronic tape. If the tape recorder is for some reason accidentally turned off or malfunctions, the chairperson shall later dictate on the tape, or otherwise place in the record, the substance of what occurred while the tape was off and the reason and length of time that it was off. A summary written record shall then be made, briefly stating, in synopsis form, the evidence and testimony as well as the substance of the arguments presented by both sides. The record shall state specifically what evidence was relied upon in making the decision and disposition in the case. The record shall also include a summary statement of the reasons for the disciplinary action and, for this purpose, the disciplinary report may be incorporated by reference into the summary record so long as the disciplinary report is readable and adequately shows the reason for the disciplinary action. This summary record shall be in typewritten form.

(b) Preserving the tape until after appeal. The tape recording of the hearing shall be preserved until after the completion of all appeals or until after the time permitted to make an appeal has passed, whichever comes later.

(c) Upon request by the prosecution, or any reviewing authority, the record on the tape shall be typed verbatim, or the tape electronically copied at the discretion of the person requesting the record, and made available without charge.

(d) Upon request of the inmate, for purposes of making an appeal, the record on the tape shall be electronically copied and provided to the inmate, with a tape player, without charge. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1984.)

**44-13-504. Recording the unit team hearing.** (See also K.A.R. 44-13-303 and 44-13-407.) The unit team hearing in class IV cases shall be recorded by the

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making of summary notes. The chairperson shall be responsible for making these notes following or during the hearing. The summary notes shall show the evidence relied upon and the reason for the disciplinary action. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1984.)

**44-13-508. Disciplinary reports in file.** (See also K.A.R. 44-13-501 and 44-13-509.) Case disposition and disciplinary reports shall be placed in the inmate's file if there is a finding of guilty. No reference to the case shall be made in the inmate's file if the inmate is not found to be guilty. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1984.)

**44-13-509. Disciplinary case log** (see also K.A.R. 44-13-501 and 44-13-508). The principal administrator shall keep a continuous log of all disciplinary reports. The reports shall be numbered and recorded. If voided, dismissed or otherwise terminated, the log and the report shall reflect that fact. No numbers or entries shall be altered, nor any report destroyed. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

#### SENTENCES

**44-13-601. Serving sentence.** In all cases, the inmate shall begin serving the sentence immediately upon the reviewing administrator's approval, following disposition of the case. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended T-83-23, Aug. 11, 1982; amended T-84-6, May 1, 1983; amended May 1, 1984.)

**44-13-602. Time not credited for administrative segregation.** If the inmate is held in administrative segregation before the disciplinary hearing for some administrative reason, other than merely to await the disciplinary hearing or for investigation of the offense, then that time spent in administrative segregation shall not be credited against the service of sentence in disciplinary segregation. However, any time during which the inmate is held pending the hearing, which is solely for the purpose of awaiting the disciplinary hearing or awaiting completion of the investigation, shall be credited and subtracted from the inmate's disciplinary segregation sentence, if such a sentence is rendered on the charge. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-603 through 44-13-609. Reserved.**

**44-13-610. Collection of fines.** (a) Upon the reviewing administrator's approval following disposition of the case, a fine may be collected immediately, without further hearing process, from the inmate's trust account. The fine shall be collected only on written order of the disciplinary administrator.

(b) The fine shall be taken from any money the inmate has credited to the trust account administered by the department of corrections or contract facility.

The fine shall not be deducted or taken from the gratuity, travel, or clothing allowance provided to the inmate upon release.

(c) Upon release, the fine shall be dormant. Upon any subsequent admission, the fine may be collected.

(d) If the inmate is transferred to another department of corrections or contract facility before collection, collection may be made by the receiving facility on order of the principal administrator of the sending facility, as approved and confirmed by the principal administrator of the receiving institution. The proceeds of the fine shall be deposited to the inmate benefit fund at the facility where the collection is made. However, the principal administrator of the facility where the offense occurred may submit a written request, to the secretary of corrections, to transfer the money to that administrator's facility. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984.)

#### APPEALS

**44-13-701. Appeal on the record to secretary of corrections in class I and II offense cases only.** (a) In class I and II cases, the inmate shall have the right to appeal, on the record to the secretary of corrections, from a final decision made by the disciplinary board, after review of the decision by the principal administrator. The inmate shall be notified of that right of appeal before or immediately following the principal administrator's review.

(b) The appeal shall be initiated by the unit team, upon request by the inmate. The inmate may, on forms provided by the unit team and with their assistance, prepare the inmate's own appeal. The unit team shall assure that the proper forms are included before it is forwarded.

(c) The inmate shall appeal within 15 days of the date of receiving the inmate's copy of the final action.

(d) If the inmate pleads guilty at the hearing, no appeal shall be permitted unless the inmate alleges and shows that:

(1) the inmate was under duress at the time of the plea;

(2) fraud or substantial error was involved in the inmate's plea of guilt; or

(3) the inmate was not advised of the nature of the hearing and the rights the inmate would waive by that plea.

(e) (1) In appeals, each side may write a statement arguing the law and shall serve a copy of the argument on the opposing side.

(2) The inmate shall serve a copy of the argument on the unit team, with the appeal papers, and the argument shall be made part of the appeal record. Within two working days, the unit team shall forward a copy to the institution administrative legal advisor or to the deputy director for programs so that a responsive argument may be made.

(3) The facility's responsive argument shall be delivered to the unit team within six working days of the inmate's delivery of the appeal process to the unit team. A copy of the responsive argument made by the

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institution or facility shall be served upon the inmate, or the inmate's attorney or both, within two working days. The responsive argument shall be made a part of the record and forwarded to the secretary of corrections along with the appeal within 15 working days of the inmate's notice of appeal.

(4) All arguments shall identify, on their face, the disciplinary case and number to which they are to be attached. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-702. Secretary of corrections final review on appeal.** The secretary of corrections shall, within 10 days of receiving an appeal, excluding Saturdays, Sundays, and holidays, review all cases appealed to the secretary. The secretary may approve the decision as rendered, revoke it entirely, reduce the penalty, or order a new hearing. The date of receipt shall not be counted. The secretary's decision shall be final. A copy of the appeal decision shall be given to the inmate within 15 days following the secretary's decision. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-704. Administrative review.** (a) In class I and II offense cases, within 10 days after preparation of the record, excluding Saturdays, Sundays, and holidays, there shall be a review of the case without the presentation of further arguments from either side. The principal administrator shall approve the decision, disapprove the decision and dismiss the case, reduce the penalty, or remand the case to the board or hearing officer and order a new hearing.

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

(c) In class III cases, where possible, the reviewer shall not be the principal administrator. The principal administrator shall designate an impartial employee of suitable rank and experience to do the review. No person who was a member of the disciplinary board or who was the hearing officer may act as reviewing authority nor shall the reviewer be any person involved in the offense as witness or reporting officer. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-13-707. Harmless error; plain error.** (a) An error in either the admission or exclusion of evidence, an error or defect in any ruling or order, an error in anything done or omitted by the hearing officer or disciplinary board or by any of the institution officials in processing the disciplinary case, or an error by the inmate in processing the inmate's defense of the case, shall not be grounds for granting a new hearing, for setting aside a finding, or for vacating, modifying or

otherwise disturbing a disposition or order, unless refusal to take that action appears to the hearing officer, disciplinary board, or the reviewing authority inconsistent with substantial justice. At every stage of the hearing, the hearing officer or board or the reviewing authority shall disregard any error or defect in the proceeding which does not affect the substantial rights of the inmate or the state.

(b) If the hearing officer, disciplinary board, or reviewing authority discovers, at any point in the proceeding, a plain error which affects the substantial rights of the parties, the errors shall be given official administrative notice and acted upon to remedy the error, even though it was not raised at the hearing or on appeal by either party. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective T-83-23, Aug. 11, 1982; effective T-84-6, May 1, 1983; effective May 1, 1984.)

## Article 14.—ADMINISTRATIVE AND DISCIPLINARY SEGREGATION

### SEGREGATION GENERALLY

**44-14-101. Minimum standards of segregation.** The following minimum standards shall apply to disciplinary and administrative segregation alike: (a) Each inmate shall receive daily at least 2,500 calories of food from the normal diet of inmates not in segregation.

(b) Each cell in which an inmate is confined in segregation shall, whenever possible, be at least as large as other cells in the institution or facility and shall be adequately lighted during the daylight hours. All of the necessities of civilized existence, including toilet, bedding and water for drinking and washing shall be provided. Normal room temperature for comfortable living shall be maintained. If any of these necessities are removed temporarily, that removal shall be only to prevent suicide or self-destructive acts, or damage to the cell and its equipment, or to other persons. Each inmate shall have the opportunity to shave and shower at least three times per week unless this would present a clear security hazard as determined by the principal administrator. The procedure for issue and exchange of clothing, bedding, and linen, and for barbering and hair care services shall be as frequent and of the same quality as for the general population unless an exception is found necessary by the senior officer on duty. Such an exception shall be recorded in the log and justified in writing.

(c) All inmates in segregation shall be provided clothing that is not degrading, and access to basic personal items for use in their cells, unless there is imminent danger that an inmate or any other inmate will destroy an item or induce self-injury. Under no circumstances shall inmates confined in segregation be deprived of normal body clothing except for the inmate's own protection. If such a deprivation is temporarily necessary, the inmate shall be provided with body clothing and bedding adequate to protect the inmate's health, depending on air temperature and other conditions in the cell.

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(d) If an inmate is not confined in segregation for punishment, but is confined only under conditions of emergency for the inmate's own protection, or that of personnel or other inmates, the confinement shall not be continued for longer than is necessary for the emergency. An inmate's right to communicate with an attorney or a person or agency designated to receive complaints shall not be interfered with.

(e) An inmate shall not be placed in segregation without the approval of the highest ranking officer on duty at the time unless there is a serious emergency or major disturbance. In such a case, the procedure in K.A.R. 44-14-305 shall be followed.

(f) Unless access to medical services is provided on an as needed basis, no inmate shall be kept in segregation, for any reason, for longer than 24 hours without being examined by a medical doctor, or other medical personnel under the doctor's supervision. The inmate shall be observed once a week thereafter and examined if deemed necessary. Any medication prescribed for an inmate shall be provided for that inmate.

(g) A permanent log in a bound book shall be maintained at or near the segregation cells, and employees in charge of these cells shall be responsible for recording all admissions, releases, indicators of health and medical condition, clothing and bedding restrictions, food intake, visits to cells and other events, including those of a routine nature.

(h) A weekly report shall be made to the secretary of corrections giving the following data for segregated inmates:

- (1) Name of inmate;
- (2) race or ethnic origin;
- (3) type of, and reason for, segregation;
- (4) length of time in segregation; and
- (5) health and medical condition.

(i) If the inmate is deprived of any usually authorized item or activity, a report of this action shall be made for the inmate's file and forwarded to the principal administrator or the deputy in charge of security. This report shall be in addition to the notation in the log required by subsection (g) of this regulation.

(j) Each inmate in segregation shall be provided with the same opportunities for writing and receiving letters as provided to the general population.

(k) Visitation shall be allowed on a restricted basis unless there are substantial reasons for withholding the privilege. If possible, the inmate shall be given an opportunity to notify visitors of any restrictions before the visitors arrive.

(l) Telephone privileges shall be granted on a restricted basis. Restrictions placed on disciplinary segregation inmates may differ from those placed on administrative segregation inmates.

(m) Segregation inmates shall have access to legal materials.

(n) Segregation inmates shall have access to reading materials.

(o) Inmates confined in disciplinary or administrative segregation shall be allowed to exercise outside the cell, for those who so desire, for at least one hour per day and at least five days per week unless security, health, or safety considerations dictate otherwise.

Weather permitting, such inmates shall be permitted to exercise outdoors to the extent that facilities and staff are available to maintain basic security for such inmates. When limitations on normal exercise are necessary, every feasible alternative shall be explored to provide adequate exercise to maintain health. An inmate may be required to remain in the cell and be allowed to exercise in the cell, at the inmate's own discretion, if:

(1) A substantial security risk for the inmate is documented; and

(2) a set of exercises is approved for the inmate, by a doctor or physical fitness professional, as being adequate for the maintenance of health and capable of being accomplished within the physical limitations imposed by the cell interior.

(p) Administrative segregation inmates shall have reasonable access to programs and services including, but not limited to, educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs.

(q) Segregation inmates shall receive daily visits from the principal administrator or designee, and from a qualified health care official unless medical attention is needed more frequently. Segregation inmates shall receive visits from members of the program staff on reasonable request. The designee of the principal administrator shall be the senior correctional supervisor in charge on a daily basis, which may include the major, captain or a lieutenant. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-14-102. Security segregation established and divided.** Each institution and facility shall establish a set of procedures designated as security segregation procedures. Those procedures shall be divided into two parts: administrative segregation, including protective custody, and disciplinary segregation. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended, May 1, 1981; amended May 1, 1984.)

#### ADMINISTRATIVE SEGREGATION

**44-14-302. Types of inmates or situations for use of administrative segregation.** Inmates may be confined in administrative segregation for any of the following reasons or under any of the following conditions: (a) Protective custody (P.C.). Any inmate who requests security segregation for personal safety or who the principal administrator knows to be in serious and imminent danger, may be placed in administrative segregation if the principal administrator explains the reason in writing and refers to the documents or other basis for the administrator's knowledge. Documentation that protective custody is warranted and that no reasonable alternatives are available shall be provided. Any denial of protective custody shall be fully documented.

(b) Pending results of investigation.

(1) Inmates may be placed in administrative segre-

(continued)

gation pending the completion of an investigation to determine whether charges should be brought. Any inmate may be segregated to prevent:

(A) Communication and collaboration between inmates involving an attempt to improperly or dishonestly coordinate the testimony which might be given;

(B) the possible intimidation of witnesses or accusers; or

(C) further disruption, if a threat to security and control, including danger to other inmates, continues to exist in the judgment of the principal administrator.

(2) Any inmate may be held in administrative segregation under both this subsection and any of subsections (a), (c), (d), (e), or (f) simultaneously. This shall be mentioned on the report form given to the inmate when the inmate is placed in administrative segregation.

(3) Any inmate held in administrative segregation under this subsection (b) shall be charged or released as soon as possible and always within 48 hours, excluding Saturdays, Sundays and holidays, unless a continued holding in administrative segregation under this section is justified in writing and approved by the principal administrator. This notice and explanation shall be given to the inmate in writing. The inmate's status in this situation shall be reviewed by the principal administrator or designee within 72 hours.

(c) Pre-hearing detention. If necessary to maintain security and control, any inmate who has been charged with an alleged violation of law or class I or II offense may be held in administrative segregation pending a hearing before the institution disciplinary board, or pending a trial by a court. Credit for this time shall be given against any sentence of disciplinary segregation which might result from that hearing. Any inmate may be held in administrative segregation under this subsection and any of subsections (a), (b), (d), (e), or (f) of this section simultaneously. If the inmate is held under more than one subsection, that fact shall be stated in the administrative segregation report. The inmate's status shall be reviewed by the principal administrator or designee within 72 hours.

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

(e) Special security inmate. Administrative segregation may be applied to:

(1) Persons accused of or who have a history of aggressive or forceable sexual attacks. That history shall be verified and documented, or a psychiatrist or psychologist shall verify, after any such occurrence, that a recurrence is probable.

(2) inmates with suicidal tendencies verified by a psychiatrist or psychologist before, or within 72 hours after, lockup in administrative segregation. Any inmate who inflicts any self-injury may be placed in administrative segregation for up to 72 hours for observation and to give clinical staff an opportunity to determine whether the injury is a significant indication of a suicidal tendency;

(3) inmates with a history of self-mutilation or self-injury after a demonstration has been made from the inmate's record that this history exists;

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

(5) emergency situations in which the violent behavior of an inmate indicates that the inmate is potentially dangerous to the inmate's self, or others. Segregation in this case shall continue for the duration of the emergency only, and in no case beyond 72 hours, without a psychiatrist's or psychologist's verification that the inmate's potential for danger to self or others is continuing, unless the actual violent behavior continues; and

(6) inmates who have been determined by the principal administrator, or in the administrator's absence, by the deputy director, for good and well founded cause, to be an extreme risk of escape. Such segregation shall be only for the duration of the risk condition. The reason shall be explained in writing and reference made to the documents or other basis for the placement by the principal administrator or deputy director unless already apparent from the information shown in the inmate's record. When these officers are absent during an emergency, segregation may be authorized by the highest ranking officer on duty. The principal administrator's approval and documentation shall be obtained as soon as possible.

(f) Consistent bad behavior. Any inmate may be placed in administrative segregation indefinitely when the inmate's record shows consistent bad behavior, as evidenced by three offenses within the preceding 12 months, and when:

(1) The inmate has been found guilty of the offense by a disciplinary process;

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

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

(g) Other security risk. The principal administrator may place in administrative segregation or lock-up in the inmate's own cell, any inmate or group of inmates if such inmate or inmates are engaging in behavior which threatens the maintenance of security or control in the correctional facility. In such cases, the principal administrator shall, in writing, explain, for the record, the threat to security and show justification for segregation or lock-up. A copy of this explanation and justification shall be sent immediately to the secretary of corrections. (Authorized by and implementing K.S.A. 75-5251 and K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended, May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

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**44-14-303.** Placement within segregation; shift supervisor's approval hearing. (a) In all cases in which inmates are placed in administrative segregation, the shift supervisor shall give approval, and a written memorandum shall be forwarded to the principal administrator, by the shift supervisor, before the end of the particular shift. The approval of the shift supervisor shall be a function independent of a hearing. The approval shall be obtained before the inmate is placed in segregation, even in emergency situations in which the hearing is after the placement.

(b) Unless an emergency exists, a hearing shall be held by the shift supervisor, principal administrator or designee, or the administrative segregation review board before the placement is made. At the hearing, the inmate shall be permitted to present objections, explanations, comments and reasons for not making the placement.

(c) The principal administrator or shift supervisor may order immediate placement in administrative segregation when it is necessary to protect the inmate or others. This action shall be reviewed by the administrative segregation review board as soon as possible, but not later than three working days after placement, in accordance with K.A.R. 44-14-310. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended, May 1, 1984.)

**44-14-304.** Administrative segregation report. (a) An administrative segregation report shall be completed in all cases of administrative segregation. The report shall indicate, specifically, the reason for placing the inmate in administrative segregation.

(b) The administrative segregation report may be used as the written memorandum of the shift supervisor to the principal administrator required by K.A.R. 44-14-303(a). A copy of the report may be used as the written notice to the inmate required by K.A.R. 44-14-305. (Authorized by and implementing K.S.A. 75-5251 and K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended, May 1, 1984.)

**44-14-305.** Notice and explanation to inmate. Written notice of the reasons for placement in administrative segregation, stated in sufficient detail to allow the inmate to understand the reasons and to make a response to them, shall be provided to the inmate before the inmate is placed in administrative segregation unless a serious emergency or major disturbance exists. If a serious emergency or major disturbance involves a substantial number of inmates, or a clear and present danger thereof, notice and explanation shall be given not more than 48 hours after placement in administrative segregation. The serious emergency or major disturbance shall be described briefly, in writing, by the officer and made part of the record. In all cases, the notice shall be given to the inmate before the hearing so the inmate knows the reason for the placement. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-14-305a.** Administrative segregation; inmate property management and security. When circumstances permit, the inmate shall be permitted to pack the inmate's own property for storage while the inmate is in segregation. The cellhouse unit team leader shall determine whether circumstances permit the inmate to pack, based upon guidelines prescribed by the secretary of corrections. If the inmate cannot pack the inmate's own property, then the property shall be immediately secured by prison personnel and shall be packed and stored as soon as possible thereafter. The property shall not be left with or be packed by another inmate unless directly and constantly observed and closely supervised by appropriate security or unit team personnel. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1984.)

**44-14-310.** Procedure for the administrative segregation review board upon initial placement. (a) If an inmate is placed in administrative segregation without a hearing, the administrative segregation review board shall hold a hearing to review the placement decision within three working days of placement and shall interview the inmate. This requirement shall apply to every case of administrative segregation.

(b) The inmate shall be given the opportunity to present the inmate's case. When necessary the board shall obtain clarifying information from the officer and staff involved in the placement. If the inmate is disruptive or is a danger to self or others, the board may exclude the inmate from the review. In this situation, the board shall, if possible, interview the inmate at the cell or obtain a written statement from the inmate in response to the placement.

(c) The administrative segregation review board shall provide a written decision of whether the placement is legal and proper and a brief summary record of the hearing, including references to the facts which were relied upon and the reasons for the confinement in administrative segregation. The record shall include a brief statement summarizing the position of the shift supervisor or principal administrator and the position of the inmate. The board may include a recommendation to the principal administrator regarding future disposition and the reasons for that recommendation. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, T-83-23, August 11, 1982; amended, T-84-6, May 1, 1983; amended, May 1, 1984.)

**44-14-311.** Regular review and monitoring by the administrative segregation review board. (a) The administrative segregation review board shall review the status of each inmate confined in administrative segregation every seven days for the first two months of segregation and at least every 30 days thereafter. The board shall recommend to the facility principal administrator, in writing, one of the following actions:

- (1) Continue in present status;
- (2) return to general population;

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- (3) transfer to other Kansas state institution or facility;
- (4) transfer to another institution in another state or a federal institution;
- (5) medical or psychological intervention; or
- (6) continue or modify program or treatment status.
- (b) The inmate shall be permitted to submit written requests for release to the administrative segregation review board. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-14-312. Inmate complaints and institution compliance monitor.** (a) Upon verbal request of any inmate in administrative segregation, an inmate request form and a writing implement with which to make a written complaint to the administrative segregation review board concerning the inmate's condition or treatment shall be provided to that inmate.

(b) The principal administrator, or a member of the staff which reports directly to the principal administrator, shall make a weekly on-site spot check, interviewing at least two inmates, to determine compliance with institution and department policy, rules and regulations. A notation shall be made in the log stating the name of the inmate interviewed and the name of the staff member making the check. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1980; amended, May 1, 1984.)

**44-14-313. General lockdown.** In cases of emergencies, disruptions of a general nature or that involve substantial numbers of inmates, or in the event of a riot, a general lockdown of the institution and confinement of all inmates to their cells shall be permitted. The hearing and review requirements of these administrative segregation regulations shall not apply. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1984.)

**44-14-314. Protective custody.** (a) Admission to protective custody shall be made only when there is documentation that protective custody is warranted and that no reasonable alternatives are available. The administrative segregation review board shall review protective custody cases with a goal of terminating the separate housing as soon as possible.

(b) The inmate shall sign a consent form agreeing to protective custody when the inmate requests the placement.

(c) The reasons for protective custody shall be documented, especially in those cases in which the inmate does not request or consent to the placement. If the inmate does not consent to the protective custody placement, a hearing shall be held according to K.A.R. 44-14-303 and 44-14-310.

(d) Protective custody shall be for as short a time period as possible under the circumstances. Long-term protective custody shall be fully documented and clearly monitored.

(e) Denials of protective custody shall be documented showing the reason justifying the denial.

(Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1984.)

**44-14-315. Staff selection and rotation.** Special criteria shall be established by the principal administrator to govern selection, supervision and rotation of staff who work on a regular and daily contact basis in segregation units. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1984.)

**44-14-316. Psychological review criteria.** A personal interview shall be conducted and a report prepared by a qualified psychologist or psychiatrist when an inmate remains in segregation beyond 30 days. After that a psychological assessment shall be made at least every three months. (Authorized by and implementing 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective, May 1, 1984.)

## Article 15.—GRIEVANCE PROCEDURE FOR INMATES

### PROCEDURES GENERALLY

**44-15-101. Inmate or parolee grievance procedure; informal resolution; formal levels.** (a) Throughout this series of regulations comprising the grievance procedure, all references to inmate shall include parolee unless the meaning is clearly to the contrary. References to principal administrator shall include the parole supervisor. The unit team equivalent shall be the parole officer.

(b) Prior to utilizing the grievance procedure, the inmate shall be responsible for attempting to reach an informal resolution of the matter with the personnel working with the inmate on a direct or daily basis. An inmate in an institution, facility or parole setting shall contact the unit team members for the attempt at informal resolution. That attempt shall be documented. The institution inmate request forms may be used to document this process. If this informal resolution attempt fails, the grievance system may then be used. If an emergency exists and a resolution could not be obtained by going to the unit team, the inmate may go directly into the grievance process.

(c) At each stage all grievances shall be answered in as short a time as possible to insure that delay will not impose additional hardship upon the inmate or unnecessarily prolong a misunderstanding. Grievances of inmates who have since been transferred, paroled, or discharged shall be answered to the extent possible.

(d) The grievance procedure shall incorporate several levels of problem solving to assure solution at the lowest administrative level possible.

(1) Level 1. Inmates in prison, at honor camps and in work release facilities shall first submit the grievance report form to the principal administrator of the institution or facility. Parolees shall first submit the form to the regional parole supervisor.

(2) Level 2. If not resolved, the grievance may be next submitted to the office of the secretary of corrections. The secretary of corrections shall respond to the

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grievance or refer the matter to a deputy secretary of corrections for additional investigation, if necessary, and response to the inmate. Grievances of inmates in prisons or at honor camps may be referred by the secretary to the deputy secretary of corrections for institutional services. Grievances of parolees and inmates at work release facilities may be referred by the secretary to the deputy secretary of corrections for community services.

(3) Level 3. If requested by the inmate and determined by the secretary of corrections to be appropriate, the matter may be referred to some resource outside the department of corrections for independent review and recommendation. The secretary of corrections shall make the final decision regarding the grievance.

(e) Inmate grievance report forms and appeal forms shall be made available to all inmates. Grievance forms and appeal forms shall be provided in containers in each inmate living unit and on each segregation wing or tier. The unit team shall assist the inmate in obtaining copies of supporting material necessary to complete the grievance if the number of photocopies requested by the inmate is reasonable.

(f) No staff member shall refuse to sign, date and return an inmate request form, an inmate grievance form or a grievance receipt slip showing that the inmate came to that person for assistance.

(g) Each inmate shall be entitled to invoke the grievance procedure. The institution shall insure that the procedure is accessible to mentally impaired and physically handicapped inmates. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1980; amended May 1, 1984.)

**44-15-101a. Grievance procedure distribution; orientation; applicability; remedies; advisory committee; investigation.** (a) Grievance procedure regulations shall be distributed or made readily available to all employees and inmates in each correctional facility.

(b) Each inmate and employee, upon admittance to or employment by the institution, shall receive an oral explanation of the procedure including an opportunity to have questions regarding the procedure answered orally. Explanatory materials and the oral presentation shall be available in any language spoken by a significant portion of the institution's population. To the extent feasible, inmates who do not understand a language spoken by a significant portion of the institution's population shall receive an explanation of the grievance procedure in a language in which the inmate is fluent. Mentally impaired and physically handicapped inmates shall receive explanations in a manner comprehensible to them. Parole officers shall provide each parolee with a brief grievance procedure orientation that explains how the system functions for parolees. Following the explanation, inmates and parolees shall sign a statement indicating that the required explanation has been given.

(c) All employees of the institution who are directly involved in the operation of the grievance procedure

shall receive training in the skills necessary to operate, or participate in, the grievance procedure.

(d) (1) The grievance procedure shall be applicable to a broad range of matters which directly affect the inmate including, but not limited to:

(A) Complaints by inmates regarding policies and conditions within the jurisdiction of the institution or the department of corrections; and

(B) Actions by employees and inmates, and incidents occurring within the institution.

(2) The grievance procedure shall not be used in any way as a substitute for, or as part of, the inmate disciplinary procedure, the classification decision making process, or the property loss or personal injury claims procedure. However, problems in the handling of these procedures may be submitted as a grievance. The grievance system shall not challenge the decision of these other procedures. If the other procedure was conducted improperly, the grievance may challenge the manner in which the decision was made. Grievances of this type shall be made only after the decision process is completed unless the inmate would incur irreparable harm if delayed until the end of the process.

(e) The remedies available to the inmate may include action by the director of the institution to correct the problem or action by the secretary of corrections to cause the problem to be corrected. Relief may include, but is not limited to, an agreement by institution officials to remedy an objectionable condition within a reasonable, specified time, or to change an institution policy or practice.

(f) The principal administrator shall establish a procedure for investigating the allegations and establishing the facts of each grievance. Any inmate or employee who appears to be involved in the matter shall not participate in any capacity in the resolution of the grievance.

(g) A copy of the grievance response at each level shall be delivered to the unit team, to the inmate, and to the principal administrator last responding. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1984.)

**44-15-101b. Time limit for filing grievance.** Grievances shall be filed within 15 days from the date of the discovery of the grievable event, excluding Saturdays, Sundays and holidays. No grievance, regardless of time of discovery, shall be filed later than one year after the occurrence of the event. Any grievance filed later than these deadlines may be returned to the inmate without investigation. The name of the individual returning the grievance, the date of the return, and the reasons for the return shall be noted on the grievance. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(b); effective May 1, 1984.)

**44-15-102. Procedure.** (a) Preliminary requirement; informal resolution and problem solving at unit team level.

(1) The inmate shall first seek information, advice,

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or help on any matter from the inmate's unit team, or from a member of the team, to attempt to resolve the problem informally. The unit team shall then, if unable to solve the problem, refer the inmate to the proper office or department for the assistance necessary to solve the problem.

(2) If the inmate receives no response within 10 calendar days from the unit team, a grievance report may then be sent to the principal administrator without the unit team signature or signatures. The grievance report form shall include an explanation of the absence of the signature or signatures.

(b) Grievance step one; complaint to the principal administrator. If the inmate receives a response but does not obtain a satisfactory solution to the problem through the informal resolution process within 10 calendar days, the inmate may fill out an inmate grievance report form and submit it, within three calendar days after the deadline for informal resolution, to a staff member for transmittal to the principal administrator.

(1) The inmate shall attach copies of all inmate request forms used to attempt to solve the problem and shall indicate on the inmate grievance report the following information:

(A) The nature of the complaint. This statement shall be specific and shall state what or who is the subject of the complaint, related dates and places, and what effect the situation, problem, or person is having on the inmate which makes the complaint necessary;

(B) Title and number, if possible, of any order or regulation, if that is the subject of the complaint;

(C) The action the inmate wants the principal administrator to take to solve the problem;

(D) The name and signature of the responsible institution employee or employees or of the parole officer from whom the inmate sought assistance. This signature shall be on either an inmate request form, or the grievance report form. The date the help was sought shall be entered by the employee on the form; and

(E) The date the completed grievance report was delivered to the staff member for transmittal to the office of the principal administrator.

(2) The staff member shall forward the report to the principal administrator before the end of the next working day, and shall give a receipt to the inmate.

(3) Principal administrator's response.

(A) Upon receipt of a grievance report form, the principal administrator shall assign a serial number, indicate the date of receipt and return the grievance report form to the inmate, with an answer, within 10 calendar days from the date of receipt.

(B) The answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions and the action taken by the principal administrator. The answer shall inform the inmate that the inmate may appeal by filing an appeal with the appropriate form to the secretary of corrections.

(C) In all cases, the principal administrator shall return the original and one copy of the grievance report to the inmate. The copy shall be retained by the inmate for the inmate's files. The original may be used

for appeal to the secretary if the inmate desires. The principal administrator shall provide the necessary copies.

(D) A second copy shall be retained by the principal administrator.

(E) The institution or facility shall maintain a file on grievance reports indexed by inmate name and subject matter. Grievance report forms shall not be placed in the inmate's institution file.

(F) A grievance report form may be rejected by the principal administrator, if the form does not document any unit team action as required for the preliminary informal resolution process. The grievance report form shall then be sent back to the unit team for an immediate answer to the inmate.

(G) If no response is received from the principal administrator in the time allowed, the grievance may be sent to the secretary of corrections with an explanation of the reason for the delay.

(c) Grievance step two; appeal to the secretary of corrections.

(1) If the principal administrator's answer is not satisfactory, the inmate may appeal to the secretary's office by indicating on the grievance appeal form exactly what the inmate is displeased with and what action the inmate believes the secretary should take. The inmate's appeal shall be made within three calendar days of receipt of the principal administrator's decision, or within three calendar days of the deadline for that decision, whichever is earlier.

(2) The appeal shall then be promptly sent directly to the department of corrections office in Topeka.

(3) When an appeal of the principal administrator's decision is made to the secretary, the secretary shall then have 20 calendar days from receipt to return the grievance report form to the inmate with an answer. The answer shall include findings of fact, conclusions made and actions taken.

(4) If a grievance report form is submitted to the secretary without prior action by the principal administrator, the form may be returned to the principal administrator. If the principal administrator did not respond in a timely manner, the secretary shall accept the form.

(5) The answer by the secretary of corrections shall be in the same form as that by the principal administrator. The response shall explain the procedures for obtaining an external review and a final decision by the secretary. The secretary may designate an appropriate deputy secretary to prepare the answer.

(d) Grievance step three; external review and secretary's decision. If the inmate notifies the secretary of corrections in writing within three days from receipt of the secretary's response that the solution is not satisfactory, and if the inmate requests outside review and the secretary determines that outside review is appropriate, then the secretary may refer the grievance within five calendar days to the ombudsman for corrections, or to some other independent or impartial body outside the agency designated by the secretary of corrections. The external reviewer shall conduct a complete investigation, and shall submit a written

(continued)



report and recommendation to the secretary of corrections and to the inmate. The report shall be filed within 20 calendar days after referral to the external reviewer. The written report and recommendation shall not be binding upon the secretary of corrections. The secretary of corrections shall render a decision within 10 calendar days following receipt of the external review report. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984.)

**44-15-103. Reserved.**

**44-15-104. Reprisals prohibited.** (a) Inmates. No adverse action shall be taken against any inmate for use of the grievance procedure unless the inmate uses the grievance procedure to communicate a threat to another person or to the security of the institution or to commit any unlawful act.

(b) Employees. No adverse action shall be taken against any employee for good faith participation in the grievance procedure. Employees shall be entitled to grieve reprisals for participation in inmate grievance systems by use of the employee grievance system (secretary of corrections' internal management policy and procedure [IMPP] 02-115). (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1984.)

**44-15-105. Records.** (a) Nature. Records regarding the filing and disposition of grievances shall be collected and maintained systematically by the correctional facility. These records shall be preserved for at least three years following final disposition of the grievance. These records shall include aggregate information regarding the numbers, types and dispositions of grievances, as well as individual records of the date of and the reasons for each disposition at each stage of the procedure. The logs and records shall be in a form and manner prescribed by secretary of corrections policy and procedure.

(b) Confidentiality. Records regarding the participation of an individual in grievance proceedings shall be considered confidential and shall be handled under the same procedures used to protect other confidential case records. Consistent with ensuring confidentiality, members of the staff who are participating in the disposition of a grievance shall have access to records essential to the resolution of the grievance. This, however, shall not permit review of inmate files by other inmates. Grievance report forms shall not be placed in the inmate's departmental file. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1984.)

**44-15-106. Emergency procedure.** "Emergency grievances" shall mean those grievances for which disposition according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate. In emergency situations the inmate may bypass the prerequisite of informal resolution if going to the unit team would not obtain a solution to the problem. The inmate shall indicate on the face of the

grievance form the nature of the emergency and shall write the word "emergency" at the top of the grievance report form. Emergency grievances shall be forwarded immediately, without substantive review, to the level at which corrective action can be taken. Emergency grievances shall be expedited at every level. The same external review provisions that apply to regular grievances shall apply to emergency grievances.

If the person at the corrective action level determines that the grievance is not an emergency, that fact shall be included on the grievance form and the form shall be signed by the person who made that determination. The grievance may then be processed from that point on as a regular grievance. If necessary for a proper response the grievance may be sent for processing at a lower level. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1984.)

**SPECIAL PROCEDURES**

**44-15-202.** (Authorized by K.S.A. 75-5251, K.S.A. 1979 Supp. 75-5210, 75-5210(f); effective May 1, 1980; revoked May 1, 1984.)

**Article 16.—REPORTING AND CLAIMS PROCEDURE FOR LOST OR DAMAGED PROPERTY OR FOR PERSONAL INJURY**

**44-16-102. Reporting loss or damage to property.**

(a) Each inmate shall report every loss of or damage to the inmate's own property immediately. In reporting property damage or loss, inmates shall use those procedures established by written order of the principal administrator. These procedures shall be followed strictly.

(b) The institution or facility principal administrator shall not be required to accept any property loss or damage claim unless it is made within 15 days of the discovery of the loss. The principal administrator shall not be required to accept any claim at all if:

(1) It is submitted later than one year and one day after the date of the loss, regardless of when the loss was discovered; and

(2) the inmate could have discovered the loss by exercising reasonable effort to know the status of the inmate's property and money. (Authorized by K.S.A. 75-5251; implementing K.S.A. 46-920, 75-5254, 75-5255, 75-5257, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1980; amended May 1, 1984.)

**44-16-103. Reporting personal injury or medical problem.** (a) Every inmate shall report any personal injury or medical problem immediately, according to procedures established by written order of the principal administrator. If a loss or damage is likely, the report shall be made as soon as possible after the injury or medical problem is known or should be known with reasonable effort. These procedures shall be followed strictly.

(b) Inmates shall seek medical care whenever needed to help prevent or lessen loss or damage due to injury or medical problems.

(continued)

(c) Although the law does not allow payment by the secretary of corrections for loss due to injuries or medical problems, the reporting required under this regulation may be used as the basis for reports on claims made to the legislative joint committee on special claims against the state pursuant to K.S.A. 46-912. Nothing in this regulation shall be deemed to prohibit the processing of a claim for failure to make the required report.

(d) The principal administrator or designee shall conduct an investigation as soon as possible whenever loss or damage appears likely as a result of an injury or medical problem. (Authorized by K.S.A. 1983 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 75-5210, K.S.A. 46-920, 75-5251, 75-5254, 75-5257; effective May 1, 1980; amended May 1, 1984.)

**44-16-104. Claims for or reports of lost or damaged property or for personal injury.** (a) Claims for property loss or damage may be submitted first to the institution and secretary of corrections if the loss or damage is no greater than \$250.00. If the loss is greater than \$250.00, the claim shall be filed with the joint legislative committee on claims against the state. Any claim for loss or damage from personal injury or medical care shall be filed with the legislative committee since the department of corrections is not authorized to process or pay these claims.

(b) The inmate shall obtain a property claim form or medical report form from the unit team, fill it out and return it. The unit team shall provide the inmate with a receipt or a copy of the form indicating on it who received it, from whom and the date received. The unit team shall submit the claim to the principal administrator for investigation within 48 hours of receipt, excluding Saturdays, Sundays and holidays.

(c) Department of corrections institutions shall maintain information and forms necessary for filing a claim to the legislative joint committee on claims against the state.

(d) The principal administrator shall assure that the unit team assists the inmate in submitting a claim by providing information and any necessary claims forms.

(e) All claims filed by inmates for lost or damaged property shall be under oath. (Authorized by K.S.A. 1983 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 75-5210(f), K.S.A. 46-920, 75-5251, 75-5254, 75-5257; effective May 1, 1980; amended May 1, 1984.)

**44-16-105. Property at own risk.** An inmate owns personal property at his or her own risk. Loss or damage of personal property shall not provide a basis for recovery on a claim unless the loss or damage directly resulted from the intentional or negligent act or omission of a correctional employee and was reported pursuant to K.A.R. 44-16-102. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1984.)

**44-16-107. Claims processing.** (a) The principal administrator shall cause an investigation and a report of the investigator's findings and recommendations to be completed within 10 days of receipt of the claim.

The investigation period may be extended for 20 days for good cause. The inmate shall be notified of the reason for any extension.

(b) When complete, the principal administrator shall forward the findings, any statements and documentation obtained in the investigation, and a recommendation regarding disposition of the claim to the secretary of corrections.

(c) A decision on the claim shall be made by the secretary or the secretary's designee within 20 days after receipt of the claim.

(d) If granted, the claim shall be paid promptly according to procedures prescribed by the secretary of corrections. (Authorized by K.S.A. 1983 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 75-5210, K.S.A. 46-920, 75-5251, 75-5254, 75-5257; effective May 1, 1984.)

**44-16-108. Claims between institutions.** For property claims made when the loss occurred at another Kansas correctional institution, the principal administrator of the institution where the claim was filed shall, within two days, excluding Saturdays, Sundays and holidays, forward a copy of the claim to the other institution principal administrator. The principal administrator of the institution where the loss occurred shall, within 10 days after receipt of the claim, cause an investigation and a report of findings and recommendations to be made and sent to the secretary of corrections. The investigation period may be extended for 20 days for good cause. The inmate shall be notified of the reason for any extension. (Authorized by K.S.A. 1983 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 1983 Supp. 75-5210, K.S.A. 75-5251, 75-5254, 75-5257 and 46-920; effective May 1, 1984.)

MICHAEL A. BARBARA  
Secretary of Corrections

Doc. No. 001833

(Published in the KANSAS REGISTER, March 22, 1984.)

#### SENATE BILL No. 577

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1984, and June 30, 1986, for the adjutant general, state corporation commission, Emporia state university, youth center at Topeka, Larned state hospital, department of administration, Pittsburg state university, Kansas fish and game commission, department of economic development and attorney general; 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 years ending June 30, 1984, and June 30, 1986, 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.

#### ADJUTANT GENERAL

(a) The expenditure limitation established by the state finance council on the emergency preparedness—RADEF instrument maintenance fund for the fiscal year ending June 30, 1984, is hereby increased from \$110,890 to \$129,178.

Sec. 3.

#### STATE CORPORATION COMMISSION

(a) The expenditure limitation established by the state finance council on the public service regulation fund for the fiscal year ending June 30, 1984, is hereby increased from \$3,127,972 to \$3,602,714.

(continued)

(b) The expenditure limitation established by the state finance council on the salaries and wages account of the public service regulation fund for the fiscal year ending June 30, 1984, is hereby increased from \$2,057,743 to \$2,093,340.

(c) The expenditure limitation established by the state finance council on the mined-land conservation and reclamation fee fund for the fiscal year ending June 30, 1984, is hereby increased from \$129,607 to \$132,550.

(d) The expenditure limitation established by the state finance council on the national surface mining control and reclamation act—federal fund for the fiscal year ending June 30, 1984, is hereby increased from \$106,249 to \$109,193.

(e) The position limitation established by section 47(g) of chapter 26 of the 1983 Session Laws of Kansas for the state corporation commission is hereby increased from 238.0 to 244.0.

Sec. 4.

EMPORIA STATE UNIVERSITY

(a) On the effective date of this act, of the amount reappropriated for the above agency by section 16 of chapter 22 of the 1983 Session Laws of Kansas from the federal revenue sharing fund in the replace Breukelman hall roof account, the sum of \$137,996 is hereby lapsed.

(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 1984, the following:

Replace Breukelman hall roof ..... \$127,996

Sec. 5.

YOUTH CENTER AT TOPEKA

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1986, the following:

Construct and equip heating plant and steam distribution system. \$193,000

Sec. 6.

LARNED STATE HOSPITAL

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1984, the following:

Remodel Sellers building for youth rehabilitation center program	\$211,100
Code improvements to Allen building for youth rehabilitation center program	137,000
Acquisition of radio equipment	12,500
Total	\$360,600

Sec. 7.

DEPARTMENT OF ADMINISTRATION

(a) The director of accounts and reports shall not make the transfer of \$75,000 directed to be made by section 9(f) of chapter 26 of the 1983 Session Laws of Kansas from the health care benefits program fund to the state general fund.

Sec. 8.

PITTSBURG STATE UNIVERSITY

(a) On the effective date of this act, any unencumbered balance in each of the following accounts of the Kansas educational building fund is hereby lapsed: McCray hall roof repairs; replace portion of Weede building roof.

(b) On the effective date of this act, of the amount reappropriated for the above agency by section 15 of chapter 22 of the 1983 Session Laws of Kansas from the Kansas educational building fund in the replace Kelce building roof account, the sum of \$15,000 is hereby lapsed.

Sec. 9.

KANSAS FISH AND GAME COMMISSION

(a) In addition to the purposes for which expenditures are authorized for fiscal year 1984 from the forestry, fish and game commission fee fund, as prescribed by section 5(a) of chapter 9 of the 1983 Session Laws of Kansas, expenditures may be made for fiscal year 1984 from such fund for the purchase of state aircraft liability insurance.

Sec. 10.

DEPARTMENT OF ECONOMIC DEVELOPMENT

(a) The expenditure limitation established by section 8(b) of chapter 24 of the 1983 Session Laws of Kansas on the housing

assistance program—federal fund, is hereby increased from \$1,238,816 to \$1,348,816.

Sec. 11.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1984, the following:

Litigation costs ..... \$30,000

(b) On the effective date of this act, of the \$72,500 appropriated for the above agency for the fiscal year ending June 30, 1984, by section 3(a) of chapter 24 of the 1983 Session Laws of Kansas from the state general fund in the additional operating expenditures for investigation and litigation regarding architectural and construction contracts for capital improvement projects at the university of Kansas medical center (including services of special assistant attorney general) account, the sum of \$30,000 is hereby lapsed.

Sec. 12. *Appeals to exceed limitations.* Upon written application to the governor and 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, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 13. *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. 14. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 7, 1984.

SENATE concurred in HOUSE amendments March 12, 1984.

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

Passed the HOUSE as amended March 7, 1984.

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

APPROVED March 19, 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 19th day of March, 1984.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

## KANSAS FACTS

### EDUCATION IS A NUMBER ONE PRIORITY

Education in Kansas has come a long way since the days of the sod schoolhouse. Education has always played a key role in Kansas, as indicated by this provision in the original state Constitution:

"The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments."

A complete educational system, supervised and partially supported by the state, now exists in Kansas, with compulsory schooling for children under age 16. Nearly two-thirds of all tax dollars collected in the state go to education.

Educational institutions in Kansas may be summarized as follows:

Public elementary schools .....	1,072
Public junior high schools .....	92
Public high schools .....	355
Non-public elementary and secondary schools (includes church-related, special education and private) .....	186
Board of Regents institutions:	
State universities .....	6
Two-year technical institute .....	1
Municipal university .....	1
Community colleges .....	19
Federally operated junior college (for Indians) .....	1
Private two-year colleges .....	4
Church-affiliated colleges and universities .....	18
Area vocational-technical schools .....	14

#### Elementary and Secondary Education

Elementary and secondary education are provided in Kansas primarily through regular public schools, financed by local property taxes and state aid. Over one-half billion dollars in state and local taxes are spent each year on elementary and secondary education in Kansas. Schooling is also available through private schools including church-related institutions, and public special education including the Kansas State School for the Deaf at Olathe and the Kansas State School for the Visually Handicapped, Kansas City.

The number of elementary and secondary schools in Kansas has dropped dramatically in recent years, to just over 300 unified school districts in the state. Prior to that time there had been thousands of school districts, and sometimes more than one school in a single township. Each unified school district is supervised by a locally elected board of education of seven members.

Laws enacted by the Legislature set standards for school operations, and those laws are enforced by the State Department of Education. The department is under the jurisdiction of the State Board of Education consisting of ten members elected from districts. The Board oversees public education and has some supervision over private schools.

The Kansas educational system was in the national spotlight in 1954, when the U.S. Supreme Court on May 17 handed down its landmark decision in the case of *Brown v. Board of Education of Topeka*. The decision held that "separate but equal" school facilities were inherently unequal and that school segregation violated the Constitution's guarantee of equal protection under the Fourteenth Amendment.

Topeka had unusual segregation—it existed only in grade schools. The city's junior highs and high schools had been integrated for several decades. Before the court even heard the case, complete integration of the Topeka schools was already underway. The *Brown* decision set in motion the desegregation of schools throughout the United States.

#### Higher Education

Higher education is available in Kansas through public and private institutions, including state universities, a municipal university, community colleges, private colleges, and vocational, technical and proprietary schools.

The state's tradition of enthusiasm for higher education is reflected in the facts that Kansas ranks fifth in the U.S. in the number of institutions of higher learning per capita, and eighth among the states in the number of public institutions of higher learning per capita.

Of special note among Kansas colleges and universities are: Bethel College, Newton, which was the first Mennonite college in the nation; Haskell Indian Junior College, Lawrence, the only federally-operated two-year college for Indians; and Highland Community College, Highland, the oldest institution of higher learning in Kansas, which still uses its original building. Especially noteworthy is Washburn University, Topeka, a public urban university which receives substantial funding from the City of Topeka and the State of Kansas. Washburn has one of the two law schools in Kansas, and offers a variety of other academic programs. Nearly 7,000 students attend Washburn. The school's mascot is the "Ichabod," named for founder Ichabod Washburn.

#### Vocational-Technical Schools

Kansas has one of the nation's finest systems of area vocational-technical schools. The 14 such schools located across the state play a vital role in the Kansas economy by training skilled craftsmen and technicians for industry and business. The state system covers seven general occupation areas: trade and industry, technical training, agriculture, distribution, home economics, business and office occupations, and health occupations.

The course offerings include agriculture production, distributive education, practical nursing, food management and production, clerical work, auto mechanics, carpentry, drafting, electronics, printing, welding, computer work, and more.

#### Regents Institutions

The operation of the six state universities and one technical institute is supervised by the State Board of

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Regents, consisting of nine members appointed by the Governor. The Board coordinates programs of the state institutions and administers certain student assistance programs for postsecondary students in Kansas.

The seven Regents institutions offer a variety of academic programs. Each institution has certain unique activities. The following gives a brief overview of the Regents institutions:

*University of Kansas.* The University of Kansas at Lawrence opened in 1866, the first state university in the Great Plains area. KU has the largest enrollment of any Big Eight Conference school with over 25,000 students. Among KU's academic programs are the only medical school and only pharmacy school in Kansas, and one of the two law schools in the state. The KU Medical Center at Kansas City serves not only as a teaching facility for health professionals, but also as an important research and treatment hospital. KU's Mid-America Cancer Center is nationally recognized as one of the top cancer research and treatment centers, and a recently completed Radiation Therapy Center is one of the best in the country. Special activities at KU include: the State Geological Survey; a Law Enforcement Training Center; and the Bureau of Child Research, an internationally recognized leader in the study of mental retardation and developmental disabilities. KU athletic teams are members of the Big Eight Conference and compete as the Jayhawks.

*Kansas State University.* Kansas State University, established in 1863, was the nation's original land-grant university. The main campus is in Manhattan, and the university owns and leases more than 14,000 acres in 19 counties for agricultural research. Off-campus education is available in numerous areas of the state. About 18,000 students are enrolled in the university. K-State is especially noted among Kansas universities for its academic programs in agriculture, home economics and veterinary medicine. Cooperating with the federal government and foreign countries, K-State conducts agricultural programs in several nations. Through the Federal Land-Grant Act, Kansas State is responsible for all county extension activities in the state. K-State has one of the most prestigious lecture series in American colleges and universities, the Alfred M. Landon Lecture Series on Public Issues. In athletic events, the K-State Wildcats compete in the Big Eight Conference.

*Wichita State University.* Wichita State University, Wichita, was founded as Fairmount College in 1895. It became a municipal university in 1926 and a state university in 1964. The enrollment is over 16,000. WSU has a cultural program which serves not only the student body, but also the community of Wichita, the largest city in Kansas. Activities include theater, music, art exhibits and lectures, including the Dwight D. Eisenhower Lecture series. The Center for Gerontology and the Center for Urban Studies provide special research and services. A branch of the University of Kansas School of Medicine operates through WSU. The WSU Wheat Shockers participate athletically in the Missouri Valley Conference.

*Emporia State University.* Emporia State University at Emporia was established in 1863 as the Kansas State Normal School. Later it was called the Kansas State Teachers College of Emporia, and although training of educators is still emphasized, other academic programs are also offered. Enrollment at the university is over 5,000. The Emporia State campus is designed to accommodate handicapped students, and an extensive program for the handicapped is available. A Center for the Study of the Great Plains is also located at ESU. Emporia State competes athletically as the Hornets in the Central States Intercollegiate Conference.

*Fort Hays State University.* Fort Hays State University, Hays, was established in 1901 as the Western Branch of the State Normal School. Fort Hays State, located on land which was once the Fort Hays Military reservation, is the only state university in the western two-thirds of the state. About 5,000 students are enrolled there. FHSU offers the "Senior Companion Program" on campus—it is the only institution of higher learning in the U.S. which sponsors such a program. The FHSU athletic teams are known as the Tigers and are members of the Central States Intercollegiate Conference.

*Pittsburg State University.* Pittsburg State University, at Pittsburg in southeast Kansas, was established in 1903 as the Auxiliary Manual Training Normal School, a branch of the Emporia Normal School. Enrollment at the university today is about 5,000. A unique part of the university is the School of Technology and Applied Science, which works toward improvement of various industries in Kansas. The school conducts seminars and workshops for industries, and provides consultations on industrial safety. A Center for Business and Economic Development is another special program. Pittsburg State is a member of the Central States Intercollegiate Conference, and has taken the nickname, Gorillas.

*Kansas Technical Institute.* Kansas Technical Institute, Salina, was opened in 1966 and offers two-year programs in solar energy technology, computer science technology and surveying technology, as well as more traditional technical fields of study. About 600 students are enrolled at KTI.

## KANSAS: THE NATION'S LEADER IN AGRIBUSINESS

Kansas is one of the leading agricultural states in the country. Known as the "Wheat State" and the "Breadbasket of the Nation," Kansas produces more wheat and milo than any other state, as well as a number of other agricultural products.

Early explorers travelling through Kansas disagreed over the agricultural possibilities of Kansas resources. Some referred to the area as the "Great American Desert," while others immediately recognized the value of Kansas soil and other natural resources. During the last half of the 19th century there were three important developments which helped to establish Kansas as an agricultural state: the windmill, barbed wire and the mechanical combine.

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Today, farming is part of a multi-billion dollar industry known as agribusiness, which includes farming and related businesses such as manufacturing of farm equipment and fertilizer, and processing of farm products. Kansas ranks third among the states in production of agricultural equipment.

Nearly 50 million acres of Kansas land are devoted to farming. Leading crops and livestock products are:

wheat	soybeans	alfalfa seed	cattle
grain sorghums	sugar beets	wild hay	sheep
forage sorghums	oats	lespedeza seed	hogs
sorghum silage	alfalfa hay	dehydrated alfalfa	corn
barley			

### Wheat

"Win the War with Wheat!"

That was a popular slogan in Kansas during both world wars. Times of war have been boom times for wheat farmers, but Kansas wheat plays an important part in feeding the world in times of peace also.

Kansas produces 20 to 25 percent of all wheat grown in the United States, making Kansas the leading state in wheat production. Only seven countries, including China and Russia, produce more wheat than does Kansas. Heavy wheat exports help to make Kansas the number one state in exports per capita of all products.

An important development for wheat farming was the introduction into Kansas of Hard Red Winter Wheat, or "Turkey Red Wheat," brought from Russia by the Mennonites in 1874.

While modern wheat farmers have produced record crops, the market prices for wheat have fluctuated drastically in recent years. Large grain sales to Russia and China in the early 1970's have helped, but throughout this decade the prices received by farmers for their wheat have rarely exceeded the cost of production.

The Kansas Wheat Commission, financed by an excise tax on first sales of wheat, assists wheat farmers and promotes use of wheat products.

### Cattle

Cattle were very important to the early development of Kansas. Cattle raised in Texas were driven to Kansas railroad towns to be loaded for shipment to eastern markets. The most important "cowtowns" were Abilene, Wichita, Ellsworth, Newton, Dodge City and Caldwell. All of these flourished as cowboys drove their cattle up the various cattle trails to the railroads and brought business to the towns. There were some problems with the cattle drives; Texas cattle brought Texas and Spanish Fever into the state, so quarantines had to be enacted against Texas cattle during warm weather to protect Kansas cattle.

Production of cattle in Kansas is significant, with cattle being raised in all counties of the state. Kansas is the third ranking state in production of beef cattle, and the cattle feedyards in western Kansas are some of the largest in the country.

### Problems and Solutions

Over the years, Kansas farmers have been plagued with various types of problems ranging from droughts to floods and from grasshopper plagues to low market

prices. The agricultural history of the state reveals cycles of boom and bust which resulted in expansion of agricultural holdings, only to be followed by thousands of foreclosures on Kansas farms. The frustrations of the farmers often spilled over into politics, as can be seen in the Populist and AAM movements of the 19th and 20th centuries.

One of the roughest times for Kansas farmers was the 1930's. General problems of the Great Depression were compounded by dust storms and drought. The dry soil of the Great Plains combined with strong winds to create massive clouds of dust which were thousands of feet high and miles across, and which obscured the sun for hours. Shelter belts (rows of trees) built with federal funds to diminish soil erosion are still in evidence throughout central Kansas.

Despite the hard times in the 1930's, most farmers stayed on their farms, hoping for better times. President Roosevelt's "New Deal" programs brought some relief, and the next decade brought a boom time during World War II.

The soil erosion of the 1930's has yielded to scientific farming methods, and today thousands of acres of Kansas farmland are irrigated by modern irrigation systems supported by wells, federal reservoirs, farm ponds and local reservoirs.

While the great grasshopper plagues of the 19th century no longer exist, grasshoppers and other pests periodically continue to invade crops. Modern chemical pesticides have helped to control and eradicate them.

This use of pesticides, along with herbicides and chemical fertilizers, has greatly increased farm production costs. Despite high costs, prices for many farm products have remained low in recent years, and some unhappy farmers have expressed their discontent through farm "strikes," parades and demonstrations.

### Research and Other Support Services

Better agricultural methods are constantly being sought by researchers in Kansas.

Kansas State University is recognized as one of the outstanding agricultural research institutions in the nation. Researchers on campus and at agricultural experiment stations throughout the state are especially noted for their outstanding work in the eradication of plant and animal diseases, and for their development of new hybrids of wheat and other grains.

Farmers also receive various types of support from organizations such as 4-H clubs, Future Farmers of America, Grange, Farm Bureau, Farmers Union, National Farmers Organization, Livestock Association and local farm cooperatives.

## KANSAS: MIDWAY, U.S.A. FOR BUSINESS AND INDUSTRY

Commerce and industry in Kansas are varied, but are dominated by the aircraft industry and agriculture-related enterprises.

Products manufactured in the state range from airplanes to pizza, from camping equipment to greeting cards, and from tires to sewing patterns. Other major

(continued)



industries include meat packing, mining, flour milling and petroleum refining.

The variety of commerce and industry creates a healthy state economy and a good job market. Unemployment in Kansas is consistently among the lowest in the nation.

The state's location in the center of the country makes Kansas an ideal site for many businesses. Walter Beech, the founder of Beech Aircraft Corporation, once said, "No matter where you deliver an airplane from Wichita, you're already halfway there."

In recent years Kansas has sought and attracted dozens of new industries. Much of the credit for this accomplishment goes to the Kansas Department of Economic Development (KDED), a state agency, and the Kansas Cavalry. The Cavalry is a group of about 300 Kansas business leaders who volunteer their time and expertise to meet with business leaders from other states who might be interested in locating in Kansas. Delegations of Cavalry members have traveled, at their own expense, all over the United States and even to some foreign countries.

Strong "selling points" for Kansas used by KDED and the Cavalry include the state's central location, high worker productivity rate and an excellent system of air, rail and ground transportation. Kansas is the fifth ranked state in total railroad miles, and third in the number of highway miles.

Kansas is the world leader in production of general aviation aircraft. Three Kansas companies manufacture two-thirds of all the general aviation aircraft produced in the entire world.

The major Kansas aircraft firms are located in Wichita, the "Air Capital of the World." Over 50,000 people are employed by Kansas aircraft firms and firms supplying aircraft components and parts.

Hutchinson is a major salt production center, with one of the world's largest salt mines and three of the largest salt evaporation plants. There are also two salt mines and a salt processing plant at Lyons.

The Pittsburg area in southeast Kansas is a center of large strip coal mining operations. Located at Pittsburg is the nation's largest plant devoted mainly to the production of coal preparation equipment, and one of the country's largest ammonium nitrate plants.

Kansas ranks in the top ten states in production of popcorn, railroad cars, cattle and rubber tires, as well as wheat, milo and aircraft. The state is the country's leading producer of helium.

A noteworthy item in regard to Kansas business is the fact that two of the nation's top female business leaders are Mrs. Olive Ann Beech and Mrs. Olive Ann Garvey, who both reside in and operate their businesses from Wichita.

The following companies are several of the larger and several of the more unique in Kansas:

*Atchison, Topeka and Santa Fe Railway Company:* Santa Fe has a major office in Topeka, where over 1,000 persons are employed. Santa Fe owns over 2,500 miles of railroad track in Kansas, and is the largest railroad company in the state.

*Beech Aircraft Corporation:* Beech Aircraft in

Wichita employs over 8,000 people in its three Kansas plants. The company produces commercial, private and defense aircraft of all sizes.

*Boeing Wichita Co.:* Boeing Wichita, in operation since 1927, handles military and commercial aircraft assignments, including modifications. The facility does support work for the entire commercial jetliner series delivered at Seattle. Boeing Wichita employs 12,000 people.

*Cessna Aircraft Co.:* Cessna, located in Wichita, produces 51.8% of all general aviation aircraft. The Cessna Skyhawk (172) is the largest selling general aviation aircraft in history.

*The Coleman Company, Inc.:* Coleman, Wichita, produces camping products, recreational vehicle equipment, and heating and air conditioning units. Coleman products are marketed internationally.

*Evans Products, Inc.:* Evans Products, Dodge City, is one of only three companies in the U.S. which manufacture plastic drum heads for musical instruments. The company, which has been in business since 1958, sells drum heads to customers all over the world, including some of the top rock groups. Among the Evans drum heads are some which are unique, and made by no other company in the world. One such product is the "hydraulic head," an oil-filled drum head.

*Gates Learjet Corporation:* Gates Learjet in Wichita is the world's leading producer of business jet aircraft. Many entertainers, foreign dignitaries and other well-known people have visited Wichita to take possession of their new Learjets.

*Goodyear Tire and Rubber Company:* The Goodyear factory in Topeka is the world's largest producer of giant earthmover tires. About 4,000 people are employed at the facility, which manufactures approximately 900 different types and sizes of tires.

*Hallmark Cards, Inc.:* Hallmark, the world's leading publisher of greeting cards, has three major production centers in Kansas. Over 2,000 people are employed in those facilities at Topeka, Lawrence and Leavenworth. Items produced at those centers include greeting cards, stationery, paper party goods, candles, writing instruments, key chains and Springbok jigsaw puzzles.

*Hesston Corporation:* In 1947, a Hesston farmer became frustrated by the lost hours of productivity while his crew unloaded wheat out of combine grain tanks into trucks. Searching for a better way, the farmer and another Hesston man developed an unloading auger for the combine. Their product was marketed and the Hesston Corporation was born. Today Hesston is a major international producer of farm equipment, and also manufactures wood office furniture. About 1,500 people are employed at the corporation's plant in Hesston.

*Harold Hillman—Sphere-maker:* In a small shop in Ellis, attractive but rough rocks are turned into decorative spheres that look like large, beautiful marbles. The sphere-maker, Harold Hillman, invented, built and patented all the machinery in his shop. He is, as far as he knows, the only person in the world who

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produces spheres for public sale. Hillman's special equipment shapes and polishes spheres which are usually three or four inches in diameter, although they can be smaller or larger.

**Josten's American Yearbook Co.:** American Yearbook Co., a division of Josten's of Minnesota, publishes high school and college yearbooks. Over 1,000 people are employed at the Topeka facility.

**King Radio Corporation:** King Radio, Olathe, is one of the world's leading producers of aircraft avionics equipment. The company manufactures navigation and communication radios, radar and radar altimeters, auto pilots and similar items. King Radio employs over 2,800 people at its plants in Olathe, Paola, Ottawa and Lawrence, and has an office in Geneva, Switzerland. King equipment is used in 97 airplane models, ranging from a small Cessna model to the Concorde SST.

**McCall Pattern Company:** McCall's only manufacturing and distribution facility in the United States is located at Manhattan. Nearly 100 million sewing patterns are produced there each year, and the patterns are distributed in 86 countries. The plant employs 600 people.

**Olathe Boot Company:** Olathe Boot Company is the only manufacturer of western boots in Kansas. The Olathe facility, which also has an outlet store, produces over 12,000 pairs of boots each year, and they are marketed all over the United States.

**Pizza Hut:** Pizza Hut, the international restaurant chain, is based in Wichita, where it was founded in 1958, beginning with a single Pizza Hut. There are now Pizza Huts in all 50 states and 15 foreign countries, and at last count there were a total of 3,970 Pizza Huts worldwide.

**Player Piano Company, Inc.:** Player Piano Co., Wichita, has the largest selection of player piano parts and accessories in the world. The company offers music rolls and supplies by mail and in the store.

**Shepler's Inc.:** Shepler's in Wichita is the world's largest western store, offering western wear, equestrian supplies and accessories. The Wichita facility includes a retail store, a mail order center and a plant which manufactures saddles, harnesses and similar equipment.

**Tony's Pizza Co., Inc.:** Over 1,000 people are employed at Tony's Pizza, Salina. The company produces frozen pizza and frozen Mexican food.

**Underground Vaults and Storage, Inc.:** The Carey Salt Company noticed some years ago that files stored in the company's salt mines near Hutchinson were unusually well preserved. So, when Carey completed mining the area a Wichita lawyer founded Underground Vaults and Storage (UVS) in 1959, signing a 99-year lease for all 350 acres of underground space in the old mines. At 68 degrees fahrenheit and approximately 55 percent relative humidity, the space is perfect for storage. One of the many clients of UVS is Metro Goldwyn Mayer, which stores all of its fine grain masters in the old mine, including "Gone With the Wind." Other clients include hospitals, cities, major oil companies and large corporations. UVS has 15,000 depositors from all 50 states and 32 foreign countries.

**Western Insurance Companies, The:** Founded in 1910, the Western Insurance Companies, Fort Scott, recently affirmed a sense of Kansas pride and a commitment to remain in this state by completion of a \$5 million communications center south of town. Western employs nearly 1,000 Fort Scott area residents in its home office, and has 52 branch offices all over the country and about 3,500 independent agents.

## BASIC FACTS

**POPULATION:** The population of Kansas is 2,382,598 (as of July 1, 1982). The ten largest cities in Kansas and their populations are:

Wichita . . . . .	279,835	Salina . . . . .	41,843
Kansas City . . . . .	161,148	Hutchinson . . . . .	40,284
Topeka . . . . .	115,266	Olathe . . . . .	37,258
Overland Park . . . . .	81,784	Leavenworth . . . . .	33,656
Lawrence . . . . .	52,738	Manhattan . . . . .	32,644

**STATE NICKNAMES:** Sunflower State; Wheat State; Jayhawker State.

**KANSAS SEAL AND MOTTO:** The Great Seal of Kansas was adopted in May, 1861, by the legislature. The design embraces a prairie landscape with buffalo pursued by Indian hunters, a settler's cabin, a river with a steamboat and cluster of thirty-four stars surrounding the motto, "Ad Astra per Aspera" (To the stars through difficulties). The seal is encircled by the words, "Great Seal of the State of Kansas, January 29, 1861."

**STATE MARCH:** "The Kansas March," composed by Duff E. Middleton, was established as the official state march of Kansas in 1935 by the legislature.

**STATE SONG:** *Home on the Range* is the official song. It was adopted in 1947.

**TIME ZONES:** Most of Kansas is located in the Central Standard Time zone; a small portion of western Kansas is in the Mountain Standard Time zone.

**U. S. MILITARY INSTALLATIONS:** Air Force—McConnell Air Force Base, Wichita, Army—Fort Leavenworth, Fort Riley.

**VOTER REQUIREMENTS:** (1) United States citizen, (2) 18 years of age, (3) registered voter (registration books close 20 days prior to any election).

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