

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 20

May 17, 1984

Pages 717-740

<i>IN THIS ISSUE</i>	<i>Page</i>
<i>Department of Health and Environment</i>	
Notice of Hearing	718
<i>Department of Administration</i>	
Notice of Commencement of Negotiations (Engineering Services)	718
<i>Department of Human Resources</i>	
Notice of Review of Grant Applications	719
<i>Statewide Health Coordinating Council</i>	
Notice of Meeting	720
<i>State Board of Education</i>	
Notice of Hearing on Proposed Administrative Regulations	720
<i>State Park and Resources Authority</i>	
Notice to Bidders	721
<i>Attorney General's Opinions</i>	
Opinions No. 84-38 and 84-39	721
<i>Notice to Bidders for State Purchases</i>	721
<i>Notice of Bond Sale</i>	
U.S.D. 227	724
<i>Notice of Bond Redemption</i>	
Labette County	726
<i>State Corporation Commission</i>	
Notice of Motor Carrier Hearings	727
<i>New State Laws Enacted</i>	
SB 725: Relating to financial services for state agencies	731
HB 2943: Concerning life insurance	732
SB 878: Concerning the State Park and Resources Authority	732
HB 2900: Relating to zoning by counties and cities outside of the corporate boundaries thereof	733
SB 829: Concerning the community corrections act	734
SB 870: Concerning a memorial to law enforcement officers who have lost their lives in the line of duty in the service of the state	735
SB 866: Concerning certain cities; authorizing the expenditure of general fund money for certain purposes	735
SB 810: Relating to corrections	735
SB 864: Relating to the registration of certain vehicles	737
SB 858: Concerning penalties and sentencing for certain crimes	737

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****NOTICE OF HEARING**

The Kansas Department of Health and Environment will reconsider its decision to deny the Certificate of Need application by the Nemaha Valley Community Hospital, Seneca, to replace and expand its existing facility. The hearing will be conducted on May 24, 1984, at 9:00 a.m., at the Kansas Dept. of Health and Environment, Bldg. 740, Forbes Field, Topeka. Any affected person will be allowed to testify or to cross examine the witnesses.

The Kansas Department of Health and Environment will also reconsider its decision to deny the Certificate of Need application by the Allen County Hospital to reconstruct a physical plant. The hearing will be conducted on May 25, 1984, at 1:00 p.m., at Bowlus Fine Arts Center, 205 E. Madison, Iola. Any affected persons will be allowed to testify or to cross examine the witnesses.

BARBARA J. SABOL
Secretary of Health and Environment

Doc. No. 002166

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 for professional consultation regarding the present condition of and recommended structural repairs and maintenance to the five-level concrete parking structure at the University of Kansas Medical Center, 39th and Rainbow Blvd., Kansas City, KS 66103.

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

Questions or expressions of interest should be directed to Warren Corman, Director of Facilities, Kansas Board of Regents, Merchants National Bank Tower, Topeka, KS 66612, telephone (913) 296-3421, prior to June 1, 1984.

JOHN B. HIPPI, AIA
Director
Division of Architectural Services

Doc. No. 002159

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1983 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka; Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

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

© Secretary of State of the State of Kansas 1984. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature, and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



PHONE: 913/296-2236

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 Dept. of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603.

KS840504-001-84132SN—Application for \$179,610 to operate Topeka Independent Living Resource Center which provides and/or coordinates services needed for disabled people to live independently. Contact Robin O'Dell, Division of Rehabilitation Programs, Dept. of Social and Rehabilitation Services, Biddle Bldg., 2nd Floor, 2700 W. 6th St., Topeka, KS 66606, (913) 296-3911. Comments due by June 1, 1984.

KS840504-002-84132KS—Application for \$193,335 for Operation Link (Living Independently in North-west Kansas). Contact Robin O'Dell, Dept. of Social and Rehabilitation Services, Biddle Bldg., 2nd Floor, 2700 W. 6th St., Topeka, KS 66606, (913) 296-3911. Comments due by June 1, 1984.

KS840507-002-84128SC—Application for \$106,060 to fund a demonstration project training handicapped adults to be non-medical attendants for severely disabled or older people. Contact Carol Dunker, Project Aid Resource Center, Inc., 2021 N. Old Manor, Wichita, KS 67208, (316) 688-1888. Comments due by June 21, 1984.

KS840507-003-30068CK—Notification of an EPA Superfund investigation and feasibility study of the Cherokee County Site of the lead and zinc mines for a clean-up project related to the Tar Creek project in Oklahoma. Estimated cost: \$350,000. State Project Director: Karl Birns, Kansas Dept. of Health and Environment; Forbes Field, Topeka, KS 66620, (913) 862-9360. EPA Contact: Alice Fuerst, U.S. EPA, Region VII, 324 E. 11th, Kansas City, MO 64106, (816) 374-6864. Comments due by June 21, 1984.

KS840508-001-84132DG—Application for \$150,000 to operate the Lawrence Independent Living Resource Center serving disabled residents of Douglas County (and 16 other counties) enabling them to live more independently. Contact Mona McCoy, LILRC, 1910 Haskell, Lawrence, KS 66044, (913) 841-0333. Comments due by June 1, 1984.

KS840509-001-84132DG—Application for \$198,000 to operate The Whole Person, Inc., an independent living referral service in Johnson and Wyandotte Counties, as well as four counties in Missouri. Contact Margaret Shreve, 6301 Rockhill Road, Suite 305E, Kansas City, MO 64131, (816) 361-0304. Comments due by June 4, 1984.

KS840509-002-84128MO—Application for \$103,000 for a resource development project by The Whole Person, Inc. Contact Margaret Shreve, 6301 Rockhill

Road, Suite 305E, Kansas City, MO 64131, (816) 361-0304. Comments due by June 4, 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:

KS840507-001-13600GE—Application for \$66,589 to operate Geary County U.S.D. No. 475 Head Start Program. Joseph Clouse, Box 370, Junction City, KS 66441.

The following federal grants have been awarded from the U.S. Department of Education:

Kansas Treasurer, Topeka, KS 66612; "Aid to Land Grant Colleges"—\$50,000.

Kansas Division of Vocational Rehabilitation, Biddle Bldg., 2700 W. 6th St., Topeka, KS 66606:

\$1,778,180: "Vocational Rehabilitation Basic Grants to States"

\$1,050,743: "Vocational Rehabilitation New Basic Grants to States"

\$2,500,360: "Vocational Rehabilitation New Basic Grants to States"

\$1,776,434: "Vocational Rehabilitation New Basic Grants to States"

\$1,776,422: "Vocational Rehabilitation New Basic Grants to States"

\$300,000: "Vocational Rehabilitation New Basic Grants to States."

Kansas Department of Education, 120 E. 10th St., Topeka, KS 66612; \$224,000: "Bilingual Education—Transition Program for Refugee Children."

"Interest Subsidy Grants for Academic Facilities":

Seward County Community Junior College, Liberal, KS 67901: \$17,399.

Johnson County Community College, Overland Park, KS 66204: \$90,854 and \$41,901.

Friends University, Wichita, KS 67213: \$29,653 and \$21,345.

University of Kansas, Lawrence, KS 66045: \$19,838.

Wichita State University, Wichita, KS 67208: \$67,706.

JERRY SHELOR
Secretary of Human Resources

Doc. No. 002167

State of Kansas

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

NOTICE OF MEETING

The Statewide Health Coordinating Council will meet on May 23, 1984 at the Wichita Hilton Inn East, Kellogg at Rock Road, Wichita, KS. The public is invited to attend this meeting. For detailed information, contact the Office of Health and Environmental Planning, Kansas Dept. of Health and Environment, Forbes Field, Bldg. 321, Topeka, KS 66620, (913) 862-9360, ext. 535.

BARBARA J. SABOL
Secretary of Health and Environment

Doc. No. 002165

State of Kansas

STATE BOARD OF EDUCATION

**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

TO ALL TEACHERS, ADMINISTRATORS, BOARDS OF EDUCATION, TRUSTEES AND CONTROL, TEACHER TRAINING INSTITUTIONS, SCHOOL AND COMMUNITY COLLEGE DISTRICTS, AND ALL OTHER PERSONS WHOM IT MAY CONCERN:

You are hereby notified that the Kansas State Board of Education will hold a public hearing in the first floor conference room of the Kansas State Board of Education, Kansas State Education Bldg., 120 E. 10th St., Topeka, KS 66612 on June 12, 1984, at 1:30 p.m., to consider in substance the proposed Kansas Administrative Regulations (K.A.R.) of state agency 91, numbered K.A.R. 91-12-68 and 91-12-69, which said board proposes to adopt as soon thereafter as the same have been put in final order as temporary regulations, and as permanent regulations to become regularly effective May 1, 1985.

The proposed rules and regulations relate generally to: special education, and more particularly to the following:

K.S.A. 72-973 was amended by the 1983 Kansas Legislature to require certain qualifications for persons acting as special education due process hearing officers. Such persons must meet standards and requirements established by the State Board of Education. The amendment also prescribed new procedures for the selection of persons to act as hearing officers in local education agency due process hearings.

K.A.R. 91-12-68 sets forth qualifications for hearing officers and for state board approved training for these persons.

K.A.R. 91-12-69 gives procedures and timelines for

the selection of a hearing officer mutually acceptable to parents and the local education agency.

The fiscal impact statement for K.A.R. No. 91-12-68 requires that persons selected to be hearing officers satisfactorily complete a training program conducted or approved by the state board of education. It is estimated that from \$2,000 to \$4,000 would be required annually to cover the cost of such a training program. Expenses would include training materials, consultants to conduct the training, and travel expenses for participants, and K.A.R. No. 91-12-69 states that implementation would not incur any additional costs.

Copies of the above numbered regulations are being attached to public hearing notices (which contain the fiscal impact statement, and the state board's public hearing procedures and guidelines) and are being mailed to all chief school administrators in the state and may be reviewed in their offices by interested persons. Copies of said regulations and/or the respective fiscal statements may be obtained by contacting the Secretary of the State Board of Education, Kansas State Education Bldg., 120 E. 10th St., Topeka, KS 66612, prior to June 1, 1984. Copies of said public hearing notice are also being mailed to the clerk of each local school board for the attention of school board members.

On the date of said hearing all interested persons shall be given reasonable opportunity to be heard and to present their views or arguments, orally, on tapes or in writing, on said proposed regulations. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the state board of education, at least five (5) days before the hearing, their reactions in favor of or in opposition to said proposed regulation(s), and any other matters, suggestions or proposals that relate thereto. They may do this by letter form, regular audio cassette tape, or by one-half inch (1/2") VHS video cassette tape. The reactions will be entered into the record and considered by the state board of education. The video cassette tape or audio cassette tape shall not exceed three (3) minutes in length and shall also be considered by the state board of education. Persons using tapes shall first identify themselves in the tapes and state whether they represent themselves individually or represent a group as other presenters do that appear in person at the hearing; such presentations shall be accompanied by a signed transcript. Said hearing shall be conducted in compliance with the public hearing procedures of the state board of education.

KANSAS STATE BOARD OF EDUCATION

By: Dr. Gordon R. Schultz
Chairman

Certified by:
Dr. Harold L. Blackburn
Kansas Commissioner of Education

Doc. No. 002162

State of Kansas

PARK AND RESOURCES AUTHORITY**NOTICE TO BIDDERS**

Sealed bids for the development, construction, operation and maintenance of a Small Boat Concession Facility and for the operation and maintenance of the Bathhouse Concession Facility at the River Pond area of Tuttle Creek State Park, Riley County, KS, will be received by the State Park and Resources Authority, Room 520, 503 Kansas Ave., P.O. Box 977, Topeka, KS 66601, until 2:00 p.m., June 1, 1984 and then will be publicly opened and read aloud.

Bid forms, plans, specifications and other project information may be obtained from the State Park and Resources Authority at the address given above.

LYNN BURRIS, JR.
Director

Doc. No. 002163

State of Kansas

ATTORNEY GENERAL**OPINION NO. 84-38**

Corporations — Agricultural Corporations — Limitations; Exceptions. Senator Gerald L. Karr, Seventeenth District, Emporia, May 4, 1984.

The restrictions of K.S.A. 17-5904 do not apply to agricultural land owned or leased by a corporation on July 1, 1981, where said corporation was engaged in "livestock enterprises" (other than milking of cows for dairy purposes) or "hog enterprises" on said land, and was not otherwise in violation of K.S.A. 17-5901, prior to the aforesaid date. Cited herein: K.S.A. 17-5901, 17-5904, L. 1973, ch. 99, § 1. TRH

OPINION NO. 84-39

Public Health—Solid and Hazardous Waste—Restrictions on Local Authorities. Leonard L. Buddenbohm, Atchison County Counselor, Atchison, May 4, 1984.

A county which maintains a county sanitary landfill (pursuant to K.S.A. 65-3401 *et seq.*), and which levies fees and charges therefor against county residents, may impose a reasonable fee upon nonresidents of the county who seek to use said landfill. The imposition of such a fee does not impede interstate or intrastate transportation or disposal of solid waste, in violation of K.A.R. 28-29-1, provided fees for use of the landfill are fairly apportioned between residents and nonresidents, do not discriminate against nonresidents, and are fairly related to services provided by the county. Cited herein: K.S.A. 65-3401, 65-3410, K.A.R. 28-29-1, U.S. Const., Art. I, § 8, cl. 3. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 002160

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:

TUESDAY, MAY 29, 1984

#A-4933

Kansas State University, Manhattan—1984 PARKING LOT IMPROVEMENTS, LOT A1, A2, A3, A4, A15, A26 AND A29

#A-4938

Kansas State University, Manhattan—PROVIDE AUTOMATIC CONTROLLED SPRINKLER IRRIGATION SYSTEM, Umberger and Dykstra Halls and Campus Creek Areas

#26038

Pittsburg State University, Pittsburg—IBM TYPEWRITER MAINTENANCE

#26040

University of Kansas Medical Center, Kansas City—ELECTRONIC TYPEWRITER AND WORD PROCESSOR MAINTENANCE

#26052

Department of Human Resources, Topeka—LEASE/PURCHASE OF DISPLAY TERMINALS, various locations

#57801

Department of Transportation, various locations—LAWN MOWERS

#57803

Kansas State University, Manhattan—MINICOMPUTER SYSTEM

#57811

Osawatomie State Hospital, Osawatomie—WALK-IN COOLER SHELVING

#57812

Kansas State Historical Society, Topeka—HALO POWER TRAC SYSTEM

#57813

Department of Corrections, Topeka—VIDEO EQUIPMENT

#57817

Osawatomie State Hospital, Osawatomie—PICK-UP TRUCK

#57822

University of Kansas Medical Center, Kansas City—MICROCOMPUTER ELECTRONIC ADDRESSING SYSTEM

#57824

Kansas State University, Manhattan—MISCELLANEOUS GROCERIES

#57825

Kansas State University, Manhattan—MILO AND SOYBEAN MEAL

#57827

University of Kansas, Lawrence—CARPET, PAD AND INSTALLATION

#57828

University of Kansas, Lawrence—COLOR VIDEO PROJECTOR

(continued)

- #57829
Emporia State University, Emporia—PLUMBING FIXTURES
- #57830
Kansas State Historical Society, Topeka—AUDIO VISUAL EQUIPMENT
- #57842
University of Kansas, Lawrence—MICROCOMPUTER SYSTEM
- #57850
University of Kansas Medical Center, Kansas City—AIRPLANE ENGINE OVERHAUL
- #57854
Department of Corrections, Topeka and University of Kansas, Lawrence—DINNERWARE, various locations
- #57855
Wichita State University, Wichita—VERTICAL BLINDS AND INSTALLATION
- #57859
Kansas State University, Manhattan—FURNISH AND INSTALL COMPUTER FLOOR SYSTEM
- #57860
University of Kansas Medical Center, Kansas City—LANDSCAPE MAINTENANCE SUPPLIES
- #57863
Department of Corrections, Topeka and Wichita State University, Wichita—DINING ROOM TABLES, various locations
- #57864
Kansas State University, Manhattan—OAK BENCHES
- #57865
University of Kansas Medical Center, Kansas City—DEFIBRILLATOR, ECG MONITOR SYSTEM
- #57881
University of Kansas Medical Center, Kansas City—TYPING SYSTEM
- #57884
Kansas State University, Manhattan—MICROCOMPUTER SYSTEM
- #57885
University of Kansas Medical Center, Kansas City—CONTROL UNIT
- #57920
University of Kansas, Lawrence—ELECTRIC POWER/DEMAND ANALYZER
- #57921
University of Kansas, Lawrence—PANELBOARD AND SAFETY SWITCH
- #57925
Kansas Highway Patrol, Topeka—RIOT HELMETS
- #57932
Kansas State University, Manhattan—LAB INCUBATOR
- #57933
University of Kansas, Lawrence—HPLC SYSTEM AND DETECTOR
- #57934
University of Kansas, Lawrence—LABORATORY EQUIPMENT
- #57935
University of Kansas, Lawrence—IMPACTOR ATTACHMENT
- #57939
University of Kansas, Lawrence—ACRYLIC SHEET
- #57940
University of Kansas, Lawrence—FURNISH AND INSTALL NEW EXHAUST SYSTEM, Malott Hall
- #57946
University of Kansas, Lawrence—CHEMICAL FEED SYSTEM CONTROLLER AND PUMP
- #57947
Department of Corrections, Topeka—WASHER AND DRYER, various locations
- #57948
University of Kansas, Lawrence—SPEECH SPECTROGRAPHIC DISPLAY SYSTEM
- #57949
Kansas Correctional Industries, Lansing—COTTON BATTING
- #57957
Department of Corrections, Topeka—GAME TABLES, various locations
- WEDNESDAY, MAY 30, 1984**
- #A-4838
Department of Administration, Topeka—CONSTRUCT CAPITOL COMPLEX HEATING PLANT, Tenth and Harrison
- #26036
Kansas Fish and Game Commission, Pratt—ROAD GRAVEL AND ROAD BED MATERIAL, Cheney Wildlife Area
- #26039
University of Kansas Medical Center, Kansas City—FLOORCOVERING
- #26041
Statewide—CEREALS
- #26044
University of Kansas Medical Center, Kansas City—BLOOD BANK SETS
- #26045
Statewide—1985 CALENDARS
- #57800
University of Kansas Medical Center, Kansas City—DIGITIZING SYSTEM
- #57818
Department of Transportation, various locations—HOPPER SPREADERS
- #57826
Department of Corrections, Topeka—VACUUM CLEANER AND FLOOR MAINTAINER, various locations
- #57835
Department of Corrections, Topeka and Youth Center at Atchison, Atchison—ICE MACHINES, various locations
- #57836
Wichita State University, Wichita—ELECTRICAL SUPPLIES
- #57837
Wichita State University, Wichita—RECORDING CONSOLE
- #57838
University of Kansas, Lawrence—EXPANSION JOINTS
- #57839
Kansas State University, Manhattan—MICROCOMPUTER SYSTEM
- #57841
Department of Transportation, Topeka—AB SPECIAL AGGREGATE, various locations
- #57851
University of Kansas Medical Center, Kansas City—COMPACT CAR

(continued)

#57852
Kansas State University, Manhattan—TURKEY BREASTS

#57853
University of Kansas Medical Center, Kansas City—FLOOR MAINTENANCE EQUIPMENT

#56861
Kansas State University, Manhattan—COMPUTER ROOM CONTROL SYSTEM

#57862
Department of Transportation, Salina—WOOD SIGN POSTS AND BRIDGE PLANK LUMBER

#57866
University of Kansas Medical Center, Kansas City—HOSPITAL C-SECTION TABLE

#57867
Department of Corrections, Topeka—SECURITY LOCKS, KEYS AND HINGES, Kansas State Penitentiary, Lansing

#57876
Youth Center at Topeka, Topeka and University of Kansas Medical Center, Kansas City—DINING ROOM FIXTURES

#57877
Kansas State University, Manhattan—SOFTWARE

#57878
Youth Center at Topeka, Topeka—FOOD CUTTER AND FREEZER

#57883
University of Kansas Medical Center, Kansas City—WORD PROCESSING SYSTEM

#57890
Kansas State University, Manhattan—TERMINALS

#57894
Kansas State Historical Society, Topeka—DESIGN, FABRICATE AND INSTALL INDIAN TIPI

#57905
Department of Transportation, various locations—AUTOMOTIVE FLOOR JACKS AND END LIFTS

#57906
University of Kansas Medical Center, Kansas City and Wichita State University, Wichita—OFFICE FURNITURE

#57912
Department of Transportation, various locations—AUTOMOTIVE FLOOR CRANES, STANDS AND WHEEL DOLLIES

#57918
University of Kansas, Lawrence—DUMPSTERS

#57919
Kansas State University, Manhattan—CHINA

#57922
Kansas State University, Manhattan—TELECOMMUNICATION PARTS

#57923
Kansas State University, Manhattan—MICROWAVE OVEN AND AUTOMATIC FRYING MACHINE

#57924
Kansas State University, Manhattan—COAXIAL CABLE

#57929
University of Kansas, Lawrence—WATER LEVEL APPARATUS

#57930
Kansas State University, Manhattan—LAB FURNACES

#57931
University of Kansas, Lawrence—CHROMATOGRAPHY APPARATUS

#57936
University of Kansas, Lawrence—METAL WORKING MACHINERY

#57937
University of Kansas, Lawrence—MICROFILM EQUIPMENT

#57938
University of Kansas, Lawrence—STORAGE SYSTEM

#57941
Wichita State University, Wichita—DENTAL EQUIPMENT

#57950
University of Kansas, Lawrence—THEATRE CURTAINS AND DRAPE

#57958
Department of Social and Rehabilitation Services, Topeka—MICROCOMPUTERS, various locations

THURSDAY, MAY 31, 1984

#57804
Kansas State University, Manhattan—WORD PROCESSING SYSTEM

#57840
Wichita State University, Wichita—ROBOT EQUIPMENT

#57882
University of Kansas Medical Center, Kansas City—MICROCOMPUTER SYSTEM

#57889
Emporia State University, Emporia—PRINTERS

#57891
University of Kansas, Lawrence—MICROCOMPUTER SYSTEM

#57892
Wichita State University, Wichita—COMPUTER AIDED DRAFTING SYSTEM

#57893
Kansas State Penitentiary, Lansing—MISCELLANEOUS GROCERIES

#57900
University of Kansas, Lawrence—LUMINAIRES AND REFRACTOR

#57902
University of Kansas, Lawrence—INFRARED PORTABLE VIEWER

#57903
University of Kansas, Lawrence—LIGHTING FIXTURE

#57904
University of Kansas, Lawrence—VIDEO PROJECTOR

#57926
University of Kansas, Lawrence—REFURBISH WOMEN'S VARSITY SOFTBALL FIELD

#57942
University of Kansas, Lawrence—FURNISH AND SUPPLY MICRO-PROCESSOR CONTROLS FOR BOILERS

#57945
Kansas State University, Manhattan—LABORATORY COUNTER TOPS

#57951
University of Kansas, Lawrence and Department of Transportation, Hutchinson—GENERATORS

#57985
Department of Social and Rehabilitation Services, Topeka—CARPET AND INSTALLATION

(continued)

#57986

Kansas State Industrial Reformatory, Hutchinson—
MISCELLANEOUS MEATS

#57987

Kansas State University, Manhattan—DISH WASH-
ING COMPOUND

#57988

Department of Social and Rehabilitation Services,
Topeka—TRACTOR AND MOWER, Chanute

#57989

Fort Hays State University, Hays—CARPET AND IN-
STALLATION

FRIDAY, JUNE 1, 1984

#A-4448(b)

Pittsburg State University, Pittsburg—ROOFING
SYSTEM REPLACEMENT—PHASE II, Kelce Center
Facility

#A-4885

Wichita State University, Wichita—PROVIDE FOR
INSTALLATION OF OWNER'S BOILER, Central En-
ergy Plant

#A-4930

Department of Social and Rehabilitation Services,
Chanute—SEAL NORTH DRIVE, Area Office Facility

#57823

Kansas State University, Manhattan—OCR PAGE
READER

#57843

University of Kansas, Lawrence—MICROCOM-
PUTER SYSTEM

#57858

Kansas State University, Manhattan—PORTABLE
RADIOS

#57879

University of Kansas, Lawrence and Department of
Social and Rehabilitation Services, Topeka—FLOOR
MACHINES, Lawrence and Beloit

#57886

University of Kansas, Lawrence—MICROCOM-
PUTER SYSTEM

#57887

University of Kansas Medical Center, Kansas City—
DISK SYSTEM AND SOFTWARE

#57927

Kansas State University, Manhattan—WORD PRO-
CESSING SYSTEM

#57954

Wichita State University, Wichita—TELEPHONE
ANSWERING SYSTEM

#57955

Adjutant General's Department, Topeka—RADIOS

#57956

Wichita State University, Wichita—ENVIRONMEN-
TAL CONTROL SYSTEM

MONDAY, JUNE 4, 1984

#57856

Wichita State University, Wichita—COMPUTER-
IZED TYPESETTER

#57857

Kansas State University, Manhattan—AUTOMATIC
GATHER, STITCHER, THREE KNIFE TRIMMER
MACHINE

#57880

University of Kansas, Lawrence—MULTI-PROCES-
SOR COMPUTER SYSTEM

#57901

Kansas State Fair, Hutchinson—STATE FAIR TICK-
ETS

#57943

Kansas State University, Manhattan—FILM AND
PRINT PROCESSOR

#57944

Kansas Insurance Department, Topeka—INFORMA-
TION SYSTEM

#57952

Department of Human Resources, Topeka—IMAGE
PRINT MAKER OFFSET DUPLICATOR

TUESDAY, JUNE 5, 1984

#A-4062(d)

University of Kansas, Lawrence—RESTROOM MOD-
IFICATION, First Floor, Carruth O'Leary Hall

#57953

Department of Revenue, Topeka—ENVELOPES,
INC/RF-1, 24 LB.

MONDAY, JUNE 18, 1984

#26043

Winfield State Hospital and Training Center, Win-
field—LEASE OF LAND, Cowley County

MONDAY, JUNE 25, 1984

#26050

Winfield State Hospital and Training Center, Win-
field—OIL AND GAS LEASE, Stafford County

NICHOLAS B. ROACH

Director of Purchases

Doc. No. 002161

(Published in the KANSAS REGISTER, May 17, 1984.)

NOTICE OF BOND SALE

\$1,240,000.00

GENERAL OBLIGATION BONDS

OF

UNIFIED SCHOOL DISTRICT NO. 227
HODGEMAN COUNTY, KANSAS (JETMORE)

UNIFIED SCHOOL DISTRICT NO. 227,
HODGEMAN COUNTY, KANSAS (JETMORE) will
receive sealed bids at THE OFFICE OF THE
BOARD OF EDUCATION, P.O. BOX 217, JET-
MORE, KANSAS, until 8:00 o'clock P.M., C.D.T., on
MONDAY, JUNE 4, 1984

for \$1,240,000.00 par value GENERAL OBLIGA-
TION BONDS of the District, at which time and place
such bids will be publicly opened. No oral or auction
bids will be considered.

The Series A, 1984 Bonds will be dated as of June 1,
1984, and shall mature on October 1 in each of the
years and in the amounts set forth below. Such Bonds
shall consist of fully registered certificated bonds,
each in the denomination of \$5,000.00 or integral
multiples thereof not exceeding the principal amount
of Bonds maturing in each year. Interest will be pay-
able semiannually, commencing March 1, 1985, and
each October 1 and April 1 thereafter. The principal
of, and premium, if any, on the Bonds shall be payable
in lawful money of the United States of America, at the
principal office of the Treasurer of the State of Kansas,
(the Paying Agent and Bond Registrar) to the regis-
tered owners thereof upon presentation of the Bonds
for payment and cancellation. Interest on the Bonds

(continued)

shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the District.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$80,000	October 1, 1985
80,000	October 1, 1986
80,000	October 1, 1987
80,000	October 1, 1988
80,000	October 1, 1989
80,000	October 1, 1990
80,000	October 1, 1991
85,000	October 1, 1992
85,000	October 1, 1993
85,000	October 1, 1994
85,000	October 1, 1995
85,000	October 1, 1996
85,000	October 1, 1997
85,000	October 1, 1998
85,000	October 1, 1999

Interest Rate

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York on the Monday next preceding the day on which the Bonds are sold (May 28, 1984), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the OFFICIAL BID FORM furnished by the District, and shall be addressed to THE OFFICE OF THE BOARD OF EDUCATION, P.O. BOX 217, JETMORE, KANSAS 67854, ATTENTION: CARLA WILSON, CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the District will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and

shall be payable to UNIFIED SCHOOL DISTRICT NO. 227, HODGEMAN COUNTY, KANSAS (JETMORE). In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the District as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

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

Delivery of the Bonds

The Bonds, duly printed, executed and registered, will be furnished and paid for by the District; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN JUNE 15, 1984. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JULY 15, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the District. Delivery elsewhere will be made at the expense of the purchaser.

Legal Opinion

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

(continued)

income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The Bonds are being pursuant to a favorable vote of the electors of the District, for the purpose of constructing, furnishing and equipping an addition to the High School including a gymnasium, kitchen, dining area and appurtenances, for use by the School District.

CUSIP Identification Numbers

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

Assessed Valuation

Assessed valuation figures for Unified School District No. 227, Hodgeman County, Kansas (Jetmore), for the year 1983, are as follows:

Table with 2 columns: Description and Amount. Includes Equalized Assessed Valuation of Taxable Tangible Property (\$23,972,989), Tangible Valuation of Motor Vehicles (\$1,053,315), Tangible Valuation of Motor Vehicle Dealers' Inventory (\$63,205), Assessed Valuation of Farm Machinery and Equipment (1982) (\$1,521,550), Assessed Valuation of Business Aircraft (1982) (\$10,220), and Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations (\$26,621,279).

Bonded Indebtedness

The total bonded indebtedness of the District, at the date hereof, includes only this proposed issue of Bonds in the amount of \$1,240,000.00.

Official Statement

Additional copies of this Notice of Bond Sale, or copies of the District's Official Statement relating to the Bonds, or further information may be received from the Office of the Board of Education, P.O. Box 217, Jetmore, Kansas 67854 or First Securities Company of Kansas, Inc., Suite 200, One Main Place, Wichita, Kansas 67202 (316/262-4411), the District's financial consultants.

Dated May 7, 1984.

UNIFIED SCHOOL DISTRICT NO. 227
HODGEMAN COUNTY, KANSAS (JETMORE)
By CARLA WILSON, Clerk

Doc. No. 002158

(Published in the KANSAS REGISTER, May 17, 1984.)

NOTICE OF REDEMPTION

LABETTE COUNTY, KANSAS
SINGLE FAMILY MORTGAGE REVENUE BONDS
1980 SERIES A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated as of January 1, 1980, \$810,000 principal amount of the bonds are called for redemption July 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

- List of due dates and serial numbers from 1985 to 2000. Includes: Due January 1, 1985: 199; Due January 1, 1986: 228, 244; Due January 1, 1987: 273, 311; Due January 1, 1988: 330, 339; Due January 1, 1989: 406, 464; Due January 1, 1990: 477, 496; Due January 1, 1991: 608, 613; Due January 1, 1992: 691, 703, 708; Due January 1, 1993: 755, 777, 843; Due January 1, 1994: 857, 873, 877; Due January 1, 1995: 1053, 1083, 1092, 1108; Due January 1, 1996: 1148, 1224, 1251, 1254; Due January 1, 1997: 1268, 1331, 1339, 1394; Due January 1, 1998: 1533, 1586, 1595, 1599, 1601; Due January 1, 1999: 1718, 1770, 1771, 1796, 1808; Due January 1, 2000: 1814, 1879, 1893, 1930, 1964, 2026

Due January 1, 2011

Table with 4 columns of serial numbers: 2050, 2077, 2085, 2120, 2144, 2163, 2169, 2182, 2208, 2214, 2230, 2250, 2325, 2368, 2370, 2498, 2505, 2538, 2539, 2554, 2572, 2625, 2630, 2698, 2702, 2933, 2967, 3005; 3096, 3129, 3220, 3223, 3244, 3262, 3306, 3365, 3400, 3401, 3408, 3411, 3559, 3669, 3798, 3849, 3887, 3980, 4004, 4073, 4076, 4112, 4125, 4154, 4171, 4212, 4246, 4267; 4275, 4307, 4340, 4360, 4498, 4539, 4553, 4554, 4628, 4636, 4762, 4811, 4830, 4831, 4842, 4853, 4859, 4897, 5036, 5099, 5104, 5138, 5161, 5228, 5230, 5249, 5267, 5277; 5317, 5393, 5410, 5535, 5548, 5572, 5602, 5740, 5756, 5795, 5801, 5810, 5825, 5923, 6025, 6069, 6080, 6144, 6161, 6184, 6194, 6218, 6225, 6233

(continued)

The serial numbers of the Registered Bonds to be redeemed in the amount of \$5,000 each are as follows:

Due January 1, 2011: R-17, R-27

The serial numbers of the Registered Bonds to be partially redeemed in the amount of \$5,000 each are as follows:

Due January 1, 2011: R-33, R-71

Payment of the redemption price of the bearer bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117 or, at the option of the holder, at Marine Midland Bank, New York, New York.

Payment of the redemption amount of the Registered Bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117.

Notice is hereby given that on and after July 1, 1984, interest on the Bonds hereby called for redemption shall cease to accrue.

SECURITY NATIONAL BANK OF KANSAS CITY
KANSAS CITY, KANSAS, TRUSTEE

Doc. No. 002157

State of Kansas

STATE CORPORATION COMMISSION

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

STATE CORPORATION COMMISSION

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Bldg., Topeka, KS 66612, or telephone (913) 296-3808 or 296-2110.

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

**Applications set for June 12, 1984—
TOPEKA, KANSAS**

**Application for Transfer of Certificate
of Convenience and Necessity:**

K. E. Schmitendorf) Docket No. 25,789 M
Lyndon Transport, Inc.)
Box 364)
Lyndon, KS 66451) Route No. 1872

TO:
Grimes Transport, Inc.
P.O. Box 230
Holton, KS 66436

Applicant's Attorney: D. S. Hults, P.O. Box 225, Lawrence National Bank Bldg., Lawrence, KS 66044

Liquid fuels, in tank truck loads,

Between all KS refineries & pipeline terminals, on

the one hand, and points and places in KS, in the counties of Osage and Shawnee, on the other.

Liquid fuels, tank truck loads,

Between all KS refineries in the counties of Franklin & Wabaunsee.

Petroleum products, in bulk, (except asphalts, number 5 and 6 fuel oil and bunker "C" oil),

From all pipeline terminals or refineries located in El Dorado, Butler County; Wichita, Sedgwick County; Coffeyville, Montgomery County; Chanute, Neosho County; McPherson, McPherson County; and Kansas City, Wyandotte County, KS, to Lebo & Burlington, Coffey County, KS.

Application for Removal of Restrictions and Extension of Certificate of Convenience and Necessity:

Grimes Transport, Inc.) Docket No. 25,789 M
P.O. Box 230)
Holton, KS 66436) Route No. 1872

Applicant's Attorney: D. S. Hults, P.O. Box 225, Lawrence National Bank Bldg., Lawrence, KS 66044

Liquid fuels, in tank truck loads,

Between all KS refineries & pipeline terminals, on the one hand, and points and places in KS, in the counties of Osage, Franklin, Wabaunsee and Shawnee, on the other.

Petroleum products, in bulk,

From all pipeline terminals or refineries located in Butler, Sedgwick, Montgomery, Neosho, McPherson, Wyandotte and Coffey Counties in KS.

**Application to Transfer Certificate of
Convenience and Necessity:**

Gaylord T. Huske, dba) Docket No. 123,945 M
Huske Trucking)
1222 W. Norris)
Topeka, KS 66608) Route No. 16492

TO:
Eric Tenpenny, dba
C & T Trucking
R.R. 2
Valley Falls, KS 66088

Applicant's Attorney: Douglas Wells, Shadow Wood Office Park, 5897 S.W. 29th St., Topeka, KS 66614

Alfalfa pellets,

Between all points & places in Shawnee, Osage, Pottawatomie, Jackson, Jefferson, Wabaunsee & Atchison Counties, KS.

Grain,

Between all points & places in Shawnee, Osage, Pottawatomie, Jackson, Jefferson, Wabaunsee & Atchison Counties, KS.

Also,

Between all points & places in Shawnee, Osage, Pottawatomie, Jackson, Jefferson, Wabaunsee & Atchison Counties, KS, on the one hand, & the state of KS, on the other hand.

(continued)

Application for Abandonment of Certificate of Convenience and Necessity:

William T. Carter) Docket No. 138,469 M
610 N. 1st St.)
Hiawatha, KS 66434) Route No. 22318
Applicant's Attorney: None

Application for Transfer of Certificate of Convenience and Necessity:

Christopher S. Vogel, dba) Docket No. 134,708 M
Chris Vogel Trucking)
R.R. 3)
Dodge City, KS 67801) Route No. 21150

TO:

V.T.L., Inc.

R.R. 3

Dodge City, KS 67801

Applicant's Attorney: Tom Rost, 827 S. Topeka Blvd., Topeka, KS 66612

Grain, agricultural commodities, feed and feed ingredients and dry fertilizer,

Between all points & places in Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Stafford, Pratt, Barber, Comanche, Kiowa, Edwards, Hodgeman, Ford, Clark, Meade, Gray, Finney, Kearny, Haskell, Grant, Seward, Stevens, Morton, Stanton & Hamilton Counties, KS.

Also,

Between the above named counties, on the one hand, & points & places in the state of KS, on the other hand.

RESTRICTED, HOWEVER, to transport no liquids of any kind whatsoever, no anhydrous ammonia, no livestock & no dry fertilizer originating in either Reno or Sedgwick Counties, KS.

Application for Removal of Restrictions in Route 21150 and Extension of Certificate of Convenience and Necessity:

V.T.L., Inc.) Docket No. 134,708 M
R.R. 3)
Dodge City, KS 67801) Route No. 21150

Applicant's Attorney: Tom Rost, 827 S. Topeka Blvd., Topeka, KS 66612

Unmanufactured agricultural commodities, dry feed and dry feed ingredients and dry fertilizer,

Between all points & places in Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Stafford, Pratt, Barber, Comanche, Kiowa, Edwards, Hodgeman, Ford, Clark, Meade, Gray, Finney, Kearny, Haskell, Grant, Seward, Stevens, Morton, Stanton & Hamilton Counties, KS.

Also,

Between the above named counties, on the one hand, & points & places in the state of KS, on the other hand.

**Applications set for June 14, 1984—
TOPEKA, KANSAS**

Application for Transfer of Certificate of Convenience and Necessity:

Leroy Nichols &) Docket No. 34,836 M
Nellie C. Nichols, dba)
L & N Truck Line)
Eminence Rt.)
Garden City, KS 67846) Route No. 3218

TO:

Alfred A. Cook &

Larry E. Cook, dba

Circle Bar

615 W. Trail

Dodge City, KS 67801

Applicant's Attorney: Tom Rost, 827 S. Topeka Blvd., Topeka, KS 66612

New and used far machinery, set-up,

Between all farms & rural locations in KS located on or south of KS State Hwy 96, & on or west of US Hwy 281.

Also,

Between any town within a 50-mile radius of Montezuma, KS, on the one hand, & any farm or rural location in KS on or south of KS State Hwy 96, & on or west of US Hwy 281, on the other.

Livestock,

Between all points & places within a 30-mile radius of Montezuma, KS.

Also,

Between all points & places within a 30-mile radius of Montezuma, KS, on the one hand, & all points & places in the state of KS, on the other hand.

Application for Extension and Elimination of Radii Description:

Alfred A. Cook &) Docket No. 34,836 M
Larry E. Cook, dba)
Circle Bar)
615 W. Trail)
Dodge City, KS 67801) Route No. 3218

Applicant's Attorney: Tom Rost, 827 S. Topeka Blvd., Topeka, KS 66612

Livestock,

Between all points & places in Finney, Hodgeman, Ford, Clark, Meade, Seward, Haskell & Gray Counties, KS, on the one hand, & points & places in Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Stafford, Pawnee, Kearny, Hamilton, Stanton, Grant, Edwards, Pratt, Kiowa, Barber, Comanche, Stevens & Morton Counties, KS, on the other.

Farm machinery,

Between all points & places in Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Stafford, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Edwards, Pratt, Kiowa, Barber, Comanche, Clark, Meade, Seward, Stevens and Morton Counties, KS.

(continued)

Application for Extension of Certificate of Convenience and Necessity:

Alfred A. Cook & Larry E. Cook, dba Circle Bar 615 W. Trail Dodge City, KS 67801) Docket No. 34,836 M
 Applicant's Attorney: Tom Rost, 827 S. Topeka Blvd., Topeka, KS 66612) Route No. 3218

Livestock, farm machinery,

Between all places & points in Greeley, Wichita, Scott, Lane, Rush, Barton, Stafford, Pawnee, Ness, Hodgeman, Finney, Kearny, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Edwards, Pratt, Kiowa, Barber, Comanche, Clark, Meade, Seward, Stevens & Morton Counties, on the one hand, & all points & places therein & all points & places in the state of KS, on the other.

Food stuffs and such commodities used and dealt in by wholesale and retail food chain grocery and business houses; meats, meat products, meat byproducts and articles distributed by meat packinghouses; and paper and allied products, (except building materials),

Between all places & points in the state of KS.

Application for Extension of Certificate of Convenience and Necessity:

James E. Wilson, dba Jim Wilson Crane Service 1349 E. Illinois Ulysses, KS) Docket No. 140,136 M
 Applicant's Attorney: Robert H. Gale, Jr., P.O. Box 66, 211 N. Main, Syracuse, KS 67878) Route No. 23241

Heavy equipment, machinery, materials and supplies,

Between all points & places in the state of KS in an area bounded on the east by Interstate Hwy I-35, on the north by Interstate Hwy I-70, on the west by the KS-CO boundary line, & on the south by the KS-OK boundary line.

Application for Certificate of Convenience and Necessity:

Ron Langhofer, dba Ron's Service Box 129, Hwy 177 Cassoday, KS 66842) Docket No. 141,648 M
 Applicant's Attorney: William Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Wrecked, disabled, replacement and repossessed motor vehicles and trailers,

Between points on the KS Turnpike between Shawnee and Sedgwick Counties in KS (including points on the Turnpike in said counties), on the one hand, & on the other, all points in KS.

Between points in that portion of KS bounded on the east by KS Hwy 99; on the north by US Hwy 50; on the west by US Hwy 77; & on the south by US Hwy 54, including points on said boundaries.

Also,

Between that portion of KS described immediately

above, on the one hand, & on the other, all points in KS.

Application for Abandonment of Certificate of Convenience and Necessity:

Dennis W. Bryant, dba Bryant Towing 1401 18th St. Great Bend, KS 67530) Docket No. 139,169 M
 Applicant's Attorney: None) Route No. 22659

Applications set for June 19, 1984— TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Robert W. & Kyle W. Burris, dba Burris & Sons Auto Service & Repair 601 West St. Emporia, KS 66801) Docket No. 141,643 M
 Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points & places in Lyon County, KS.

Application for Certificate of Convenience and Necessity:

Rolland R. Dreier, dba Trucking by DS R.R. 1, Box 99B Hesston, KS 67062) Docket No. 141,642 M
 Applicant's Attorney: John Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Grain, lime, feed and feed ingredients, and fertilizer,
 Between points in Harvey, Sedgwick, Butler, Reno, McPherson & Marion Counties, KS, on the one hand, & on the other, points in KS.

Application for Certificate of Convenience and Necessity:

Byron C. Perrigo, dba B J's 602 Miami Hiawatha, KS 66434) Docket No. 141,647 M
 Applicant's Attorney: None

Bank documents (checks, money letters, etc.),

Between all points & places in Brown, Nemaha, Jackson & Shawnee Counties, KS.

Application for Certificate of Convenience and Necessity:

S.D.S., Inc. R.R. 1 El Dorado, KS 67042) Docket No. 141,644 M
 Applicant's Attorney: John Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Petroleum products, in packages and containers, and
 (continued)

materials and supplies used in the manufacture and distribution of petroleum products,

Between points in Sedgwick, Cowley, Montgomery, Butler, Harvey, McPherson & Reno Counties, KS, on the one hand, & on the other, points in the state of KS. Also,

Packaging materials,

Between points in Sedgwick, Cowley, Montgomery, Butler, Harvey, McPherson & Reno Counties, KS, on the one hand, & on the other, points in the state of KS.

Applications set for June 21, 1984—
TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Riffel Moving Services,) Docket No. 141,587 M
Inc.)
South Industrial Area)
Salina, KS 67401)

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

Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467,

Between all points & places in the state of KS.

Application for Extension of Certificate of Convenience and Necessity:

Shupe Bros. Co.) Docket No. 81,988 M
P.O. Box 1447)
Greeley, CO 80632) Route No. 7645

Applicant's Attorney: John Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Grain,

Between points & places in KS.

RENOTICED Application for Certificate of Convenience and Necessity:

Spirit Transportation, Inc.) Docket No. 141,701 M
R.R. 1, Box 99M)
Basehor, KS 66007)

Applicant's Attorney: Donald J. Quinn II, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114

General commodities (except household goods and commodities in bulk),

Between all points & places in KS bounded on the west by Interstate 35, on the north by the KS/NE state line, on the east by the KS/MO state line, & on the south by the KS/OK state line.

Applications set for June 26, 1984—
TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

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

Applicant's Attorney: Donald Quinn, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114

General commodities (except household goods and commodities in bulk),

Between points & places in KS.

Applications set for June 28, 1984—
TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Albert Zerr, dba) Docket No. 140,598 M
Zerr Farm)
R.F.D. 1)
Quinter, KS)

Applicant's Attorney: None

Hay,

Between all points & places in Sherman, Graham, Gove, Trego & Ellis Counties, KS.

Application for Certificate of Convenience and Necessity:

Larry E. Mace, dba) Docket No. 141,223 M
Mace Trucking)
Star Route)
Hunter, KS 67452)

Applicant's Attorney: None

Grain,

Between all points & places in KS.

Application for Extension of Certificate of Convenience and Necessity:

Warren Carnahan) Docket No. 137,960 M
R.F.D. 1)
Wamego, KS 66547) Route No. 22116

Applicant's Attorney: None

Grain, seed, dry feed and dry feed ingredients, and dry fertilizer,

Between all points & places in KS.

Application for Removal of Restrictions and Elimination of Radii Descriptions of Certificate of Convenience and Necessity:

Salina Transit Co., Inc.) Docket No. 24,306 M
901 N. 8th)
Salina, KS 67401) Route No. 1686

Applicant's Attorney: Erle Francis, 719 Capitol Federal Bldg., Topeka, KS 66603

Passengers and light hand baggage, in passenger cars or taxicabs, restricted to the transportation of not more than four passengers and light hand baggage of such passengers in any one vehicle,

Between all points & places within a five mile radius of Salina, KS.

Also, between all points & places within a five mile radius of Salina, KS, on the one hand, & all points & places within a fifty-five mile radius of Salina, KS, on the other.

(continued)

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 725

AN ACT relating to financial services for state agencies; authorizing procedures for the procurement of financial services for state agencies; financial services negotiating committees.

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

Section 1. (a) Upon request of the chief administrative officer of a state agency and subject to the approval of the secretary of administration, the director of purchases may convene a financial services negotiating committee to obtain financial services for the state agency under this section.

(b) Each financial services negotiating committee shall be composed of (1) the director of purchases, or a person designated by the director of purchases, (2) the chief administrative officer of the state agency needing financial services, or a person designated by the officer, and (3) the director of accounts and reports, or a person designated by the director of accounts and reports.

(c) The financial services negotiating committee is authorized to negotiate contracts with qualified parties to provide financial services, including services relating to installment purchase, lease, or lease-purchase of equipment or to other financial related services needed by the state agency.

(d) Prior to negotiating for financial services, the committee shall advertise for proposals, negotiate with one or more of the firms submitting proposals and select from among those submitting such proposals the party to contract with for the purpose of providing financial services.

(e) Contracts entered into pursuant to this section for financial services shall not be subject to the provisions of K.S.A. 75-3738 to 75-3740a, inclusive, and any amendments thereto.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 14, 1984.

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

Passed the HOUSE April 26, 1984.

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

APPROVED May 7, 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 11th day of May, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

Persons, in buses,

Between Salina, KS, & the facilities of Ell-Kan Industries, at or near Ellsworth, KS, via KS Hwy 140 serving Bavaria, Brookville, Carniero & all intermediate points.

Restricted to passengers having the Ell-Kan Industries facilities as origin or destination.

Also, between Sterling, KS, & the facilities of Ell-Kan Industries, at or near Ellsworth, KS, via KS Hwy 14 serving Lyons & all intermediate points, restricted to passengers having Ell-Kan Industries facilities as origin or destination.

Application for Extension of Certificate of Convenience and Necessity:

Salina Transit Co., Inc.) Docket No. 24,306 M
901 N. 8th)
Salina, KS 67401) Route No. 1686

Applicant's Attorney: Erle Francis, 719 Capitol Federal Bldg., Topeka, KS 66603

Passengers and baggage (passenger cars or taxi cabs),

Between all points & places in Saline, Cloud, Ottawa, Clay, Geary, Riley, Morris, Dickinson, Marion, Harvey, Reno, McPherson, Rice, Ellsworth, Lincoln & Mitchell Counties, KS.

Passengers and baggage, in Charter Party Service, Between all points & places in the state of KS.

Application for Abandonment of a portion of Route 1686:

Salina Transit Co., Inc.) Docket No. 24,306 M
901 N. 8th)
Salina, KS 67401) Route No. 1686

Applicant's Attorney: Erle Francis, 719 Capitol Federal Bldg., Topeka, KS 66603

Persons, in buses,

Between Salina, KS, & the facilities of Ell-Kan Industries, at or near Ellsworth, KS, via KS Hwy 140 serving Bavaria, Brookville, Carniero & all intermediate points.

Restricted to passengers having the Ell-Kan Industries facilities as origin or destination.

Also, between Sterling, KS, & the facilities of Ell-Kan Industries, at or near Ellsworth, KS, via KS Hwy 14 serving Lyons & all intermediate points, restricted to passengers having Ell-Kan Industries facilities as origin or destination.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 002164

(Published in the KANSAS REGISTER, May 17, 1984.)

HOUSE BILL No. 2943

AN ACT concerning life insurance; providing for the nonforfeiture value of life insurance policies to be subject to certain claims; amending K.S.A. 40-414 and repealing the existing section.

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

Section 1. K.S.A. 40-414 is hereby amended to read as follows: 40-414. In case any (a) If a life insurance company or fraternal benefit society shall have issued or shall hereafter issue any policy or policies issues any policy of insurance or beneficiary certificates upon the life of an individual and payable at the death of the assured insured, or in any given number of years, to any person or persons having an insurable interest in the life of the assured, all such policies and their insured, the policy and its reserves, or the their present value thereof, shall inure to the sole and separate use and benefit of the beneficiaries named therein, in the policy and shall be free from:

(1) The claims of the assured, and shall also be free from the claims of the person or persons effecting such insurance, their insured or the insured's creditors and representatives;

(2) the claims of any policyholder or the policyholder's creditors and representatives, and shall be free from subject to the provisions of subsection (b);

(3) all taxes, subject to the provisions of subsection (d); and

(4) the claims and judgments of the creditors and representatives of the person or persons named as beneficiaries in said policy or policies any person named as beneficiary in the policy of insurance. Provided, That nothing herein.

(b) The nonforfeiture value of a life insurance policy shall not be exempt from:

(1) Claims of the creditors of a policyholder who files a bankruptcy petition under 11 U.S.C. §101 et seq. on or within one year after the date the policy is issued if the policy was obtained by the debtor for the purpose of defrauding one or more of the debtor's creditors; or

(2) the claim of any creditor of a policyholder if execution on judgment for the claim is issued on or within one year after the date that the policy is issued if the policy was obtained by the debtor for the purpose of defrauding one or more of the debtor's creditors.

(c) Nothing in this section shall be construed as restricting the right of the assured insured to change the beneficiary where if the policy reserves such a that right to the assured. Provided further, That nothing herein insured.

(d) Nothing in this section shall be construed as exempting from taxation; any real estate which may at any time be carried by any life insurance company as a part of its legal reserve.

Sec. 2. K.S.A. 40-414 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 3, 1984.

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

Passed the SENATE April 26, 1984.

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

APPROVED May 7, 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 11th day of May, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 878

AN ACT concerning the state park and resources authority; authorizing and directing the authority to grant an easement in a tract of land located at Crawford state park.

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

Section 1. (a) The state park and resources authority is hereby authorized and directed, in the manner provided in this section, to grant an easement in a tract of land owned by the state of Kansas and located at Crawford state park in Crawford county, Kansas, to an adjoining landowner for the purpose of granting free and open access to the eaves and structure located on lot 43, NELS SMITH-THRONDSOON LAKE VIEW PLACE, Farlington Lake, Crawford county, Kansas. The tract of land, containing 1,700 square feet, more or less, is described as follows: Starting from the 3/4" pipe set at the southeast corner of Lot 43, NELS SMITH-THRONDSOON LAKE VIEW PLACE, Farlington Lake, Crawford County, Kansas, and thence due west along the southern boundary of Lot 43 for a distance of 100 feet to the southwest corner of the aforesaid Lot 43, and thence due north along the western boundary of said Lot 43 for a distance of 50 feet to the northwest corner of said Lot 43 and thence due west for a distance of 10 feet and thence due south for a distance of 60 feet and thence due east for a distance of 110 feet and thence due north to the point of origin at the southeast corner of Lot 43 as aforesaid, and all lands and property included therein.

(b) The grant of such easement shall be conditioned upon the payment of a reasonable price therefor. The state park and resources authority shall obtain an appraisal of the value of the easement from one disinterested person residing in Crawford county and appointed for this purpose by the state park and resources authority. In no case shall the price be less than the amount of the appraisal plus the costs incurred by the state park and resources authority in appraising such tract of land. All moneys received by the state park and resources authority under this act shall be remitted to the state treasurer and shall be deposited in the state treasury to the credit of the state general fund.

(c) An easement granted under this section shall terminate if the tract of land is no longer used for the purpose for which the easement was granted.

(d) The form of such easement shall be approved by the attorney general prior to granting of the easement.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 5, 1984.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 28, 1984.

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

APPROVED May 9, 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
(continued)

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 11th day of May, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 17, 1984.)

HOUSE BILL No. 2900

AN ACT relating to zoning by counties and by cities outside of the corporate boundaries thereof; amending K.S.A. 12-715b, 12-715c, 12-715d and 19-2919 and repealing the existing sections.

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

Section 1. K.S.A. 12-715b is hereby amended to read as follows: 12-715b. ~~Any city shall be~~ *Cities are hereby* authorized to adopt zoning regulations affecting ~~all or any designated portion of the land located outside the city but within three (3) miles thereof~~ under the following conditions, except that nothing in this act shall be construed as authorizing any city to adopt regulations applying to or affecting any land in excess of three (3) acres under one ownership which is used only for agricultural purposes:

(a) The city has established a planning commission under the provisions of K.S.A. 12-702, ~~and amendments thereto~~, which provides for the appointment of two (2) commission members who reside outside the city but within ~~three (3) miles thereof~~ *the area subject to the zoning regulations of the city*, or the city has established a joint, metropolitan or regional planning commission in cooperation with the county in which such city is located pursuant to the provisions of K.S.A. 12-718, ~~and amendments thereto~~.

(b) The land outside the city but within ~~three (3) miles thereof~~ *which is subject to the zoning regulations of the city* has been included within a comprehensive plan recommended by either of ~~said~~ such planning commissions and has been approved by the city governing body or the board of county commissioners.

(c) The county ~~or township~~ *has specifically excluded the land from county zoning regulations or the county does not have in effect zoning regulations for such area outside the city but within three (3) miles thereof* adopted in conformity with the statutes prescribing procedure for the adoption of county zoning regulations.

(d) The city has notified the board of county commissions in writing ~~sixty (60) 60~~ days before initiating zoning regulations by ordinance for such area of its intention to adopt such regulations by ordinance.

Sec. 2. K.S.A. 12-715c is hereby amended to read as follows: 12-715c. This act is supplemental to the authority granted by K.S.A. 12-707, ~~and amendments thereto~~, and any city empowered by this act to adopt zoning regulations for the area outside the city but within ~~three (3) miles thereof~~ shall plan, adopt, amend, enforce and review zoning regulations in conformity with the provisions of article 7 of chapter 12 of the Kansas Statutes Annotated ~~as amended by this act, and amendments thereto~~, insofar as such provisions can be made applicable.

Sec. 3. K.S.A. 12-715d is hereby amended to read as follows: 12-715d. This act is supplemental to the provisions of the laws of this state which authorize counties to adopt zoning regulations for all or any part of the land located within the county and outside of any incorporated city, which laws are specifically K.S.A. 19-2901 to 19-2937, inclusive, and amendments thereto. ~~Existing~~ All city zoning regulations and the authority of any city to adopt zoning regulations for land located outside the city but within ~~three (3) miles thereof~~ shall cease and terminate ~~as to any tracts of land lying within such area~~ on the date the county ~~or township~~ places in effect zoning regulations governing ~~the same tracts of land~~ which are in reasonable conformance with a comprehensive plan and have been adopted in conformity with the appropriate statutes set forth in this section.

Sec. 4. K.S.A. 19-2919 is hereby amended to read as follows:

19-2919. (a) For the purpose of promoting health, safety, morals, comfort or the general welfare, and conserving and protecting property values throughout the county or portions thereof, the board of county commissioners of any county ~~may~~, by resolution at a regular meeting of the board, ~~may~~ provide for the adoption, or amendment, of zoning regulations in the manner provided by this act. Such regulations may restrict and regulate the height, number of stories, and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for industry, business, trade, residence, the use of land located in areas designated as floodplains and other uses and including the distance of any buildings from the road or street. Such resolution shall define the boundaries of zoning districts by description contained therein or by setting out such boundaries upon a map incorporated and published as a part of such resolution, or by providing for the incorporation by reference in such resolution of an official map upon which such boundaries shall be fixed. Such map shall be marked "official copy incorporated by resolution of the board of county commissioners the _____ day of _____,

19____," and filed in the office of the county clerk or such other public office as may be designated by the board of county commissioners to be open to inspection and available to the public at all reasonable business hours. A copy of such map shall be filed in the office of the county engineer. Such resolution shall define the ~~unincorporated~~ area to be governed by such zoning regulations and ~~may include:~~ (1) All of the ~~unincorporated~~ area of the county; or the ~~unincorporated~~ area of any township containing or adjoining a city which has adopted a zoning ordinance; or which may adopt a zoning ordinance; (2) any lands within any township of any county which lie outside the limits of any incorporated city; upon recommendation and approval of the township board of the township; (3) the ~~unincorporated~~ area lying within three miles of any city having adopted a zoning ordinance; or (4) the ~~unincorporated~~ area lying within three miles of the conservation pool waterline of any existing or proposed artificial impoundment of water exceeding 100 surface acres at conservation pool level as determined by the board of county commissioners.

(b) The township board of any township may request that the county establish zoning districts for such township in areas which lie outside the limits of any incorporated city within the township to carry out the purposes of this act. The township may make recommendations to the board of county commissioners concerning any proposed zoning districts to be established by the board of county commissioners.

Sec. 5. K.S.A. 12-715b, 12-715c, 12-715d and 19-2919 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 28, 1984.

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

Passed the SENATE April 25, 1984.

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

APPROVED May 7, 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.

(continued)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 11th day of May, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 829

AN ACT concerning the community corrections act; eligibility of counties for supplementary grant funds; chargebacks to counties for certain felons and juveniles committed to secretary of corrections; withdrawal of counties from grant participation; amending K.S.A. 1983 Supp. 75-52,104 and 75-52,106 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 1984, a county or group of cooperating counties participating under the community corrections act shall be eligible for supplementary grant funds, in addition to those determined under K.S.A. 1983 Supp. 75-52,101 and amendments thereto, if:

(1) The population of the county or group of cooperating counties is within the range of 15,000 to 100,000; and

(2) the chargeback commitment rate per 1,000 population for those committed to the custody of the secretary of corrections, but not granted probation within 120 days after sentencing, is higher than the state rate as determined from department of corrections records for a two-year period ending six months prior to implementation of a plan; and

(3) the counties or group of cooperating counties have a comprehensive plan approved by the secretary of corrections.

(b) The supplementary grant funds shall be determined as follows:

(1) Determine the rate of chargeback commitments for the period set forth in subsection (a)(2) per 1,000 population;

(2) determine the rate of chargeback commitments not granted probation within 120 days after sentencing per 1,000 population for the period set forth in subsection (a)(2) and multiply this amount by 7.5;

(3) add the amounts determined in subsection (b)(1) and subsection (b)(2) and multiply this amount by the population of the county or group of cooperating counties.

Sec. 2. On July 1, 1984, K.S.A. 1983 Supp. 75-52,104 is hereby amended to read as follows: 75-52,104. (a) Each county receiving grants under this act shall be charged a sum determined by the secretary of corrections which shall be equal to the total of the per diem costs to the state general fund of confinement and rehabilitation of those persons who are committed to the secretary of corrections on and after the first day of the calendar quarter for which the county first receives grant payments under K.S.A. 1983 Supp. 75-52,105 and amendments thereto, except that no charge shall be made for those persons:

(1) Convicted of a class A, B or C felony; (2) convicted of a class D or E felony who had more than one prior felony conviction; (3) convicted of aggravated assault under K.S.A. 21-3410 and amendments thereto; (4) convicted of a sex offense under article 35 of chapter 21 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto; or (5) sentenced under K.S.A. 21-4618 and amendments thereto.

(b) In addition to amounts charged under subsection (a) to each county receiving grants under the community corrections act, on and after the first day of the calendar quarter for which the county first receives grant payments under K.S.A. 1983 Supp. 75-52,105 and amendments thereto, a charge shall be assessed against the county for each juvenile committed to or placed in a state youth center, as defined by K.S.A. 1983 Supp. 38-1602 and amendments thereto in the amount of \$3,000 for the first calendar year the county receives the grants and \$6,000 during the second calendar year and each calendar year thereafter that the county receives the grants, except that no charge shall be assessed when the commitment or placement in any such facility involves a juvenile adjudged to be a delinquent or a juvenile offender as a result of conduct which if committed by an adult would constitute a class A, B or C felony, an aggravated assault under K.S.A. 21-3410 and amendments thereto or a felony sex

offense under article 35 of chapter 21 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto. A charge assessed against a county under this subsection shall be assessed at the time of commitment of the juvenile except that after January 1, 1983, if the commitment of a juvenile is modified within 60 days to remove the facility placement as provided in subsection (c) of K.S.A. 1983 Supp. 38-1665 and amendments thereto, the charge assessed against the county shall be \$500 for the first calendar year the county receives a grant and \$1,000 the second and each subsequent calendar year the county receives a grant.

(c) In no case shall the amount charged exceed the amount of the grant which the county is eligible to receive under this act. The secretary of corrections shall determine the charges under subsections (a) and (b) and shall deduct the appropriate charges from the amount of the grant payable to each such county. *For individuals convicted of crimes committed after July 1, 1982, the charges to the county shall be computed on the actual length of confinement but not to exceed the average length of time served, by felony class, for individuals paroled during the period July 1, 1982, through June 30, 1983.* All such charges shall be a charge against the county of commitment except that the secretary of corrections may waive a charge against a county in a case involving a commitment arising from an escape or charge of aggravated juvenile delinquency.

Sec. 3. On the effective date of this act, K.S.A. 1983 Supp. 75-52,106 is hereby amended to read as follows: 75-52,106. Within ~~ten~~ (10) 10 days after the end of any calendar quarter, any county or any group of cooperating counties which is participating under this act, may withdraw from such participation by resolution of the board or boards of county commissioners and shall notify the secretary of corrections of such resolution to withdraw from the grant program under this act. Any such withdrawal shall be effective for such county or for such group of counties on the last day of the next ensuing calendar quarter after the calendar quarter in which such notice was given. *If a county or group of counties withdraw or are terminated from the grant program, the board or boards of county commissioners shall, within 30 days after the effective date of the withdrawal or termination, inventory all property acquired by grant funds in the preceding two-year period and provide such inventory to the secretary of corrections. The secretary of corrections may require that any inventoried property which had a purchase price in excess of \$100 at the time of acquisition be returned to the state.*

Sec. 4. On the effective date of this act, K.S.A. 1983 Supp. 75-52,106 is hereby repealed.

Sec. 5. On July 1, 1984, K.S.A. 1983 Supp. 75-52,104 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 29, 1984.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 29, 1984.

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

APPROVED May 9, 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.

(continued)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 11th day of May, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 870

AN ACT concerning a memorial to law enforcement officers who have lost their lives in the line of duty in the service of the state; concerning the design, construction, location and maintenance of such memorial; and providing for the financing of the cost thereof.

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

Section 1. (a) There shall be placed on the grounds of the state capitol a memorial to law enforcement officers who have lost their lives in the line of duty in the service of the state. Such memorial shall be located northeast of the state capitol at a site to be selected by the director of architectural services. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director of architectural services. The memorial shall be of such a design that the names of the officers to be honored, both past and future, may be inscribed thereon. The director of architectural services shall annually cause the name or names of any law enforcement officer or officers who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. It should be the duty of the director of the Kansas bureau of investigation on or before the 15th day of March of each year to notify the secretary of the state historical society of the name or names of any officers who lost their lives in the line of duty during the preceding 12 months. The secretary shall assemble the necessary information regarding any such officer or officers and report the same to the director of architectural services.

(b) The director of architectural services is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received. There is hereby established in the state treasury the law enforcement memorial fund. Expenditures from the fund shall be made only for the purpose of constructing, updating and repairing such memorial upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of architectural services.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 3, 1984.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 28, 1984.

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

APPROVED May 9, 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 11th day of May, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 866

AN ACT concerning certain cities; authorizing the expenditure of general fund money for certain purposes.

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

Section 1. The city of Anthony, Kansas, may expend money from its general fund for the purpose of operating and maintaining a hospital district of which the city is a part.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 3, 1984.

SENATE concurred in HOUSE amendments April 26, 1984.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended April 26, 1984.

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

APPROVED May 9, 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 11th day of May, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 810

AN ACT relating to corrections; concerning institutions and facilities under the supervision of the secretary of corrections; concerning powers and duties of the secretary of corrections; relating to inmate employment, training and release; amending K.S.A. 1982 1983 Supp. 75-5205, 75-5211 and 75-5268 and repealing the existing sections.

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

Section 1. On July 1, 1984, K.S.A. 1983 Supp. 75-5205 is hereby amended to read as follows: 75-5205. (a) The secretary of corrections shall have the general supervision and management of the correctional institutions of the state and such other facilities as may be acquired by lease, purchase or contract for the housing of persons in the secretary's custody. The secretary shall have general supervision, management and control of any manufacturing or other business that may be carried on in behalf of the state pursuant to law, other than business enterprises operating under K.S.A. 1982 1983 Supp. 75-5288 and amendments thereto, in and about any correctional institution or facility and shall have the power to receive, take charge, sell or otherwise dispose of any articles manufactured or produced for the benefit of the state, in the manner prescribed by law, other than articles, products and services produced or provided by business enterprises operating under K.S.A. 1982 1983 Supp. 75-5288 and amendments thereto. The secretary shall have charge and general supervision of the grounds and buildings of such correctional institutions, and the secretary is hereby authorized to purchase the necessary material and supplies therefor.

(b) For purpose of carrying out the secretary's duties, the secretary shall have the authority to receive and expend federal funds and to contract with other agencies of the state and with the federal government and its agencies.

(continued)

(c) The secretary shall devote ~~his or her~~ *the secretary's* entire time to the duties conferred upon the secretary by this act. The secretary may appoint such employees as may be necessary for the efficient management and administration of the department of corrections and as are within available appropriations therefor, and such employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. Any person appointed as an attorney shall be in the unclassified service under the Kansas civil service act.

(d) *The secretary may accept and receive for the department of corrections or a correctional institution any gift of property which the secretary determines would enhance the services provided by the department of corrections.*

(e) The secretary of administration shall provide the department of corrections with office space at Topeka.

Sec. 2. On the effective date of this act, K.S.A. 1983 Supp. 75-5211 is hereby amended to read as follows: 75-5211. (a) The secretary of corrections shall provide employment opportunities, work experiences, educational or vocational training for all inmates capable of benefiting therefrom. Equipment, management practices and general procedures shall, to the extent possible, approximate normal conditions of employment which includes a forty-hour work week for every inmate who is available, willing and able to participate. Such work week may include schooling, vocational training, employment at private industry, treatment or other activities authorized by the secretary. For all purposes under state law, no inmate shall be deemed to be an employee of the state or any state agency. The secretary of corrections shall credit to each inmate as a reward for such employment, an amount which shall be set by the governor but shall not be less than \$.25 per day. Any inmate who is gainfully employed under the work release provisions of K.S.A. 1982 Supp. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 1982 1983 Supp. 75-5288 and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, and any inmate who is incarcerated at the Kansas reception and diagnostic center for the purpose of receiving diagnosis and any inmate on disciplinary segregation status shall not be eligible to receive compensation as provided in this subsection.

(b) The secretary of corrections shall establish programs and prescribe procedures for withdrawing amounts from the compensation paid to inmates from all sources for the same purposes as are prescribed by K.S.A. 1982 Supp. 75-5268 and amendments thereto for moneys of work release participants.

(c) Upon the release of any inmate on parole from the custody of the secretary, the inmate may be provided with suitable clothing and gratuity of up to \$250 in money, dependent upon individual need, and the inmate shall be provided transportation to the inmate's place of employment. The same provisions shall be made for any inmate discharged from any of the correctional institutions by conditional release or expiration of the inmate's maximum sentence, except that transportation shall be provided to the inmate's home, if within the state, or, if not, to the place of conviction or to some other place not more distant, as selected by the inmate, conditional release or expiration of the inmate's maximum sentence, the inmate shall be provided with suitable clothing and a cash payment of \$100. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 1983 Supp. 75-5288 and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed or any inmate paroled to a detainer shall not be eligible to receive this cash payment.

An inmate released on conditional release or expiration of the inmate's maximum sentence shall be provided public transportation, if required, to the inmate's home, if within the state, or, if not, to the place of conviction or to some other place not more distant, as selected by the inmate. An inmate released on parole shall be provided public transportation, if required, to the place to which the inmate was paroled.

Sec. 3. On the effective date of this act, K.S.A. 1983 Supp. 75-5268 is hereby amended to read as follows: 75-5268. Any inmate who is allowed to participate in such paid employment or in such job training or paid employment for which a subsistence allowance is paid in connection with such job training shall pay over to the secretary or ~~his or her~~ *the designated representative of the secretary* all moneys received from such paid employment or job training except that, pursuant to *rules and regulations* adopted by the secretary of corrections, the inmate shall retain a stipulated reasonable amount of the money as the secretary or ~~his or her~~ *the designated representative of the secretary* deems necessary for expenses connected with the ~~said~~ employment or job training. The balance of the moneys paid to the secretary or ~~his or her~~ *the designated representative of the secretary* shall be disbursed for the following purposes:

(a) A designated minimum amount of that money paid to the secretary shall be returned to the ~~general revenue state general fund~~ or to the political subdivision, federal government or community-based center for such inmate's food and lodging or, *if the inmate is participating in a private industry program other than work release, the minimum amount collected shall be deposited to the correctional industries fund;*

(b) transportation to and from the place of employment at the rate allowed in K.S.A. 1982 Supp. 75-3203 and amendments thereto;

(c) if any of the dependents of the inmate are receiving public assistance, a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be forwarded to the spouse or the guardian of any dependents with immediate notification of same to the secretary of social and rehabilitation services;

(d) if subsection (c) of this section is not applicable, then a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be disbursed for the payment, either in full or ratable, of the inmate's obligations acknowledged by the inmate in writing, or which have been reduced to judgment;

(e) payment of a reasonable amount into a savings account for disbursement to the inmate upon release from custody; and

(f) the balance, if any, shall be credited to the inmate's account and shall be made available to the inmate in such manner and for such purposes as are authorized by the secretary.

Sec. 4. On the effective date of this act, K.S.A. 1983 Supp. 75-5211 and 75-5268 are hereby repealed.

Sec. 5. On July 1, 1984, K.S.A. 1983 Supp. 75-5205 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 21, 1984.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 29, 1984.

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

APPROVED May 9, 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 11th day of May, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 864

AN ACT relating to registration of certain vehicles; requiring proof of payment of federal use tax prior to registration.

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

Section 1. No vehicle, subject to the use tax imposed by section 4481 of the internal revenue code of 1954, shall be registered in this state without presentation of proof of payment of such tax, in such form as may be prescribed by the secretary of the treasury of the United States of America.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 29, 1984.

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

Passed the HOUSE April 25, 1984.

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

APPROVED May 7, 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 11th day of May, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 17, 1984.)

SENATE BILL No. 858

AN ACT concerning crimes and punishments, and procedures relating thereto; penalties and sentencing for certain crimes; diversion in lieu of further proceedings on a complaint; amending K.S.A. 21-3609, 21-3701, 21-3704, 21-3707, 21-3708, 21-3710, 21-3720 and 21-3729 and K.S.A. 1983 Supp. 21-4501 and 22-2908 and repealing the existing sections.

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

New Section 1. The presumptive sentence for a person who has never before been convicted of a felony, but has now been convicted of a class E felony shall be probation on terms the court determines, unless the conviction is of a crime specified in article 34, 35 or 36 of chapter 21 of Kansas Statutes Annotated. In determining whether to impose the presumptive sentence, the court shall consider any prior record of the person's having been convicted or having been adjudicated to have committed, while a juvenile, an offense which would constitute a felony if committed by an adult.

Sec. 2. K.S.A. 21-3701 is hereby amended to read as follows: 21-3701. Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of the owner's property:

- (a) Obtaining or exerting unauthorized control over property; or
- (b) Obtaining by deception control over property; or
- (c) Obtaining by threat control over property; or
- (d) Obtaining control over stolen property knowing the property to have been stolen by another.

Theft of property of the value of ~~one hundred dollars (\$100)~~ \$150 or more is a class ~~D E~~ felony. Theft of property of the value of less than ~~one hundred dollars (\$100)~~ \$150 is a class A mis-

demeanor, *except that theft of property of the value of less than \$150 is a class E felony if committed by a person who has, within five years preceding commission of the crime, been convicted of theft two or more times.*

Nothing herein shall prohibit the removal in a lawful manner, by towing or otherwise, of personal property unlawfully placed or left upon real property.

Conviction of a violation of a municipal ordinance prohibiting acts which constitute theft as defined by this section shall be considered a conviction of theft for the purpose of determining the number of prior convictions and the classification of the crime under this section.

Sec. 3. K.S.A. 21-3704 is hereby amended to read as follows: 21-3704. (1) Theft of services is obtaining services from another by deception, threat, coercion, stealth, mechanical tampering or use of false token or device.

(2) "Services" within the meaning of this section, includes, but is not limited to, labor, professional service, public utility or transportation service, entertainment and the supplying of equipment for use.

(3) Theft of services of the value of ~~one hundred dollars (\$100)~~ \$150 or more is a class ~~D E~~ felony. Theft of services of the value of less than ~~one hundred dollars (\$100)~~ \$150 is a class A misdemeanor.

Sec. 4. K.S.A. 21-3707 is hereby amended to read as follows: 21-3707. (1) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check, order or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order or draft in full upon its presentation.

(2) In any prosecution against the maker or drawer of a check, order or draft payment, of which has been refused by the drawee on account of insufficient funds, the making, drawing, issuing or delivering of such check shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, the drawee unless the maker or drawer pays the holder thereof the amount due thereon and a service charge not exceeding \$3 for each check, within seven days after notice has been given to the maker or drawer that such check, draft or order has not been paid by the drawee. As used in this section, "notice" includes oral or written notice to the person entitled thereto. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person's address as it appears on such check, draft or order.

(3) It shall be a defense to a prosecution under this section that the check, draft or order upon which such prosecution is based:

- (a) Was postdated, or
- (b) was given to a payee who had knowledge or had been informed, when the payee accepted such check, draft or order, that the maker did not have sufficient funds in the hands of the drawee to pay such check, draft or order upon presentation.

(4) Giving a worthless check is a class E felony if the check, draft or order is drawn for ~~\$50 or more~~ \$150 or more. Giving a worthless check is a class A misdemeanor if the check, draft or order is drawn for ~~less than \$50 less than \$150~~.

Sec. 5. K.S.A. 21-3708 is hereby amended to read as follows: 21-3708. (1) Habitually giving worthless checks is:

- (a) Giving a worthless check, as defined by section K.S.A. 21-3707 and amendments thereto, drawn for ~~less than fifty dollars (\$50) less than \$150~~, by a person who has within two (2) years immediately preceding the giving of such worthless check, been twice convicted of giving worthless checks; or
- (b) Giving two (2) or more worthless checks, as defined by section K.S.A. 21-3707 and amendments thereto, each drawn for ~~less than fifty dollars (\$50), where \$150, if the total amount for which such worthless checks are drawn is fifty dollars (\$50) or~~

(continued)

more \$150 or more and each of such checks was given on the same day.

(2) A complaint, information or indictment charging a violation of subsection (1) (a) shall allege specifically that the defendant has twice been convicted of giving a worthless check and shall allege the dates and places of such convictions and that both of them occurred within a period of two (2) years immediately preceding the crime charged. For the purpose of subsection (1) (b) worthless checks bearing the same date shall be presumed to have been given the same day. Any complaint, information or indictment charging a violation of this section shall allege that the defendant feloniously committed the crime.

(3) Habitually giving worthless checks is a class D E felony.

Sec. 6. K.S.A. 21-3710 is hereby amended to read as follows: 21-3710. (1) Forgery is knowingly and with intent to defraud:

(a) Making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, and if a real person without the authority of such real person; or altering any written instrument in such manner that it purports to have been made at another time or with different provisions without the authority of the maker thereof; or making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed with the authority of one who did not give such authority; or

(b) Issuing or delivering such written instrument knowing it to have been thus made, altered or endorsed; or

(c) Possessing, with intent to issue or deliver, any such written instrument knowing it to have been thus made, altered or endorsed.

(2) Forgery is a class D E felony.

(3) In any prosecution under this section, it may be alleged in the complaint or information that it is not known whether a purported person is real or fictitious, and in such case there shall be a rebuttable presumption that such purported person is fictitious.

Sec. 7. K.S.A. 21-3720 is hereby amended to read as follows: 21-3720. (1) Criminal damage to property is by means other than by fire or explosive:

(a) Willfully injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property in which another has an interest without the consent of such other person; or

(b) Injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.

(2) Criminal damage to property is a class E felony if the property is damaged to the extent of one hundred dollars (\$100) or more \$150 or more. Criminal damage to property is a class A misdemeanor if the property damaged by such acts is of the value of less than one hundred dollars (\$100) \$150 or is of the value of one hundred dollars (\$100) \$150 or more and is damaged to the extent of less than one hundred dollars (\$100) \$150.

Sec. 8. K.S.A. 21-3729 is hereby amended to read as follows: 21-3729. (1) Unlawful use of a financial card is any of the following acts done with intent to defraud and for the purpose of obtaining money, goods, property, services or communication services, other than telecommunication services as defined by K.S.A. 21-3745 and amendments thereto:

(a) Using a financial card without the consent of the cardholder; or

(b) knowingly using a financial card, or the number or description thereof, which has been revoked or canceled; or

(c) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(2) For the purposes of this section:

(a) "Financial card" means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property, services or communication services or to conduct other financial transactions.

(b) "Cardholder" means the person or entity to whom or for whose benefit a financial card is issued.

(3) For the purposes of subsection (1) (b) hereof, a financial

card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(4) Unlawful use of a financial card is a class E felony if the money, goods, property, services or communication services obtained within any seven (7) day period are of the value of fifty dollars (\$50) or more; otherwise, the crime \$150 or more. Unlawful use of a financial card is a class A misdemeanor if the money, goods, property, services or communication services obtained within a seven day period are of the value of less than \$150.

Sec. 9. K.S.A. 1983 Supp. 21-4501 is hereby amended to read as follows: 21-4501. For the purpose of sentencing, the following classes of felonies and terms of imprisonment authorized for each class are established:

(a) Class A, the sentence for which shall be imprisonment for life.

(b) Class B, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than five years nor more than 15 years and the maximum of which shall be fixed by the court at not less than 20 years nor more than life.

(c) Class C, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than three years nor more than five years and the maximum of which shall be fixed by the court at not less than 10 years nor more than 20 years.

(d) Class D, the sentence for which shall be an indeterminate term of imprisonment; the minimum of which shall be fixed by the court at as follows:

(1) For a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, a minimum of not less than two years nor more than three years and a maximum of not less than five years nor more than 10 years; and

(2) for any other crime, a minimum of not less than two years one year nor more than three years and the maximum of which shall be fixed by the court at a maximum of not less than five years nor more than 10 years.

(e) Class E, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than one year nor more than two years and the maximum of which shall be fixed by the court at not less than two years nor more than five years.

(f) Unclassified felonies, which shall include all crimes declared to be felonies without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime. If no sentence is provided in the statute, the offender shall be sentenced as for a class E felony.

New Sec. 10. (a) The minimum terms of imprisonment established by subsections (d) and (e) of K.S.A. 21-4501 and amendments thereto shall apply retrospectively to individuals sentenced for crimes committed on or after July 1, 1982, but the changes made by this act in classifications of crimes shall apply only to crimes committed on or after the effective date of this act.

(b) If an individual has been sentenced to a minimum term of imprisonment of more than one year for a class D or E felony, other than a felony specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, which was committed on or after July 1, 1982, and if the sentence was imposed before the effective date of this act, the sentencing court shall review the individual's sentence within 60 days after the effective date of this act. Upon review, the sentencing court may reduce the individual's minimum term of imprisonment within the limits provided by K.S.A. 21-4501 and amendments thereto.

(c) If an individual's minimum term of imprisonment is reduced pursuant to this section, the individual shall be eligible for parole as provided by K.S.A. 22-3717 and amendments thereto, based upon the individual's reduced minimum term of imprisonment.

(d) If an individual's minimum term of imprisonment is reduced pursuant to this section and the individual has had a parole eligibility hearing based on the individual's minimum

(continued)

term of imprisonment before reduction pursuant to this section, the individual shall be scheduled for a parole hearing within 60 days after the reduction of the individual's minimum term of imprisonment pursuant to this section.

Sec. 11. K.S.A. 1983 Supp. 22-2908 is hereby amended to read as follows: 22-2908. (1) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the county or district attorney shall consider at least the following factors among all factors considered:

- (a) The nature of the crime charged and the circumstances surrounding it;
- (b) any special characteristics or circumstances of the defendant;
- (c) whether the defendant is a first-time offender and if the defendant has previously participated in diversion, according to the certification of the Kansas bureau of investigation or the division of vehicles of the state department of revenue;
- (d) whether there is a probability that the defendant will cooperate with and benefit from diversion;
- (e) whether the available diversion program is appropriate to the needs of the defendant;
- (f) the impact of the diversion of the defendant upon the community;
- (g) recommendations, if any, of the involved law enforcement agency;
- (h) recommendations, if any, of the victim;
- (i) provisions for restitution; and
- (j) any mitigating circumstances.

(2) A county or district attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint alleging if:

(a) The complaint alleges a violation of K.S.A. 8-1567 and amendments thereto if and the defendant has previously participated in diversion upon a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute or has previously been convicted of or plead *nolo contendere* to a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; or

(b) the complaint alleges that the defendant committed a class A or B felony.

Sec. 12. K.S.A. 21-3609 is hereby amended to read as follows: 21-3609. Abuse of a child is willfully torturing, cruelly beating or inflicting cruel and inhuman corporal punishment upon any child under the age of ~~eighteen (18)~~ 18 years.

Abuse of a child is a class ~~E D~~ felony.

Sec. 13. K.S.A. 21-3609, 21-3701, 21-3704, 21-3707, 21-3708, 21-3710, 21-3720 and 21-3729 and K.S.A. 1983 Supp. 21-4501 and 22-2908 are hereby repealed.

Sec. 14. 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 April 4, 1984.

SENATE concurred in HOUSE amendments April 27, 1984.

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

Passed the HOUSE as amended April 26, 1984.

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

APPROVED May 9, 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 11th day of May, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

Kansas Register binders. . . \$14.00 each includes shipping and handling.

CLIP AND MAIL

Dear Secretary Brier: Please send _____ Kansas Register binders.
(Quantity)

Price: \$14.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ _____

SHIP TO:

Shipping is by
U.P.S. Delivery Service;
STREET ADDRESS
IS NECESSARY.

Mail order, WITH PAYMENT, to: Kansas Register; Secretary of State; State Capitol; Topeka, KS 66612.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

Second Class
postage paid
at
Topeka, Kansas

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

_____ One-year subscriptions @ \$47.50 ea.

TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

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

Zip code must be included

**THIS SPACE FOR REGISTER OFFICE
USE ONLY, PLEASE**

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

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

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

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

Indicate change or correction of name or address here:

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