

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 4, No. 11

March 14, 1985

Pages 289-328

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State of Kansas  
**OFFICE OF THE GOVERNOR**  
 EXECUTIVE ORDER NO. 85-79  
**OFFER OF REWARD**

WHEREAS, Martin K. Anderson, age 34, of Emporia, Lyon County, Kansas, was shot and killed in rural Geary County, Kansas, on or about November 4, 1983; and

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

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

This document shall be filed with the Secretary of State as Executive Order No. 85-79, and shall become effective immediately.

THE GOVERNOR'S OFFICE

Dated March 6, 1985

JOHN CARLIN  
 Governor

Attest: JACK H. BRIER  
 Secretary of State

Doc. No. 002979

State of Kansas  
**SECRETARY OF STATE**  
**NOTICE**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*.

County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

**EXECUTIVE APPOINTMENTS**  
 (Appointments filed January 14  
 through February 6, 1985)

[Eff.: effective date; Repl.: replaces; Reapp.: Reappointment; Exp.: Appointment expires.]

*Appointments filed by the Governor*

**Advanced Technology Commission, Kansas**

**Lexie G. Covington**, 8420 New Jersey, Kansas City, 66109. Eff. 2-6-85. Exp. 6-30-85. Repl. Bernard Johnson, resigned.

**Building Advisory Commission, State**

**Morris E. Eastland**, Route 1, Box 160-D, Gardner 66030. Eff. 2-6-85. Exp. 12-31-88. Reapp.

**Delta Dental Plan of Kansas, Inc.,  
 Board of Directors**

**Wilbert J. Leiker**, 1627 Oakley, Topeka 66604. Eff. 2-6-85. Exp. 6-30-86. Reapp.

**Fish and Game Commission, Kansas**

**J. W. "Joe" Fowler**, P. O. Box 287, Weir 66781. Eff. 2-6-85. Subject to Senate confirmation. Exp. 4-30-86. Repl. Roland Spriggs, resigned.

**Indigents' Defense Services, State Board of**

**Deborah Purce Jones**, 3917 Mission Ct., Topeka 66614. Eff. 2-6-85. Subject to Senate confirmation. Exp. 7-1-87. Reapp.

**James T. Wigglesworth**, 5637 Cherokee Circle, Fairway 66205. Eff. 2-6-85. Subject to Senate confirmation. Exp. 7-1-87. Reapp.

**Paul Winckler**, Route 1, Sylvan Grove 67481. Eff. 2-6-85. Subject to Senate confirmation. Exp. 7-1-87. Reapp.

**Mined-Land Conservation and Reclamation Board**

**Carl Teagarden**, Route 2, Box 136, La Cygne 66040.

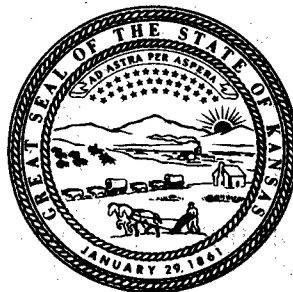
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PUBLISHED BY  
 JACK H. BRIER  
 Secretary of State  
 State Capitol  
 Topeka, KS 66612



PHONE: 913/296-3489

Eff. 2-6-85. Serves at the pleasure of the Governor.  
Repl. Maurice Barnes, deceased.

**Optometry, Board of Examiners in**

Dr. Douglas Ball, 3 Pinion Ct., Hutchinson 67502.  
Eff. 2-6-85. Exp. 4-20-87. Repl. Dr. Rex Gibson.

Jo Ann C. McDowell, Ph.D., 815 E. 4th, Cherryvale  
67335. Eff. 2-6-85. Exp. 6-30-87. Reapp.

**Park and Resources Authority, State**

Barbara Moser Schaible, 3435 E. Pine, Wichita  
67208. Eff. 2-6-85. Subject to Senate confirmation.  
Exp. 6-30-88. Reapp.

**Pharmacy, State Board of**

Marion Shapiro, 513 W. 30th, Hays 67601. Eff. 2-6-  
85. Exp. 7-30-87. Repl. Peggy Hickey, resigned.

**Podiatry, Advisory Committee on**

Frank K. Galbraith, D.P.M., 4170 Harding, Wichita  
67220. Eff. 2-6-85. Exp. 9-1-85. Repl. Lawrence E.  
Krause, D.P.M.

Charles A. Hepford, D.P.M., 908 Naismith Place,  
Topeka 66606. Eff. 2-6-85. Exp. 9-1-87. Reapp.

Harold J. Sauder, D.P.M., 417 N. 10th, Indepen-  
dence 67301. Eff. 2-6-85. Exp. 9-1-86. Reapp.

**Washburn University Board of Regents**

Thomas E. Wright, 3107 Shadow Lane, Topeka  
66604. Eff. 1-24-85. Exp. 7-1-88. Reapp.

**COUNTY AND DISTRICT OFFICES**

(Terms will expire when a successor  
is elected and qualifies according  
to law.)

**Meade County Attorney**

Joseph R. Shepack, P. O. Box 908, Meade 67864.  
Eff. 1-23-85. Repl. Michael Morlan.

**Chautauqua County Sheriff**

Alex Collins, 103 S. Harrison, Sedan 67361. Eff.  
1-28-85. Repl. William Brooks, resigned.

**District Judge, 14th Judicial District**

Richard A. Medley, P. O. Box 786, Coffeyville  
67337. Eff. 2-5-85. Repl. Kenneth D. David, resigned.

Associate District Judge, 14th Judicial District, Pos. 1

David L. Thompson, Professional Bldg., Suite 313,  
Independence 67301. Eff. 2-5-85. Repl. Richard A.  
Medley, resigned.

*Appointed by the President of the Senate*

**Advanced Technology Commission, Kansas**

Sen. Dave Kerr, 6 Golf Green Dr., Hutchinson  
67502. Eff. 1-14-85. Repl. Sen. Edward Roitz.

**Aging, Advisory Council on**

Sen. Roy M. Ehrlich, Route 1, Box 92, Hoisington  
67544. Eff. 1-14-85.

**Building Construction, Joint Committee on State**

Sen. Wint Winter, Jr., 2229 West Dr., Lawrence  
66044. Eff. 1-14-85. Exp. 1-12-87. Repl. Sen. Joe Har-  
der.

JACK H. BRIER  
Secretary of State

**State of Kansas**

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT OF  
NEGOTIATIONS FOR  
TECHNICAL SERVICES**

Notice is hereby given of the commencement of  
negotiations for a sub-soil investigation for the pro-  
posed Ion Collision Physics Facility at Kansas State  
University, Manhattan, KS.

Any questions or expressions of interest should be  
directed to Gary Price, Division of Architectural Ser-  
vices, 625 Polk, Topeka, KS 66603, (913) 233-9367  
prior to March 29, 1985.

JOHN B. HIPPI, AIA

Director

Division of Architectural Services

Doc. No. 002981

**State of Kansas**

**DEPARTMENT OF ADMINISTRATION**

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

A public hearing will be held Friday, March 29, at  
10:00 a.m., in Room 313-S of the State Capitol, (Old  
Supreme Court Room), Topeka, KS, to consider the  
adoption of an amendment to K.A.R. 1-18-1a, regard-  
ing mileage rates. The proposed amendment, which  
will be adopted on a temporary basis, reduces the  
mileage rate for privately-owned automobiles from  
22¢ per mile to 20.5¢ per mile.

All interested parties may submit written comments  
at any time prior to the hearing by addressing them to  
the Secretary of Administration, Second Floor, State-  
house, Topeka, KS 66612. All interested parties will  
be given a reasonable opportunity to present their  
views orally on the adoption of the proposed regula-  
tions during the hearing. In order to give all parties an  
opportunity to present their views, it may be neces-  
sary to request each participant to limit any oral pre-  
sentation to not more than five minutes.

Copies of the proposed regulations and a fiscal im-  
pact statement may be obtained from Division of Ac-  
counts and Reports, State Office Building, Topeka, KS  
66612, (913) 296-2311 (KANS-A-N 561-2311).

ARTHUR H. GRIGGS  
Chief Legal Officer

Doc. No. 002988

(Published in the KANSAS REGISTER, March 14, 1985.)

**State of Kansas**

**DEPARTMENT OF TRANSPORTATION**

**SPECIAL NOTICE TO CONTRACTORS**

A pre-bid conference for Project 35-46 K 1442-03,  
Johnson County, is scheduled for Thursday, April 4,  
1985, at 10:00 a.m., at the K.D.O.T. District One Con-  
(continued)

ference Room, 121 W. 21st St., Topeka. The project begins at the interchange of I-35 and 75th Street in the Cities of Overland Park and Merriam, 0.447 mile, grading, surfacing and six bridges. Contractors wishing to bid on the project are *required* to attend this pre-bid conference in accordance with the provisions of 80P-207 dated December 19, 1984. The project is tentatively scheduled to be let for bid on April 18, 1985.

A pre-bid conference for Project 70-21 K 2588-01, Dickinson County, is scheduled for Thursday, April 4, 1985, at 1:30 p.m., at the K.D.O.T. District One Conference Room, 121 W. 21st St., Topeka. The project begins at the junction of I-70 and K-15, then east to 2.3 miles east of K-43, 8.1 miles, bituminous recycling. Contractors wishing to bid on the project are *required* to attend this pre-bid conference in accordance with the provisions of 80P-207 dated December 19, 1984. The project is tentatively scheduled to be let for bid on April 18, 1985.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 002943

(Published in the KANSAS REGISTER, March 14, 1985)

## State of Kansas

### DEPARTMENT OF TRANSPORTATION

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Kansas Department of Transportation, Office of Rail Programs, will hold a public hearing on the updated State Rail Plan for Kansas: The hearing will be held on Thursday, April 4, 1985, beginning at 10:00 a.m. in the K.D.O.T. Conference Room No. One, 7th Floor, State Office Building, 10th and Topeka, Topeka, KS.

The purpose of the hearing is to obtain public comment on the economic, social and environmental effects of rail lines for which abandonment applications are pending and those designated for potential abandonment, as discussed in previous State Rail Plans and the updated Plan. Prior to the hearing, copies of the State Rail Plans will be available for public inspection upon prior request to the Office of Rail Programs, K.D.O.T., State Office Building, 8th Floor, Topeka, KS.

Representatives of the Office of Rail Programs will be present at the hearing to discuss the plan, answer questions and moderate the hearing. Written and oral statements and other exhibits may be submitted at the hearing and will be made a matter of record. Those who cannot attend the hearing, but wish to have their comments considered may write to John R. Scheirman, Chief of Rail Programs, K.D.O.T., 8th Floor, State Office Building, Topeka, KS 66612. Written comments should be received by April 4, 1985.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 002989

## State of Kansas

### DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONTRACTORS

It is the intent that sealed proposals for the construction of road and bridge work in the following KS counties be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, KS, until 10:00 a.m. April 18, 1985 and then publicly opened:

#### DISTRICT ONE—Northeast

**Johnson—35-46 K-1442-03—0.447 mile grading, surfacing and six bridges, interchange of I-35 and 75th Street in the cities of Overland Park and Merriam. (Federal Funds)**

#### DISTRICT TWO—Northcentral

**Dickinson—70-21 K-2588-01—junction of I-70 and K-15, east to 2.3 miles east of K-43, 8.1 miles, concrete pavement. (Federal Funds)**

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

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

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 002941

## State of Kansas

### KANSAS WATER OFFICE

#### NOTICE OF PUBLIC HEARING

The Kansas Water Office will hold a public hearing on the application of Western Kansas Groundwater Management District No. 1, Scott City, to conduct cloud seeding activities in portions of west-central and southwest Kansas, according to Joseph F. Harkins, Director of the Kansas Water Office. The hearing will be held at 2:30 p.m. Mountain Standard Time, Wednesday, March 27, 1985, in the Science and Math Building, Garden City Community College, Garden City, KS. The public is invited to attend.

The proposed project is jointly sponsored by Western Kansas Groundwater Management District No. 1, Southwest Kansas Groundwater Management District No. 3 and the counties comprising the target area. The primary target area consists of the south half of Wallace County and all of Greeley, Wichita, Scott, Lane, Kearny, Finney, Ford, Stanton, Grant, Haskell and Seward counties in Kansas. Areas immediately adjacent to this primary target area, and varying from 15 to 25 miles in width are considered to be within the area

of influence. It is not believed that other areas will be materially affected.

The proposed project contemplates the use of four seeding aircraft, three of which will be flown at cloud base and release silver iodide smoke into cloud updrafts; one other aircraft will be flown at higher altitudes and dispense dry ice (solid carbon dioxide) within or above growing clouds. The intended effect of the seeding activity is to increase rainfall and decrease hail in the primary target area. The project is scheduled to begin on April 15, 1985 and conclude on September 15, 1985.

Complete details of the proposed project are on file with the Kansas Water Office, 109 SW 9th St., Suite 200, Topeka, KS 66612, and with Western Kansas Groundwater Management District No. 1, P. O. Box 604, Scott City, KS 67871. The operational plan is available for public inspection at either of these locations during regular office hours.

JOSEPH F. HARKINS  
Director

Doc. No. 002985

State of Kansas

**KANSAS WATER AUTHORITY**

**NOTICE OF OPEN MEETING**

The March meeting of the Kansas Water Authority will be held March 21, 1985 at 1:00 p.m. in the Student Union on the campus of Kansas State University, Manhattan. If a session is necessary on March 22, it will begin at 8:30 a.m.

An agenda will be available March 12. Persons not on the Authority's mailing list may request a copy of the agenda by writing or calling: Bruce W. Janssen, 702 Broadway, Box D, Larned, KS 67550, 316-285-6514.

H. PHILIP MARTIN  
Chairman

Doc. No. 002940

State of Kansas

**KANSAS WATER AUTHORITY**

**NOTICE OF MEETING**

The second annual Kansas Water Research Needs Conference will be held on April 17, 1985. All users of water-related research and members of the research community are invited to participate.

If you have research needs to present, contact Dr. Darrell Eklund at the Kansas Water Office, 109 S.W. 9th St., Suite 200, Topeka, KS 66612, 913/296-3185, for further information regarding the format for written presentations. Deadline for submissions is March 26, 1985.

Those who submit written presentations should be prepared to make a brief oral presentation and submit to questions by the Research Committee of the Water Authority. The Committee is scheduled to meet for this purpose on April 17, 1985, in Topeka, Kansas in the Conference Room, Building 321, Kansas Depart-

ment of Health and Environment, Forbes Field, Topeka.

The Research Committee plans to submit a rank order of water related research needs to the full Authority for its consideration in June.

H. PHILIP MARTIN  
Chairman

Doc. No. 002986

State of Kansas

**DEPARTMENT OF HEALTH AND ENVIRONMENT**

**PUBLIC NOTICE**

A Certificate of Need Application from University of Kansas Medical Center, Kansas City, KS to purchase a nuclear magnetic resonance imaging system has been reviewed and approved by the Kansas Department of Health and Environment. This decision will become effective on April 4, 1985, unless appealed to the District Court of Wyandotte County.

BARBARA J. SABOL  
Secretary of Health and Environment

Doc. No. 002984

State of Kansas

**SECRETARY OF STATE**

**KANSAS PUBLIC DISCLOSURE COMMISSION**

**Advisory Opinion No. 85-3**

Written February 27, 1985 to Janet L. Kuhlman, County Clerk of Scott County, Scott City, KS 67871.

This opinion is in response to your letter of January 29, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.* Thus, whether some other common law or statutory system applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as County Clerk of Scott County, Kansas. You ask the following two questions:

1. Will a conflict of interest arise if a full time county appraiser serves as city council person?
2. Will a conflict of interest arise if a city council person is the father of a city policeman? (The father is running for election, at the present time.)

Enclosed is a copy of opinion numbers 75-64 and 75-71 which contain the legal analysis applicable to your questions. Basically, under this law neither situation you describe constitutes a conflict of interest.

Filed with the Secretary of State March 4, 1985.

LOWELL ABELDT  
Vice-Chairman  
By Direction of the Commission

Doc. No. 002974

State of Kansas

HISTORICAL SOCIETY

NOTICE REGARDING HISTORIC PRESERVATION PROGRAM

The National Park Service has approved the procedures which were developed by the Kansas State Historical Society pursuant to P.L. 96-515 and 36 C.F.R. Part 61 for implementing the "certified local government" program in Kansas. That program would expand the national historic preservation program administered by the National Park Service nationwide and in Kansas by the State Historical Society to include eligible local governments.

Copies of the approved procedures may be obtained from the Historic Preservation Department, Kansas State Historical Society, 120 W. 10th, Topeka, KS 66612, telephone (913) 296-3251.

Local governments which meet the qualifications identified in the procedures may file applications with the Historic Preservation Department requesting certified local government status. Such status makes the local government eligible to compete for the 10% of the state's Historic Preservation Fund allocation from the National Park Service which must be set aside for certified local governments.

JOSEPH W. SNELL
Executive Director

Doc. No. 002942

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF ABANDONMENT

Before Commissioners: Michael Lennen, Chairman
Margalee Wright
Keith R. Henley

Petition of Trans State Bus Lines, Inc. for authority to abandon bus service in the State of Kansas.
Docket No. 53-225-M

Comes now Trans State Bus Lines, Inc. (Trans State) seeking to abandon its intrastate and interstate bus authority to operate in the State of Kansas.

The petition to abandon was filed with the State Corporation Commission of the State of Kansas (Commission) on February 27, 1985. Trans State has filed for abandonment because it filed for bankruptcy on August 21, 1984 and has not operated its bus service since then.

Those interested parties wishing to protest this abandonment should send their comments to Jack Tierce, Transportation Compliance Officer, 4th Floor, State Office Building, Topeka, KS 66612 on or before April 3, 1985.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002994

State of Kansas

SOCIAL AND REHABILITATION SERVICES

NOTICE OF MEETING ON PROPOSED TEMPORARY ADMINISTRATIVE REGULATIONS

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an open meeting on April 2, 1985, at 9:00 a.m., in the Staff Development Training Center, 2700 W. 6th St., Topeka, KS.

The scheduled agenda for the open meeting includes:

- Preliminary discussion of staff proposals concerning temporary administrative regulations.
-Continued discussion related to Issue Papers.
-Public hearing concerning the adoption on a temporary basis of certain proposed administrative regulations. A summary of the proposed regulations is set forth below. The proposed changes are scheduled to become effective May 1, 1985.

Medical Assistance

1. 30-6-55. Cooperation. This regulation is being amended to require that an applicant or recipient for medical assistance provide a social security number as a condition of eligibility.

2. 30-6-111. Applicable income. This regulation is being amended to apply the SSI income disregards for persons in independent living to persons in the home and community based services program.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to April 2, 1985 by contacting Mrs. Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 66612.

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

-Adoption of proposed temporary administrative regulations.

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

ROBERT C. HARDER
Secretary of Social and Rehabilitation Services

Doc. No. 002992

State of Kansas

LEGISLATURE

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

**Bills Introduced February 28-March 6:**

**SB 340**, by Committee on Ways and Means: An act concerning the appointment of attorneys for the department of revenue; amending K.S.A. 75-5121 and repealing the existing section.

**SB 341**, by Committee on Federal and State Affairs: An act concerning alcoholic liquor; relating to licensure and regulation of farm wineries; amending K.S.A. 1984 Supp. 41-308a, 41-310, 41-311, 41-317 and 41-710 and repealing the existing sections.

**SB 342**, by Committee on Federal and State Affairs: An act establishing the advisory committee on food service and lodging; providing for the duties thereof; and repealing K.S.A. 75-5629.

**SB 343**, by Committee on Federal and State Affairs: An act relating to abortion; concerning the abortion of a viable fetus; providing for certain exemptions; imposing conditions and requirements; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 21-3407 and repealing the existing section; and also repealing K.S.A. 65-445.

**SB 344**, by Committee on Ways and Means: An act concerning crime victims reparations; relating to the payment of awards; amending K.S.A. 74-7302 and K.S.A. 1984 Supp. 74-7313 and repealing the existing sections.

**HB 2562**, by Committee on Ways and Means: An act concerning municipalities; relating to the granting of franchises; amending K.S.A. 12-2001 and repealing the existing section.

**HB 2563**, by Committee on Ways and Means: An act concerning allowances for official travel; amending K.S.A. 75-3203 and repealing the existing section; also repealing K.S.A. 75-3203b.

**SR 1818**, by Senator Winter: A resolution congratulating Haskell Indian Junior College on its 100th anniversary.

**SR 1819**, by Senator Gammon: A resolution in memory of Robert R. McCants.

**SR 1820**, by Senator Yost: A resolution congratulating Kathleen Edmiston for her many achievements.

**SR 1821**, by Senator Vidricksen: A resolution commending the successful efforts of certain persons, Cashco employees, and the city of Ellsworth to retain Cashco, Inc. in Ellsworth, Kansas.

**SCR 1618**, by Senator Ehrlich: A concurrent resolution directing the secretary of aging to establish a state task force and issue a report concerning the welfare of victims of Alzheimer's disease and related disorders and those who care for them.

**HR 6043**, by Representatives Charlton, Branson, D. Miller and Solbach: A resolution congratulating Haskell Indian Junior College on its 100th anniversary.

**HR 6044**, by Representative Lowther: A resolution congratulating and commending Carol Reneau on being named 1985 Kansas Teacher of the Year.

**HR 6045**, by Representative Grotewiel: A resolution endorsing electric utility rate designs which encourage the efficient use of electric energy.

**HR 6046**, by Representative Branson: A resolution relating to the packaging and labeling of campbor-containing products.

**HR 6047**, by Representative Roenbaugh: A resolution in memory of Howard E. Barstow.

**HR 6048**, by Representative Littlejohn: A resolution in memory of Francis Jacobs.

**HR 6049**, by Representatives Barkis and Hayden: A resolution urging the President of the United States to demonstrate his concern and support for the farmers and people of the midwest by signing House Resolution 1096.

**HR 6050**, by Representative Fry: A resolution commending the successful efforts of certain persons, Cashco employees, and the city of Ellsworth to retain Cashco, Inc., in Ellsworth, Kansas.

**HCR 5015**, by Representatives Sughrue, Adam, Barkis, Blumenthal, Bowden, Brady, Branson, K. Campbell, Charlton, Cribbs, Dean, Dillon, Erne, Francisco, Fry, Gjerstad, Green, Grotewiel, Hamm, Harder, Helgerson, Jarchow, Johnson, Justice, Lacey, Laird, Leach, Love, Luzzati, Mainey, Peterson, Reardon, Rezac, Roper, Rosenau, Rummels, Solbach, Sutter, Teagarden, Wagnon, Weaver, Webb, Whiteman and Wisdom: A concurrent resolution directing the secretary of aging, the secretary of health and environment and the secretary of social and rehabilitation services to jointly develop a plan on community long-term care services for the elderly in Kansas.

Doc. No. 002983

(Published in the KANSAS REGISTER, March 7, 1985)

HOUSE BILL No. 2174

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1985, for Larned state hospital; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1985, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

LARNED STATE HOSPITAL

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

Security fence and lighting for Jung building	\$65,000
<i>Provided</i> , That the above agency is hereby authorized to negotiate and enter into contracts for the capital improvement project to construct security fence and lighting for Jung building: <i>Provided further</i> , That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 to 75-3741, inclusive, and amendments thereto.	

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 7, 1985.

HOUSE concurred in SENATE amendments February 27, 1985.

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

Passed the SENATE as amended February 27, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED March 5, 1985.

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 5th day of March, 1985.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF GRANT APPLICATIONS IN REVIEW

Below are listed applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

**KS850301-001-72002JO**—Application to the Department of Action for \$5,987. Additional funds for expansion would be used specifically for hiring a part-time assistant for recruitment. Contact Alice Kitchen, United Community Services of Johnson County, 5311 Johnson Drive, Mission, KS 66205, 913/432-8424. No review required.

**KS850304-001-20106GH**—Preapplication to the Department of Transportation for \$493,389 to pave runway 17/35, taxiway, apron and to install lights. Contact Carol Jones, City of Hill City, 205 N. Pomeroy, Hill City, KS 67642, 913/674-3437. No review required.

**KS850304-002-13600SG**—Application to the Department of Health and Human Services for  
*(continued)*



\$1,237,775 to continue the Head Start operations in centers and home based sites serving 672 children in Sedgwick County. Contact Rex Stonger, Child Care Association of Wichita, 155 S. Hydraulic, Wichita, KS 67211, 316/265-0871. Comments due by March 31, 1985.

**KS850304-003-13646WY**—Application to the Department of Health and Human Services for \$50,000 to assist hard to place WIN participants residing in Kansas City and Wyandotte county, Kansas. Contact Victor Petty, WIN Director, Kansas Department of Human Resources, 2700 W. 6th St., Biddle Bldg., 3rd floor, Topeka, KS 66606, 913/296-3811. Comments due by April 14, 1985.

**KS850305-001-15916ME**—Application to the Department of the Interior for \$21,280. This project will consist of an irrigation well to replenish the water supply in Lake Meade in southwestern Kansas. Contact Keith Springer, Kansas Park & Resources Authority, P. O. Box 977, Topeka, KS 66601, 913/296-2281. Comments due by March 30, 1985.

**KS850305-002-13986KS**—Application to the Department of Health and Human Services for \$105,000 to continue providing health assessments to newly arrived refugees settling in Wyandotte, Sedgwick, and Finney counties. Contact Joseph Hollowell, Jr., M.D., Kansas Dept. of Health and Environment, Forbes Field, Bldg. 740, Topeka, KS 66620, 913/862-9360, Ext. 525. No review required.

**KS850305-003-13246KS**—Application to the Department of Health and Human Services for \$153,694 to continue primary health care services to Migrant and Seasonal farmworkers in Western Kansas. Contact Joseph G. Hollowell, Jr., M.D., Kansas Dept. of Health & Environment, Forbes Field, Bldg. 740, Topeka, KS 66620, 913/862-9360, Ext. 525. Comments due by March 30, 1985.

**KS850305-004-13217KS**—Application to the Department of Health and Human Services for \$1,159,329 to continue providing comprehensive family planning care to women in Kansas who cannot receive this service from the private sector. Contact Joseph G. Hollowell, address same as above. Comments due by March 30, 1985.

**KS850306-002-11302MC**—Application to the Department of Commerce for \$50,000 for activities to improve the economic development potential of the region. Contact John Cyr, Economic Development Representative, North Central Kansas Regional Planning Commission, Municipal Bldg., Beloit, KS 67420, 913/738-2218. Comments due by March 31, 1985.

LARRY E. WOLGAST, ED.D.  
Secretary of Human Resources

Doc. No. 002987

**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

Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

**MONDAY, MARCH 25, 1985**

#26479

University of Kansas, Lawrence and Statewide—  
**BIOCHEMICALS AND DIAGNOSTICS**

#60981

Kansas State University, Manhattan—  
**MICROCOMPUTER SYSTEM—IBM COMPATIBLE**

#60982

University of Kansas Medical Center, Kansas City—  
**VIDEO EQUIPMENT**

#60983

University of Kansas Medical Center, Kansas City—  
**VIDEO EQUIPMENT**

#60986

Kansas State University, Manhattan and University of Kansas, Lawrence—**VEHICLES**, Fort Hays Experiment Station, Lawrence

#60987

Kansas State Penitentiary, Lansing—**PLUMBING MATERIALS**

#60991

University of Kansas, Lawrence—**AIR CONDITIONING EQUIPMENT**

#61018

Kansas State Historical Society, Topeka—**HISTORY INTERACTIVE SOFTWARE PROGRAM**

**TUESDAY, MARCH 26, 1985**

#A-4763

Department of Corrections, Topeka—**PROVIDE FIRE SPRINKLER SYSTEM IN INFIRMARY**, Kansas Correctional Institution, Lansing

#A-5204

Youth Center at Topeka, Topeka—**REROOF NORTH AND SOUTH ROOFS OF SCHOOL BUILDING**

#60653-A

University of Kansas Medical Center, Kansas City—**RESPIRATORY THERAPY EQUIPMENT**

#60697-A

Department of Social and Rehabilitation Services, Topeka—**METALLIC COATED QUILTED FABRIC**

#60996

Department of Health and Environment, Topeka—**ACCESS, IDENTIFY AND DISPOSE OF HAZARDOUS WASTE**, Kansas City

#60998

University of Kansas, Lawrence—**MINICOMPUTER**

#60999

Adjutant General's Department—**FURNISH AND INSTALL OVERHEAD HEATERS**

#61012

Kansas State University, Manhattan—**LIQUID SCINTILLATION SYSTEM**

#61017

Department of Transportation, Hutchinson—**INERTIAL MODULES**, Wichita

#61019

Kansas State Industrial Reformatory, Hutchinson—**SHELVING MATERIAL**

#61020

University of Kansas Medical Center, Kansas City—**MISCELLANEOUS MEATS** (MAY, 1985)



#61021

University of Kansas Medical Center, Kansas  
City—COMPACT SEDANS

**WEDNESDAY, MARCH 27, 1985**

#A-4979 and A-4981

Winfield State Hospital and Training Center,  
Winfield—CONSTRUCT OVERHEAD POWER  
LINES TO SEWER PLANT AND REPLACE  
TRANSFORMER AT MEDICAL SERVICES  
BUILDING

#60429-A

Kansas Correctional-Vocational Training Center,  
Topeka—DISHWASHER AND HEATER  
INSTALLED

#60997

Department of Health and Environment,  
Topeka—ASSESS, IDENTIFY AND DISPOSE OF  
HAZARDOUS WASTE, Kiowa

#61000

University of Kansas, Lawrence—  
MICROCOMPUTER

#61001

University of Kansas, Lawrence—ELECTRONIC  
TEST EQUIPMENT

#61002

University of Kansas, Lawrence—VEHICLES

#61003

Kansas State Historical Society, Topeka—  
LIGHTING EQUIPMENT

#61004

Kansas State University, Manhattan—ROOFING  
MATERIALS

#61005

Kansas Highway Patrol, Topeka—AMMUNITION

#61006

Fort Hays State University, Hays—  
MICROCOMPUTER

#61022

Kansas Highway Patrol, Topeka—BREATH  
ANALYSIS APPARATUS

#61023

Kansas Correctional Industries, Lansing—REPAIRS  
TO TRAILERS

#61029

Kansas Fish and Game Commission, Pratt—FISH  
FOOD MIXER, Milford Hatchery

#61038

Department of Social and Rehabilitation Services,  
Topeka—MOVE HUTCHINSON OFFICES

#61039

Osawatomie State Hospital, Osawatomie—  
WARDROBE-LOCKER COMBINATION

**THURSDAY, MARCH 28, 1985**

#A-4997

Norton State Hospital, Norton—REMODELING  
RESEARCH AND TRAINING BUILDING

#26486

Statewide—MAY (1985) MEAT PRODUCTS

#61030

Department of Administration, Division of  
Information Systems and Communications,  
Topeka—UPGRADE OF IBM 3705-II  
COMMUNICATIONS CONTROLLER

#61031

Osawatomie State Hospital, Osawatomie—SMOKE  
DETECTORS

#61032

University of Kansas, Lawrence—SOFTWARE FOR  
CICS/VS TELEPROCESSING MONITOR

#61033

University of Kansas, Lawrence—LOUNGE  
FURNITURE

#61042

Kansas Fish and Game Commission, Pratt—  
TRACTOR, Milford Hatchery

#61043

Kansas Public Employees Retirement System,  
Topeka—PRINTED BINDERS AND INDEX  
DIVIDERS

#61053

Kansas Fish and Game Commission, Pratt—LIFT  
TRUCK, Milford Hatchery

**FRIDAY, MARCH 29, 1985**

#26485

University of Kansas, Lawrence—MAY (1985) MEAT  
PRODUCTS

#26488

Statewide—DIAL-UP MODEMS, LONG-HAUL  
MODEMS AND DATA CONTROLLERS FOR SNA  
ENVIRONMENT

#61016

Department of Administration, Division of Printing,  
Topeka—STREAM-FED OFFSET PRESSES

#61054

Department of Transportation, Salina—  
LUBRICATING OIL

**THURSDAY, APRIL 4, 1985**

#26487

Kansas Correctional Industries, Lansing—HANSA  
YELLOW, LEAD FREE, DRY PAINT GRANULES

**MONDAY, APRIL 15, 1985**

#26480

Kansas Fish and Game Commission, Pratt—  
AGRICULTURE LEASING FOR WILSON  
RESERVOIR AREA

#60963

Department of Social and Rehabilitation Services,  
Topeka—KANSAS AUTOMATED ELIGIBILITY  
SYSTEM

**TUESDAY, APRIL 16, 1985**

#61056

Department of Social and Rehabilitation Services,  
Topeka—TELECOMMUNICATIONS SYSTEM, Clay  
Center

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 002991

**State of Kansas****SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the State of Kansas and the authority of the following foreign corporations to do business in the State of Kansas were forfeited on 2-15-85, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

(continued)

Cancelled 2/15/85 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:

**Domestic for Profit**

Hutchinson Health Services, Inc., Hutchinson, KS.  
The Kelhart Group, Ltd., Overland Park, KS.  
Tractor 6151, Inc., Fort Scott, KS.

**Foreign for Profit**

Nexus Construction Co., Inc., Kansas City, MO.

Cancelled 2/15/85 for failure to file the 7/31/84 annual report:

**Domestic for Profit**

Aerobicise, Inc., Wichita, KS.  
Affectionate Confections, Inc., Lenexa, KS.  
Alpine Oil Co., Inc., Wichita, KS.  
Ark Valley Truck Line, Inc., Syracuse, KS.  
Basehor Services, Inc., Basehor, KS.  
Binford Construction Company, Inc., Hutchinson, KS.  
Building Plus, Inc., Shawnee Mission, KS.  
Burger King of Dodge City, Inc., Garden City, KS.  
Calamity Jane's, Inc. (A Close Corporation), Emporia, KS.  
Cideo Group, Inc., Overland Park, KS.  
Contractors Concrete Company, Inc., Kansas City, KS.  
Country Realty, Inc., Leawood, KS.  
Dale E. King, Inc., Overland Park, KS.  
Dimension Properties, Inc., Topeka, KS.  
DLN, Inc., Salina, KS.  
Donald L. Watson, Inc., Kansas City, KS.  
Don Hurt Construction Company, Inc., Kansas City, KS.  
Enterprise Leasing Company of Kansas, Overland Park, KS.  
Environmental Services Corporation, Overland Park, KS.  
Equity Developers, Inc., Wichita, KS.  
F. G. Herrick Company, Inc., Olathe, KS.  
Five Star Printing, Inc., Kansas City, KS.  
Fleischer Agency, Inc., Ottawa, KS.  
Geoson Oil Co., Inc., Wichita, KS.  
Hagan's Furniture, Inc., Independence, KS.  
Hume-Fry Co., Inc., Garden City, KS.  
Hungry Dutchman International, Incorporated, Salina, KS.  
Interstate International Energy, Inc., Kiowa, KS.  
J. Jary Miller & Associates, Inc., Prairie Village, KS.  
K. C. International, Inc., Overland Park, KS.  
Keller Farms, Inc., Manhattan, KS.  
The Kent E. Crippin Consulting Corporation, Leawood, KS.  
Lonestar Oil Co., Inc., Hutchinson, KS.  
M & B Investment, Inc., Wichita, KS.  
Michael A. Pray & Associates, Inc., Overland Park, KS.  
Midwest Ag, Inc., Hutchinson, KS.  
Mid West Med Equip, Inc., Wichita, KS.  
Mueller-Busby Personnel, Inc., Topeka, KS.  
National Equipment and Business Brokers, Inc., Wichita, KS.  
Owen, Inc., Prairie Village, KS.  
Paradigm Manufacturing, Inc., Cotter, AR.

Portable Computers, Ltd., Overland Park, KS.  
Q International Corporation, Wichita, KS.  
R. A. Long & Associates, Inc., Shawnee Mission, KS.  
Radco, Incorporated, Wichita, KS.  
Robonics, Inc., Merriam, KS.  
Sabetha Hardware, Inc., Sabetha, KS.  
Saunter Seismic Surveys, Inc., Alberta, KS.  
Saville Organs, Inc., Valley Center, KS.  
SEK Oil & Gas Development, Inc., Chanute, KS.  
The Shirt Stop, Inc., Hutchinson, KS.  
Skaptason Enterprises, Inc., Leawood, KS.  
Slater & Associates, Inc., Stanley, KS.  
Sonic Drive-In of Hutchinson, Kans., Inc., Humboldt, KS.  
Southeast Kansas Tractor Parts, Inc., Wichita, KS.  
Sunnyside Laundries, Inc., Haysville, KS.  
Talley's Stained Glass, Inc., Mission, KS.  
Technical Dental Services, Inc., Wichita, KS.  
Total Secretary, Inc., Westwood, KS.  
Traks, Inc., Wichita, KS.  
Tru-Bor Honing, Inc., Wichita, KS.  
Tyzack Corporation, Topeka, KS.  
The Washington Development Company, Inc., Kansas City, KS.  
Western Music & Vending Co., Inc., Great Bend, KS.  
Windmill Cattle Co., Inc., Garden City, KS.  
Woods, Incorporated, Scottsdale, AZ.

**Foreign for Profit**

Agri-Star, Inc., Joplin, MO.  
Arkmen, Incorporated, LaMesa, CA.  
Beatty Electronics, Inc., Overland Park, KS.  
C & W Wholesale Supply, Inc., Springfield, MO.  
Datapoint Corporation, San Antonio, TX.  
Epoxy Contractors, Inc., Kansas City, MO.  
Fiberglass Perma-Gratings Corporation, Plymouth, MN.  
Fine Arts Music Press, Inc., Leawood, KS.  
Fox-Morris Associates, Inc., Philadelphia, PA.  
Genesco Inc., Nashville, TN.  
Geodessa Corporation, Denver, CO.  
Grand Central, Inc., Salt Lake City, UT.  
Layton Oil Company, Independence, KS.  
Merlin Petroleum Corporation, Tulsa, OK.  
Metro Mobile Communications, Inc., New York, NY.  
New Product Insights, Inc., Overland Park, KS.  
Nutri/System, Inc., Jenkintown, PA.  
Oakleaf Corporation, Chatsworth, CA.  
Omega Minerals, Inc., Corpus Christy, TX.  
Pash Distributing, Inc., Harlan, IA.  
Pearce Management Consultants, Inc., San Angelo, TX.  
Pep Oil, Inc., Minneapolis, MN.  
Pep Services, Inc., Minneapolis, MN.  
Pioneer Crop Care, Inc., Erie, KS.  
Prange Enterprises, Incorporated, Columbia, MO.  
Pro-Net, Inc., Kansas City, MO.  
Quadel Energy Corporation, Rockville, MD.  
S & B Constructors of Texas, Inc., Houston, TX.  
Scientific Products, Incorporated, Center Line, MI.  
Stinger Exploration, Inc., Oak Brook, IL.  
Synergistic Communications Group, Inc., Overland Park, KS.

Waco Development Corp., St. Joseph, MO.  
Western Geophysical Company of America, Houston,  
TX.

#### Professional Association

Fe T. Villarante, M.D., P.A., Hays, KS.  
Richard J. Hattrup, M.D., P.A., Wichita, KS.  
Sherman Zaremski, M.D., P.A., Kansas City, KS.

Cancelled 2/15/85 for failure to file the annual report  
due after 11/15/84 extension:

#### Domestic for Profit

Blue-Ridge Apparel Corporation, Wichita, KS.  
Brownie's Restaurants, Inc., Kansas City, KS.  
Commodity Investment Service Institute, Spearville,  
KS.  
The Dupont Oil Company, Wichita, KS.  
Independence Development Corporation, Independ-  
ence, KS.  
Lachar Enterprises, Inc., Newton, KS.  
Midwest Maize, Inc., Mission Hills, KS.  
Osage Land & Cattle Co., Overland Park, KS.  
Pizza Hut of Memphis, Inc., Wichita, KS.  
Sher-Lon Corporation, Sterling, KS.  
Stuarts Wichita Apparel Corporation, Secaucus, NJ.  
Town West Apparel Corporation, Secaucus, NJ.  
Wiki Wiki Corporation, Wichita, KS.  
Zook Associates, Inc., Lenexa, KS.

#### Foreign for Profit

Chasnoff Stores, Inc., Overland Park, KS.  
Consolidated Millinery Company, Chicago, IL.  
H C Oil Co., Inc., Billings, MT.  
Murbart, Inc., Leawood, KS.  
Pathfinder Petroleum Corporation, Oklahoma City,  
OK.

#### Limited Partnership

Mission Office Park Investments, Mission, KS.

Cancelled 2/15/85 for failure to correct and return  
annual report:

#### Domestic for Profit

Amcon, Inc., Shawnee, KS.  
B. J. Corp. of Leawood, Leawood, KS.  
Columbian National Title Insurance of Topeka, Inc.,  
Topeka, KS.  
Harding Enterprises, Inc., Wichita, KS.  
Jent, Inc., Grinnell, KS.  
JPR Commodities, Inc., Salina, KS.  
Lowry's Business Management, Inc., Norton, KS.  
Maple Leaf Energy Corporation, Baldwin City, KS.  
Midland Enterprises, Inc., Lawrence, KS.  
Midland Oilfield Supply, Inc., Los Osos, CA.  
Moline Auction Co., Inc., Moline, KS.  
Olsen Development Corp., Coffeyville, KS.  
P. D. Enterprises, Inc., Kansas City, KS.  
Peoples State Agency, Inc., Grinnell, KS.  
Resort Photos, Inc., Wichita, KS.  
Robinson Brothers Construction Company, Inc.,  
Webb City, MO.  
Rocky Mountain High Investment Company, Mission  
Hills, KS.

Southern Management Corporation, Coffeyville, KS.  
Speir's Auto Sales, Inc., Wichita, KS.  
Strong Machine & Tool, Inc., Wichita, KS.  
Transamerica Oil Corporation, Hutchinson, KS.  
University Bank Building Corporation, Wichita, KS.

#### Foreign for Profit

CDP Corporation, Richardson, TX.  
Osage Oil & Transportation, Inc., Cleveland, OK.  
Rahmco Oil and Gas Corporation, Ponca City, OK.  
Texstar Construction Corporation, San Antonio, TX.  
Wilson Jones Company, Chicago, IL.

Cancelled 2/15/85 for failure to submit a certificate of  
good standing with the annual report:

#### Foreign for Profit

Advance Auto Exchange, Inc., Nebraska City, NE.  
Chesley and Dunn, Inc., Denver, CO.  
Dorchester Enhanced Recovery Company, Dallas,  
TX.  
Dorchester Liquid Gas, Inc., Dallas, TX.  
Dorchester Refining Company, Dallas, TX.  
Douglas A. Young and Company, Kansas City, MO.  
Exploration Services, Inc., Colorado Springs, CO.  
Forsyth Engineering & Machine Corporation,  
Chicago, IL.  
RTC Transportation, Inc., Forest Park, GA.

JACK H. BRIER  
Secretary of State

By: JOHN R. WINE, JR.  
Legal Counsel

Deputy Assistant Secretary of State

Doc. No. 002939

#### State of Kansas

### DEPARTMENT OF ECONOMIC DEVELOPMENT

#### NOTICE OF HEARING AND PROPOSED FINAL STATEMENT ON CDBG PROGRAM

#### Kansas Small Cities CDBG Program—1985

A public hearing on the Proposed Final Statement of Community Development Objectives and Projected Use of Funds for the Kansas Small Cities Community Development Block Grant (CDBG) Program for 1985 will be held at 1:30 p.m. Tuesday, March 26, 1985 at the Ramada Inn Downtown, 402 S.E. 6th, Topeka.

Written comment on the Proposed Final Statement will be received for consideration in preparation of the Final Statement by the Kansas Small Cities CDBG Program (Room 201, 503 Kansas Ave., Topeka, KS 66603) through March 26, 1985.

NOTE: A more detailed presentation of CDBG grant selection (rating and ranking) criteria will be available upon request from KDED, 503 Kansas Ave., Room 201, Topeka, KS 66603, (913) 296-3004, and at the Public Hearing in Topeka on March 26, 1985.

(continued)

**PROPOSED FINAL STATEMENT OF  
COMMUNITY DEVELOPMENT OBJECTIVES  
AND**

**PROJECTED USE OF FUNDS**

**Kansas Small Cities Community Development Block  
Grant Program  
March, 1985**

*Purpose*

This Proposed Final Statement of Community Development Objectives and Projected Use of Funds concerns the 1985 distribution of approximately \$16.9 million in Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) as authorized under the Housing and Community Development Act of 1974, as amended through the Housing and Urban-Rural Recovery Act of 1983 (amended 1974 HCD Act). As the designated state administering agency in Kansas, the Kansas Department of Economic Development (KDED) will distribute the CDBG funds to units of general local government (cities and counties) in nonentitlement areas of Kansas.

*Use of Funds—1984 Program*

In 1984, the first year KDED administered the CDBG program, a total of 435 grant applications were received. Approximately \$16.5 million was distributed among 82 grants awarded to 79 local governments and leveraged approximately \$40 million of non-CDBG funding.

In the 1984 State program, 62% of the funding was for public facility projects, 10% for housing rehabilitation projects, 27% for economic development projects, and 1% for projects to meet urgent community development needs.

In the Community Improvement portion of the 1984 Kansas program, 267 applications which met threshold requirements were received of which 43 or 16.1% were funded. Applications were received from 213 cities with populations under 5,000; 34 or 15.9% were successful. Thirty-one (31) applications were received from cities of over 5,000 population; 6 or 19.4% were successful. The remaining 23 applications were from counties; 3 or 13% were successful.

The Community Improvement grant projects included 42% water, 7% sewer, 7% street improvement, 4% housing rehabilitation, 28% combined projects and 12% miscellaneous (drainage, public building rehabilitation, etc.) projects.

The 13 Economic Development grant projects totaling \$4,476,000 in CDBG funds were awarded to create and/or retain 1744 jobs primarily for low and moderate income persons.

The State Discretionary category provided funding for planning, hazardous waste investigation, imminent threat, and other projects which were selected for contingency funding. Twenty-six project awards were made within this category totaling approximately \$1.6 million.

In relationship to the three broad national CDBG objectives for use of CDBG funds, the 1984 Kansas program fund distribution was 97.4% for LMI Benefit and 2.6% for urgent need.

*Citizen Participation*

Charles J. Schwartz, Secretary of the Kansas Department of Economic Development, appointed the Community Development Block Grant Advisory task force to advise the Department in the development of the 1985 CDBG Program. The nineteen individuals appointed represented a balance between elected and appointed local and state officials and community development professionals who had worked with the CDBG Program under HUD administration. A broad range of Kansas community development interests and needs were represented. The Task Force held two public meetings (October 24 & 25, 1984 and November 15, 1984).

In addition to oral and written testimony presented at the Task Force meetings, KDED has considered all written comments received in preparation of this statement. The 1985 Small Cities CDBG program reflects the recommendations of the task force for the objectives of the program and the administrative framework and procedures to allocate CDBG funds to Kansas communities.

Comments in response to this Proposed Final Statement will be considered in developing the Final Statement of Community Development Objectives and Projected Use of Funds 1985 and should be submitted in writing by March 26, 1985, to the KDED Small Cities Community Development Block Grant Program, 503 Kansas Ave., Room 201, Topeka, KS 66603. A public hearing will be held at 1:30 p.m. Tuesday, March 26, 1985 in the Ramada Inn, 420 S.E. 6th, in Topeka, prior to submission of the Final Statement to HUD on or before March 29, 1985.

**KANSAS COMMUNITY DEVELOPMENT GOALS  
AND OBJECTIVES**

*A. National Purpose*

The State confirms and endorses the national purpose of the program which is to develop viable communities by funding activities which serve to achieve one or more of the three national objectives.

*1. Activities Which Benefit Low and Moderate Income Persons*

Activities will meet this objective if 51% of the persons benefiting from the activity are of low and moderate income. The term "low-and-moderate income persons" is defined as 80% or lower of the county median income.

*2. Activities Which Aid in the Prevention or Elimination of Slums or Blight*

An activity will meet this objective if it occurs in and is designed to upgrade an area or community which:

- a. meet the state statutory definition of blight; and
- b. occurs where there is a substantial number of deteriorated or dilapidated buildings or improvements throughout the area; and
- c. displays characteristics of physical distress which, if relieved, would prevent further deterioration into slum or blighted conditions.

*3. Activities Designed to Meet Development Needs Having a Particular Urgency*

Activities will meet this objective if they:

- a. address needs having a particular urgency be-

cause existing conditions pose a serious and immediate threat to the health or welfare of the community which conditions are of recent origin or which became urgent within 18 months of certification; and

b. no other financial resources are available within the appropriate time frame to meet the need.

**B. Kansas Goals and Objectives**

The state has identified the following goals and objectives for the 1985 Kansas Small Cities (CDBG) Program:

**GOAL 1.** To improve local economies and the economic well-being of the people of Kansas.

*Objectives:*

a. To encourage private investment which will result in 1) creation of new jobs and income generation and/or 2) the expansion of the tax base.

b. To encourage the creation and retention of viable businesses which employ and serve the local population.

c. To promote a strong local government role in maintaining and improving the basic community infrastructure which is essential to the well-being of the community and its economy.

**GOAL 2.** To provide funding for community improvements that 1) eliminate conditions which are detrimental to the public health and safety, or 2) meet other essential community development needs.

*Objectives:*

a. To improve existing public facilities.

b. To provide new facilities when warranted by recent documented population growth, or when essential needs exist.

c. To improve housing conditions and ensure fair housing opportunities, especially for persons of low and moderate income.

**GOAL 3.** To provide funding for projects that may need an immediate state response or that address specific state priorities.

*Objectives:*

a. To help local communities recover from natural disasters or alleviate a major threat to public health or safety.

b. To fund priority projects that address critical community needs for which no other funds are available, some of which may not have been adequately addressed by the rating system.

c. To assist the efforts of local government in providing funds for technical assistance, comprehensive planning and capital improvements planning, so that development strategies ensure efficient and equitable use of resources.

Kansas will require that for each program year at least 51% of the State allocation be used to support activities which benefit low and moderate income persons.

*Projected Use of Funds—1985 Programs*

The total amount of Small Cities CDBG funds allocated to Kansas for FY 1985 is approximately \$16.9 million, of which the state will use no more than \$100,000 plus 2% of the total amount for state administration of the program. Any uncommitted administra-

tion funds may be reallocated to another fund. No more than 20% of the total grant will be used for administrative, planning and/or technical assistance costs at both the state and local levels.

Grant funds may be used only for activities which are eligible under the Kansas Community Development Block Grant Program as defined by Title I, Section 105 of the Housing and Community Development Act of 1974, as amended. A project will consist of activities that directly relate to each grant type.

The Grant Types coincide with the state goals and objectives, therefore funding will be consistent with allocation goals as follows:

<i>Grant Type</i>	<i>Approximate Amount</i>	<i>Allocation Goals</i>
Economic Development	\$3.3m-\$ 6.7m	20-40%
Community Improvement	\$8.4m-\$11.8m	50-70%
State Discretionary	\$1.6m	10%

A formal system will be used to evaluate, select, and fund applications for grants. The selection criteria are designed to facilitate an objective assessment of the community and economic development needs of the area and the applicant's ability to provide an effective and timely response.

*Community Improvement and Economic Development Allocations*

Community Improvement and Economic Development Grant applications will be evaluated, scored and ranked according to criteria designed to measure community need and effort, project quality, and impact, and to assure benefit to low-and-moderate income persons. Points will be awarded in accordance with the pre-determined selection criteria as stated in the application guidelines.

<i>Rating Points</i>	<i>—Economic Development Grant Type</i>
0	1. Threshold Requirements
250	2. Community Need/Effort Factors
750	3. Project Quality and Impact
<i>Rating Points</i>	<i>—Community Improvement Grants</i>
0	1. Threshold Requirement
250	2. Community Need/Effort Factors
450	3. Project Quality and Impact
300	4. Benefit to Low-and-Moderate Income Persons

The funding ceiling Economic Development and Community Improvement grant is established at \$400,000.

*State Discretionary Allocation*

Due to the uniqueness and/or immediacy of the needs to be met under the State Discretionary set-aside, awards will be made within the parameters of the program description by the Governor and/or his designee, the Secretary of Economic Development.

(continued)

- Rating Points** — *Planning and Technical Assistance Grants*
- 250 1. Threshold Requirements
  - 250 2. Community Need/Effort Factors
  - 750 3. Project Strategy and Results

There will be a formal system to evaluate, select and fund applications for State Discretionary Planning and Technical Assistance Grants as well as a \$20,000 grant limitation and a 25% local match requirement.

Program income, miscellaneous income, unobligated administrative set-aside funds or other unanticipated CDBG balances will be distributed by KDED in a manner which is consistent with the overall goals and objectives of the program. The State reserves the right to negotiate with applicants and to deny partial or total funding of any application in a given funding period depending on the quality of the project.

In the event that undistributed project funds remain on January 31, 1986, those funds will be pooled. The highest ranked community improvements applicant(s) will receive a grant offer if pooled funds equal or exceed the amount(s) requested. If pooled funds do not equal the amount(s) requested, the State may elect to negotiate with the top ranked applicant(s) or to carry the funds into the next program year.

The state of Kansas plans to minimize residential and commercial relocation by requiring the applicant to explain within its application, its plans for minimizing relocation. The effectiveness of the local strategy will be reviewed in all applications.

The three national objectives are incorporated into the applicant selection criteria for the community development programs to be funded through CDBG and only eligible activities will be approved for funding by the Kansas Department of Economic Development.

**ELIGIBLE APPLICANTS**

Eligible applicants under the Small Cities Program are defined as general purpose units of government—all counties and all cities which are not participants in the entitlement program. An eligible applicant may submit an application that includes subcontracting with other entities, either public or private, to perform any service, activity or undertaking which the contracting city or county is authorized by law to perform.

For projects proposed to resolve problems which exist in unincorporated areas of a county, the county governing body is the eligible applicant. Counties are encouraged to work with townships. A county may apply for a project which will include activities within an incorporated city if the proposed activity will significantly benefit county residents located in the unincorporated area of the county, as well as those within the city. A county may submit an application on behalf of a township as well as an application for its own jurisdiction.

For projects proposed to resolve problems which exist in a city, the city governing body is the eligible applicant. A municipality may apply for a project which would include activities to be located outside city limits if the proposed activity will benefit residents of the city.

Special purpose bodies such as local housing authorities, water or sewer districts, regional planning commissions, or local development corporations are not eligible to apply directly, although they may be involved in implementing and administering a program if an eligible applicant agrees to such an arrangement. Applicants for economic development grants may make grants or loans to other legal entities including for-profit organizations. The eligible applicant will be responsible for such grants, therefore should assure through contractual arrangement that all appropriate requirements are understood by participating entities.

\* \* \* \* \*

NOTE: A more detailed presentation of CDBG grant selection (rating and ranking) criteria will be available upon request from KDED, 503 Kansas Avenue, Room 201, Topeka, KS 66603, (913) 296-3004, and at the Public Hearing in Topeka on March 26, 1985.

**1985 CDBG PUBLIC HEARINGS**

- April 16, 1985 Chanute Community College, 1000 South Allen Auditorium in Administration Building 9:30 a.m.—4:30 p.m.
- April 17, 1985 Pratt Community College (Auditorium), Hwy. 61 9:30 a.m.—4:30 p.m.
- April 18, 1985 Hays, Fort Hays State University, Memorial Union Fort Hays Ballroom 9:30 a.m.—4:30 p.m.
- April 22, 1985 Topeka, Ramada Inn Downtown, 420 East 6th 9:30 a.m.—4:30 p.m.

CHARLES J. SCHWARTZ  
Secretary of Economic Development

Doc. No. 002993

**State of Kansas**

**BOARD OF REGENTS**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given to all interested parties that on April 3, 1985, at 3:30 p.m. C.D.T., in the Student Union Building, Big 8 Room, Kansas State University, Manhattan, KS, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University. The following is a summary of the substance of the rules and proposed changes:

I. *General Parking Requirements*—The current regulations give definitions of terms, specify the general requirements for parking permits and the location where permits, applications and related information may be obtained. A proposed addition states all traffic control signs and restricted designations are in effect 24 hours per day, unless otherwise posted.

(Published in the KANSAS REGISTER, March 14, 1985.)

II: *Parking Permits*—The current regulations specify who is required to have permits, what type is required, cost and the period each permit is valid. An increase of 10% is proposed for regular permits as follows: Faculty/staff, earning over \$10,000—from \$40.00 to \$44.00; Faculty/staff, earning under \$10,000—from \$20.00 to \$22.00; Student—from \$20.00 to \$22.00; Reserved—(10 hour) from \$100.00 to \$110.00, (24 hour) from \$150.00 to \$165.00. Evening permits at \$10.00 per semester are proposed for addition. Other permit costs will remain the same. The name of the Traffic and Parking Council is to be changed to “The Council on Traffic, Parking and Police Operations.” Clarification wording of “for convertibles” is proposed for addition in reference to the adhesive single vehicle permit.

III: *Parking Hours*—The current regulations specify when parking permits are required in specific area. The proposed changes to the existing rules include revision of the format, changing the time when regular permit holders may park in unrestricted lots from 5 p.m. to 4 p.m. and the additional incorporation of the evening permit requirement, Monday through Friday.

IV: *Parking Areas*—The current regulations specify where vehicles, motorcycles and bicycles may park. The proposed amendments change lots C 1 and C 2 from general parking areas to faculty/staff/student permit required; lot A 31 from faculty/staff to restricted for State vehicles; add A 30 west row to restricted for visitors; change A 3 to faculty/staff/student.

V: *Driving Regulations*—The current regulations specify the conduct of vehicles, pedestrians and bicyclists. No changes are proposed.

VI: *Enforcement/Misuse Fees/Penalties/Appeals*—The current regulation designates the types of violations, misuse fees, responsibilities of the owner and operator, the authority of the campus patrol officers, where misuse fees can be paid, penalties for non-payment and appeal procedures. No changes are proposed.

VII: *Use of Parking Funds*—The current regulation specifies that parking fees and misuse fees may be used only for expenses related to enforcing these rules and regulations and planning, construction, maintenance and repair of parking facilities. No changes are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Gene B. Cross, Vice President for University Facilities, Kansas State University, Anderson Hall, Room 122, Manhattan, KS 66506.

WILLIAM R. KAUFFMAN  
General Counsel  
Board of Regents

**CORRECTED NOTICE OF BOND SALE**  
**\$890,000.00\***

(Subject to Change)

**THE BOARD OF REGENTS OF THE STATE OF KANSAS**  
**LIBRARY REFUNDING REVENUE BONDS**  
**(WICHITA STATE UNIVERSITY)**  
**SERIES A, 1985**

The Board of Regents of the State of Kansas will receive sealed bids at the OFFICE OF THE BOARD OF REGENTS, Suite 609, Capitol Tower Building, Eighth and Harrison Streets, in the City of Topeka, Kansas 66603, until 5:00 o'clock P.M., C.S.T., on THURSDAY, MARCH 14, 1985

for \$890,000.00\* par value LIBRARY REFUNDING REVENUE BONDS (Wichita State University) of the Board of Regents of the State of Kansas (the Board), at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1985 Bonds will be dated as of April 1, 1985, and shall mature on July 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 payable semi-annually, commencing January 1, 1986, and each July 1 and January 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 registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 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 Board.

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

<i>Principal Amount*</i>	<i>Maturity Date (July 1)</i>
\$150,000	1986
165,000	1987
175,000	1988
190,000	1989
210,000	1990

*\* Principal Amounts Subject to Change*

Due to United States Treasury Department regulations, the final principal amount of the Series A, 1985 Bonds and the principal amounts maturing in each year are subject to modification based on the interest rates assigned to each principal maturity. The Board reserves the right to increase or decrease the principal amount of the issue by increasing or decreasing the principal of bonds maturing in any year, provided that



the aggregate principal amount of the Series A, 1985 Bonds shall not exceed \$1,000,000. The successful bidder will be notified of any such change within twenty-four hours after the bid is accepted by the Board.

#### *Interest Rate*

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed three percent (3.00%). 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 (March 11, 1985), 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 Board, and shall be addressed to the Board of Regents of the State of Kansas, Suite 609, Capitol Tower Building, Eighth and Harrison Streets, Topeka, Kansas 66603, ATTENTION: Executive Officer, 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 Board 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 Board of Regents of the State of Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the Board 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. The Board 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 at the Board's meeting commencing at 1:30 P.M. on March 15, 1985 in the City of Topeka, Kansas, to the bidder whose proposal results in the lowest net interest cost to the Board. The lowest 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 as determined on the basis of the principal amount and maturity schedule set forth in this Notice of Bond Sale prior to modification of same in accordance with the foregoing.

#### *Delivery of the Bonds*

The Bonds, duly printed, executed and registered,

will be furnished and paid for by the Board; 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 APRIL 1, 1985. 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 April 10, 1985, at any bank or trust company in the cities of WICHITA, KANSAS, TOPEKA, KANSAS, or KANSAS CITY, MISSOURI, at the expense of the Board.

#### *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 Board. Said legal opinion will state in part that the under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds and all income derived therefrom are and shall be exempt from all state, county and municipal taxation in the State of Kansas, except inheritance taxes of the State of Kansas.

#### *Purpose of Issue*

The Bonds are being issued for the purpose of providing funds to refund prior to maturity the outstanding University of Wichita, Library Revenue Bonds of 1960, dated June 4, 1960 in the original principal amount of \$1,650,000, \$1,475,000 of which remain outstanding (the Series B, 1960 Bonds). The proceeds of the Series B, 1960 Bonds were used to provide funds to construct and equip a library building on the campus of Wichita State University (the Project). Certain funds currently held in accounts created in conjunction with the issuance of the Series B, 1960 Bonds will be used together with proceeds of the Series A, 1985 Bonds to establish an irrevocable escrow trust account of United States Government Securities and cash, the proceeds of which will be sufficient to retire the principal of and interest on the Series B, 1960 Bonds as the same become due for payment.

#### *Sufficiency of Protest*

The Board has adopted a Resolution declaring the intent to issue the Series A, 1985 Bonds and provided for notice of same to be published in accordance with K.S.A. 76-6a25. Such notice was published in the *Kansas Register* on February 21, 1985. Within thirty

days of such publication an action may be filed in a court of competent jurisdiction to challenge the validity of the proceedings taken by the Board or the legality of the Series A, 1985 Bonds. The Series A, 1985 Bonds will be awarded subject to the rights created by such statute. In the event adverse litigation is filed and not favorably resolved prior to April 10, 1985, the Series A, 1985 Bonds will not be issued and delivered. The Board shall not be liable to the successful bidder for any failure to deliver the Series A, 1985 Bonds resulting from action taken pursuant to K.S.A. 76-6a25.

**Security**

The Series A, 1985 Bonds are secured by a pledge of the net revenues to be derived from the operation of all library facilities and student library fees to be charged to each regularly-enrolled student at Wichita State University (the University), as well as the net revenues derived from the operation of the Colorado Derby Building owned by the Board of Trustees of the University. The Board of Regents covenants that it will levy student library fees and make charges for the use of the library and the Colorado Derby Building, which together with any other revenues, will be sufficient to meet all debt service and reserve requirements on the Series A, 1985 Bonds. A bond Reserve Account in the amount of \$100,000 will be funded from other funds on hand. The series A, 1985 Bonds do not constitute general obligations of the Board of Regents of the State of Kansas, Wichita State University, the State of Kansas or the United States of America and cannot be paid from any general property tax levied by the State of Kansas. The Board is immune from liability and suit on an implied contract, or for negligence, or any other tort, except as is otherwise specifically provided by statute.

**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 Board.

**Official Statement**

Additional copies of this Notice of Bond Sale, or copies of the Official Statement relating to the Bonds, or further information may be obtained from the office of the Executive Officer of the Board of Regents of the State of Kansas, Suite 609, Capitol Tower Building, Eighth and Harrison Streets, Topeka, Kansas 66603, the office of the Vice-President for Business Affairs, Wichita State University, 1845 Fairmount, Wichita, Kansas 67208, or from First Securities Company of Kansas, Inc., Suite 200, One Main Place, Wichita, Kansas 67202 (316/262-4411), the Financial Advisor to the Board.

DATED AS OF MARCH 1, 1985.

THE BOARD OF REGENTS OF THE  
STATE OF KANSAS  
By Stanley Z. Koplak

Doc. No. 002950

**NOTICE OF BOND SALE  
RILEY COUNTY, KANSAS  
\$150,187.45  
GENERAL OBLIGATION BONDS  
SERIES 1985-1 (STREETS)**

Riley County, Kansas will receive sealed bids at the OFFICE OF THE COUNTY CLERK, RILEY COUNTY COURTHOUSE, MANHATTAN, KANSAS, until 11:00 o'clock A.M., C.S.T., on  
MARCH 25, 1985

for the purchase of One Hundred Fifty Thousand One Hundred Eighty Seven Dollars and Forty Five Cents (\$150,187.45) par value General Obligation Bonds (the "Bonds") of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1985 Bonds initially issued will be dated as of March 1, 1985-1 and shall mature on September 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, except one bond in the amount of \$5,187.45, not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1986 and each April 1 and October 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 registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding March 15 and September 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the County.

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

Principal Amount	Maturity Date
\$15,187.45	October 1, 1986
15,000.00	October 1, 1987
15,000.00	October 1, 1988
15,000.00	October 1, 1989
15,000.00	October 1, 1990
15,000.00	October 1, 1991
15,000.00	October 1, 1992
15,000.00	October 1, 1993
15,000.00	October 1, 1994
15,000.00	October 1, 1995

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding eight (8) 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-

(continued)

eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon interest 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 two percent (2%) above the Bond Buyer's 20 Bond Index, published in the Weekly Bond Buyer on Monday, March 18, 1985, 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.

Bids shall be addressed to the County Clerk at 110 Courthouse Plaza, Manhattan, Kansas 66502, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the County will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified check equal to two percent (2%) of the total amount of the bid, and shall be payable to County Clerk, Riley County. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the County; and the Bonds will be sold subject to the unqualified approving opinion of NICHOLS AND WOLFE CHARTERED, Bond Counsel of Topeka, Kansas, whose opinion will be paid for by the County.

The number, denomination of bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar not later than April 1, 1985.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 April 15, 1985 at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the County, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but if not so paid, then said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the County. The Series 1985-1 Bonds are being issued for the purpose of constructing certain street improvements in Riley County, Kansas.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in

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

Assessed valuation figures of the County of Riley, Kansas, for the year 1984, are as follows:

Equalized assessed valuation of taxable, tangible property .....	\$128,357,839
Assessed tangible valuation of motor vehicles .....	17,550,479
Equalized tangible valuation for computation of bonded indebtedness limitations .....	\$145,908,318

CUSIP identificaton numbers will be printed on the Bonds. All expenses incurred in connection with the printing of CUSIP numbers on the Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the County.

The total general obligation bonded indebtedness of Riley County, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$150,187.45, is in the amount of \$2,807,187.45. Riley County, Kansas has Temporary Notes outstanding in the total amount of \$110,000.00 which will be redeemed and paid from the proceeds of this proposed issue of Bonds and from other funds available to the County.

DATED March 1, 1985.

RILEY COUNTY, KANSAS  
By WANDA CODER, COUNTY CLERK

Doc. No. 002978

**NOTICE OF BOND SALE**  
**\$942,000**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF DERBY, KANSAS**

The CITY OF DERBY, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, DERBY, KANSAS, until 7:00 o'clock P.M., C.S.T., on

**TUESDAY, MARCH 19, 1985**  
for \$942,000 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1985 Bonds initially issued will be dated as of April 1, 1985 and shall mature on December 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, except Bond No. 1 in the amount of \$7,000, not exceeding the principal amount of bonds maturing in each year.

Interest will be payable semiannually, commencing June 1, 1986, and each December 1 and June 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 registered owners thereof upon presentation of the cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding November 15 and May 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

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

<i>Amount</i>	<i>Maturity</i>
\$87,000	December 1, 1986
95,000	December 1, 1987
95,000	December 1, 1988
95,000	December 1, 1989
95,000	December 1, 1990
95,000	December 1, 1991
95,000	December 1, 1992
95,000	December 1, 1993
95,000	December 1, 1994
95,000	December 1, 1995

#### *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 and one-half percent (2-1/2%). 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 (March 18, 1985), plus two percent (2%), and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

#### *Bid Form and Good Faith Deposit*

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, DERBY, KANSAS, 67037, ATTENTION: GENEVA D. MOORE, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and

shall be payable to TREASURER, CITY OF DERBY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

#### *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 City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

#### *Delivery of the Bonds*

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN APRIL 11, 1985. 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 APRIL 25, 1985, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

#### *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 City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within the territorial limits of the

(continued)

City and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

*Purpose of Issue*

The Bonds are being issued for the purpose of constructing certain street, sewer and water improvements in the City.

*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 City.

*Assessed Valuation*

Assessed valuation figures for the City of Derby, Kansas, for the year 1984, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property .....	\$26,539,160
Tangible Valuation of Motor Vehicles .....	\$ 7,810,070
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	\$ 108
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations .....	\$34,349,338

*Bonded Indebtedness*

The total general obligation bonded indebtedness of the City of Derby, Kansas, at the date hereof, including this \$942,000 proposed issue of bonds, is in the amount of \$7,766,411. The City also has outstanding Temporary Improvement Notes in the amount of \$3,044,520, \$1,068,100 of which will be retired from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

*Official Statement*

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from First Securities Company of Kansas, Incorporated, Suite 200, One Main Place, Wichita, Kansas 67202, (316) 262-4411, the City's Financial Consultants.

DATED March 5, 1985.

CITY OF DERBY, KANSAS  
By GENEVA MOORE, CITY CLERK

Doc. No. 002977

**NOTICE OF BOND SALE  
\$200,000  
GENERAL OBLIGATION BONDS  
SERIES 1985**

**OF THE  
CITY OF ELWOOD, KANSAS**

**(general obligation bonds payable from  
unlimited ad valorem taxes)**

*Sealed Bids*

Sealed bids will be received by the undersigned, City Clerk of the City of Elwood, Kansas (the "City"), on behalf of the City Council at the City Hall, 205 N. 6th, Elwood, Kansas, until 7:30 o'clock P.M., Central

Time, on

TUESDAY, MARCH 19, 1985

for the purchase of \$200,000 principal amount of General Obligation Bonds, Series 1985 (the "Bonds"), of the City hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

*Bond Details*

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated March 1, 1985, and becoming due serially on October 1 in the years as follows:

<i>Year</i>	<i>Principal Amount</i>	<i>Year</i>	<i>Principal Amount</i>
1985	\$ 5,000	1993	\$10,000
1986	5,000	1994	15,000
1987	5,000	1995	15,000
1988	5,000	1996	15,000
1989	5,000	1997	20,000
1990	10,000	1998	20,000
1991	10,000	1999	25,000
1992	10,000	2000	25,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on October 1, 1985.

*Place of Payment and Bond Registration*

The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas.

The City will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the bondholders.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and Bond Registrar at least two weeks prior to the closing date.

*Redemption of Bonds Prior to Maturity*

Bonds maturing in the years 1985 to 1996, inclusive, shall become due without option of prior payment. At the option of the City, bonds maturing in the years 1997 to 2000, inclusive, may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the City in such equitable manner as it may determine) on October 1, 1996, or on any interest payment date thereafter at the re-

demption price of 100% of the principal amount, plus accrued interest thereon to the date of redemption.

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

If the City shall elect to call any bonds for redemption and payment prior to the maturity thereof, the City shall give written notice of its intention to call and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said Bonds, to the State Treasurer of Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### *Conditions of Bids*

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *Credit Markets* (formerly *The Weekly Bond Buyer*) in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. The difference between the highest rate specified and the lowest rate specified shall not exceed 2%. No bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the City during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the City on the basis of such bid. Each bid shall also specify the average annual net interest rate to the City on the basis of such bid.

#### *Basis of Award*

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

shall be final. The City reserves the right to reject all bids and to waive any irregularities in a submitted bid.

#### *Authority, Purpose and Security*

The Bonds are being issued pursuant to K.S.A. 12-631t for the purpose of paying the cost of the construction of a sewage disposal works. The Bonds and the interest thereon will constitute general obligations of the City, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

#### *Legal Opinion*

The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation.

#### *Delivery and Payment*

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

#### *Good Faith Deposit*

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,000 payable to the order of the City to secure the City from any loss resulting from the failure of the successful bidder to comply with the terms of its bid. No interest will be paid upon the successful bidder's good faith check. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the City. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the City as and for liquidated damages.

(continued)



**Bid Forms**

All bids must be made on forms which may be procured from the City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any or all bids.

**Submission of Bids**

Bids must be submitted in sealed envelopes addressed to the undersigned City Clerk, and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:30 o'clock P.M., Central Time, on March 19, 1985.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the City for the year 1984 is \$7,541,628. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds being sold, is \$364,000. Temporary notes in the principal amount of \$200,000 will be retired out of proceeds of the Bonds and other available funds.

**Additional Information**

Additional information regarding the Bonds may be obtained from the City Clerk.

DATED this 5th day of March 1985.

CITY OF ELWOOD, KANSAS  
By CAROLYN PORTER, CITY CLERK

Doc. No. 002976

**NOTICE OF BOND SALE**  
**\$5,840,000**  
**JOHNSON COUNTY, KANSAS**  
**SEWER BONDS**  
**SERIES 1985**

**(GENERAL OBLIGATIONS PAYABLE FROM UNLIMITED AD VALOREM TAXES)**

**Sealed Bids**

Sealed bids for the purchase of \$5,840,000 principal amount of Sewer Bonds, Series 1985 (the "Bonds") of Johnson County, Kansas (the "County"), will be received by the Board of County Commissioners of Johnson County, Kansas, in the Commissioners' Hearing Room, Johnson County Courthouse, Kansas Avenue and Santa Fe Street, Olathe, Kansas 66061, until 9:30 o'clock a.m., C.S.T., on

THURSDAY, MARCH 21, 1985

All bids will be publicly opened and read at said time and place and will be acted upon by the Board of County Commissioners immediately thereafter.

**Bond Details**

All of the Bonds will be issued as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated April 1, 1985, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1986	\$310,000
1987	310,000
1988	310,000

1989	310,000
1990	310,000
1991	310,000
1992	310,000
1993	310,000
1994	310,000
1995	305,000
1996	305,000
1997	305,000
1998	305,000
1999	305,000
2000	305,000
2001	305,000
2002	305,000
2003	305,000
2004	305,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1986.

**Place of Payment and Bond Registration**

The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of the Bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the Bonds at the office of the Paying Agent. Interest on the Bond will be paid by check or draft mailed by the Paying Agent to the persons in whose names the Bonds are registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date for such interest, which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding such interest payment date.

The County will pay the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the bondholders.

**Redemption of Bonds Prior to Maturity.**

At the option of the County, Bonds maturing on September 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1996, or on any interest payment date thereafter at a price of 100% of the par value of the Bonds so called for redemption, together with accrued interest thereon to the date of redemption.

If the County elects to call any bond for redemption and payment prior to the maturity thereof, the County will give written Notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said Notice to be mailed by United States registered or certified mail addressed to the registered owners of said Bonds, to the Paying Agent and Bond Registrar and to the manager or managers of the underwriting account making



the successful bid, each of said Notice to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment hereinbefore specified.

#### *Conditions of Bids*

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *Credit Markets* (formerly *The Weekly Bond Buyer*) in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. No rate specified shall be higher than any rate specified for an earlier maturity of the Bonds. No supplemental interest payments will be authorized. No bid of less than the principal amount of the Bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the County during the life of the Bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the County on the basis of such bid. Each bid shall also specify the average annual net interest rate to the County on the basis of such bid.

#### *Basis of Award*

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

#### *Security for the Bonds*

The Bonds will be general obligations of the County payable as to both principal and interest from special assessments levied upon the property benefited by the construction of certain sewer improvements and, if not so paid, from ad valorem taxes which may be levied without limitations upon all the taxable tangible property, real and personal, within the territorial limits of the County.

#### *Legal Opinion*

The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the County, printed on the Bonds and delivered to the successful bidder when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing law, the interest on the Bonds is exempt from federal income taxation.

#### *Delivery and Payment*

The County will pay for printing the Bonds and will deliver the Bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to April 30, 1985, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Bonds shall be made in federal reserve funds, immediately subject to use by the County. The denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the County and Bond Registrar at least two weeks prior to the date of delivery of the Bonds. In the absence of such information, the County will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

#### *Good Faith Deposit*

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$116,800 payable to the order of the Treasurer of Johnson County, Kansas, to secure the County from any loss resulting from the failure of the bidder to comply with the terms of its bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the County until the bidder shall have complied with all of the terms and conditions of this Notice, at which time said check will be returned to the successful bidder or deducted from the purchase price at the option of the County. If a bid is accepted but the County fails to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the County as and for liquidated damages.

#### *CUSIP Numbers*

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

#### *Bond Ratings*

The outstanding general obligation bonds of the County are rated "Aa" by Moody's Investor Service,

(continued)

Inc., and the County has applied for a rating on the Bonds herein offered for sale.

**Bid Forms**

All bids must be made on forms which may be procured from the Finance Director. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The County reserves the right to waive irregularities and to reject any or all bids.

**Submission of Bids**

Bids must be submitted in sealed envelopes addressed to the undersigned County Clerk and marked "Proposal for the Purchase of Bonds." Bids may be submitted by mail or delivered in person to the undersigned and must be received by the undersigned prior to 9:30 o'clock A.M., C.S.T., on March 21, 1985.

**Official Statement**

Upon the sale of the Bonds, the County will adopt an Official Statement in substantially the form as the Preliminary Official Statement, subject to minor amendments and supplementation. Copies of such Preliminary Official Statement relating to the Bonds may be obtained from the Finance Director. Upon request, a reasonable number of copies of the Official Statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

**Assessed Valuation and Indebtedness**

The adjusted equalized assessed valuation of the taxable tangible property within the County for the year 1984 is \$1,272,393,098. The total general obligation bonded indebtedness of the County as of the date, including the Bonds herein offered for sale, is \$72,262,000. In addition, the County has outstanding as of this date \$23,397,100 of temporary notes, of which \$7,668,500 will be retired from the proceeds of the Bonds herein offered for sale and paid assessments. The corresponding amount of indebtedness of the County as of April 1, 1985, the date of the Bonds herein offered for sale, is projected to remain substantially the same

DATED this 11th day of March, 1985.

DONALD J. CURRY  
County Clerk

Doc. No. 002975

**State of Kansas**

**BOARD OF COSMETOLOGY**

**PERMANENT ADMINISTRATIVE REGULATIONS**

(Effective May 1, 1985)

**Article 3.—SCHOOLS**

**69-3-1. Requirements for licensure of a cosmetology or onychology school.** Any person, firm or corporation may obtain a license for a cosmetology or onychology school upon complying with the following conditions and requirements:

(a) Each applicant shall file a written application

with the board upon a form approved and furnished by the board. The application shall include a list of equipment, the proposed daily class schedule, and the name and qualifications of the instructor or instructors.

(b) Each applicant shall file a financial statement duly verified by such applicant.

(c) Each applicant shall pay a license or registration fee of \$100. (Authorized by and implementing K.S.A. 1984 Supp. 65-1903, 65-1904; effective Jan. 1, 1966, amended, T-85-44, Dec. 19, 1984; amended May 1, 1985.)

**69-3-3. Equipment.** Each licensed school of cosmetology shall provide a minimum of 3,500 square feet of floor space, adequate rooms, including lecture and demonstration rooms, lockers, an adequate library, a facial room and two rest rooms, and adequate equipment. The minimum equipment requirements shall be: Six shampoo bowls; ten hair dryers; two facial chairs; five curling irons; two master dustproof and sanitary cabinets; two master wet sterilizers; one infrared lamp; two manicure tables with equipment; 12 mannequins; and adequate working facilities for 25 students.

(b) Each licensed school of onychology shall provide a minimum of 1,500 square feet of floor space, adequate room for theory instruction, lockers and a clinical working area for a minimum of 12 students. A minimum of 35 square feet of floor space per student shall be provided. (Authorized by and implementing K.S.A. 1984 Supp. 65-1903; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985.)

**69-3-6. Board approval for instructors; instructors prohibited from practicing profession.** No person shall be employed as an instructor in a licensed school of cosmetology or onychology until evidence has been submitted to the board showing to the satisfaction of the board that such instructor has met the minimum requirements. The instructor shall only teach the profession to students and shall not provide cosmetology services at the school to the school's patrons for the profit of the instructor. (Authorized by and implementing K.S.A. 1984 Supp. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985.)

**69-3-8. School curriculum.** (a) Each school of cosmetology shall provide a course of training for the profession of cosmetologist, cosmetology technician and onychologist. Training classes shall be scheduled for no more than eight hours per day nor more than five days per week. The course of study shall include, as a minimum, the following:

(1) Cosmetology training	Minimum Practice Services	Hours
Shampooing _____	100	_____
Facial massage _____	25	_____
Eyebrow arch _____	25	_____
Scalp treatments _____	40	_____
Onychology and Sculptured nails _____	40	_____
Hand and arm massage _____	5	_____

Permanent waving (croquignoles) _____	25	—
Hair straightening (chemical or thermal) —	10	—
Hair shaping:		
Razor _____	40	—
Scissors _____	25	—
Wet waving and hairdressing:		
Wet waving _____	75	—
Comb-outs _____	75	—
Hair tinting _____	30	—
Hair bleaching _____	10	—
Eyebrow and eyelash dye _____	10	—
Color rinses:		
Temporary _____	15	—
Semi-permanent _____	25	—
Lectures and instruction on sanitation, sterili- zation, care and treatment of skin, scalp and equipment _____	—	150
Written and oral tests _____	—	75
Theory and demonstration _____	—	300
Salesmanship, business training and laws relating to cosmetology _____	—	150
 (2) Cosmetology Technician Training:		
Onychology and Sculptured nails _____	75	—
Pedicuring _____	10	—
Hand and arm massage _____	25	—
Shampooing _____	100	—
Temporary color rinse _____	15	—
Scalp treatments _____	40	—
Facial massage _____	25	—
Eyebrow and eyelash services _____	10	—
Sanitation, sterilization and care of equipment, salesmanship, business training and laws relating to cosmetology _____	—	100
Written and oral tests _____	—	75

(3) Onychology training:

Manicuring, sculptured nails, pedicuring and all methods of caring for nails; hand and arm massage _____	80	250
Sanitation, sterilization and care of equipment. Salesmanship, business training and laws re- lating to manicuring, written and oral tests _____	—	100

(b) Each school of cosmetology shall meet the requirements of paragraphs (a) (1), (2) and (3) of the regulation. Each school on onychology shall meet the requirements of paragraph (a) (3). (Authorized by and implementing K.S.A. 65-1907; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended, E-69-19, Aug. 26, 1969; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985.)

**Article 4.—STUDENTS**

**69-4-2. Equipment required for student.** Each student shall be equipped with hair cutting equipment, a manicuring set, combs, hair brushes, a shampoo cape, washable uniforms, a notebook and an approved textbook covering all phases of cosmetology.

Each student in onychology training shall be equipped with all instruments and supplies necessary to perform all phases of onychology, sculptured nails and nail building. Each student shall have washable uniforms, a notebook and an approved textbook covering all phases of onychology. (Authorized by and implementing K.S.A. 1984 Supp. 65-1903; effective Jan. 1, 1966; amended May 1, 1981; amended, T-85-44, Dec. 19, 1984, amended May 1, 1985.)

**Article 8.—REGISTRATION OF MANICURISTS**

**69-8-2. Examination subjects.** Each applicant for licensing as an onychologist shall be required to satisfactorily pass a written examination of knowledge in the following areas: Onychology, sculptured nails, pedicuring, hand and arm massage; sanitation, sterilization and care of equipment; business training and laws relating to onychology; and safety measures. In addition, each applicant shall demonstrate an ability to properly give a manicure, including hand and arm massage and sculptured nails. (Authorized by and implementing K.S.A. 1984 Supp. 65-1905; effective Jan. 1, 1966; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985.)

HENRI F. FOURNIER  
Executive Director

Doc. No. 002928

**State of Kansas  
STATE CORPORATION COMMISSION  
MINED-LAND CONSERVATION AND  
RECLAMATION BOARD**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

(Effective May 1, 1985)

**Article 1.—GENERAL**

**47-1-11. Permittee; preparation and submission of reports.** The board or its designated representative may require any permittee to:

- (a) establish and maintain appropriate records;
- (b) make appropriate monthly reports;
- (c) install, use, and maintain any necessary monitoring equipment or methods;
- (d) evaluate results in accordance with those methods, at the locations, intervals, and in the manner prescribed; and
- (e) provide any other information relative to surface coal mining and reclamation operations that is deemed reasonable and necessary. (Authorized by and implementing K.S.A. 49-405; effective May 1, 1985.)

**Article 2.—MEANING OF TERMS**

**47-2-75. Definitions; incorporation by reference.** The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board, with exceptions as indicated. The incorporation by reference shall cover the parts and sections as they existed on May 8, 1980:

- (a) Definitions, 30 CFR 700.5, except:
  - (1) "Regulatory authority" and "state regulatory authority" are defined in K.A.R. 47-2-53;
  - (2) "Surface coal mining operations" is defined in K.S.A. 49-403(s); and

(continued)

- (3) "Surface coal mining and reclamation operations" is defined in K.S.A. 49-403(r).
- (b) Definitions, 30 CFR 701.5, except:
- (1) "Affected area" is defined in K.S.A. 49-403(c);
  - (2) "Applicant" is defined in K.A.R. 47-2-7;
  - (3) "Disturbed area" is defined in K.A.R. 47-2-17;
  - (4) "Imminent danger to the health and safety of the public" is defined in K.S.A. 49-403(n);
  - (5) "Operator" is defined in K.S.A. 49-403(d);
  - (6) "Performance bond" is defined in K.A.R. 47-2-44;
  - (7) "Permit" is defined in K.S.A. 49-403(o);
  - (8) "Permit area" is defined in K.S.A. 49-403(p);
  - (9) "Significant, imminent environmental harm to land, air or water resources" is defined in K.A.R. 47-2-58; and
  - (10) The following federal definitions are deleted entirely:
    - (A) "Alluvial valley floors";
    - (B) "Arid and semiarid area";
    - (C) "Essential hydrologic functions";
    - (D) "Flood irrigation";
    - (E) "Materially damage the quality and quantity of water";
    - (F) "Rangeland";
    - (G) "Special bituminous coal mines";
    - (H) "Subirrigation";
    - (I) "Unconsolidated streamlaid deposits holding streams";
    - (J) "Undeveloped rangeland"; and
    - (K) "Upland areas."
- (c) Definitions, 30 CFR 705.5, except:
- (1) "Employee" is defined in K.A.R. 47-2-21; and
  - (2) "State regulatory authority" is defined in K.A.R. 47-2-53.
- (d) Definitions, 30 CFR 761.5, except:
- (1) "Public road" is defined in K.A.R. 47-2-74.
- (e) Definitions, 30 CFR 762.5.
- (f) Definitions, 30 CFR 770.5, except:
- (1) "Applicant" is defined in K.A.R. 47-2-7; and
  - (2) "Complete application" is defined in K.A.R. 47-2-14.
- (g) Definitions, 30 CFR 786.5.
- (h) Definitions, 30 CFR 788.5.
- (i) Definitions, 30 CFR 795.5. (Authorized by K.S.A. 49-404, 49-405; implementing K.S.A. 49-401 *et seq.*; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985.)
- Article 3.—APPLICATION FOR MINING PERMIT**
- 47-3-42. Application for mining permit; incorporation by reference.** (a) The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated as rules and regulations of the board, with exceptions as indicated:
- (1) Public availability of information, 30 CFR 776.17. The phrase "this part" shall be replaced by "K.A.R. 47-7-2";
  - (2) Compliance information, 30 CFR 778.14;
  - (3) Right of entry and operation information, 30 CFR 778.15;
  - (4) Relationship to areas designated unsuitable for mining, 30 CFR 778.16. Reference to "30 CFR 764 and 765" and "those parts" shall be replaced by "K.A.R. 47-12-4 and K.S.A. 49-405b";
  - (5) Permit term information, 30 CFR 778.17(a);
  - (6) Identification of other licenses and permits, 30 CFR 778.19;
  - (7) Identification of location of public office for filing of application, 30 CFR 778.20;
  - (8) Newspaper advertisement and proof of publication, 30 CFR 778.21;
  - (9) General requirements, 30 CFR 779.11;
  - (10) General environmental resources information, 30 CFR 779.12;
  - (11) Description of hydrology and geology: general requirements, 30 CFR 779.13;
  - (12) Geology description, 30 CFR 779.14;
  - (13) Ground water information, 30 CFR 779.15;
  - (14) Surface water information, 30 CFR 779.16;
  - (15) Alternative water supply information, 30 CFR 779.17;
  - (16) Climatological information, 30 CFR 779.18;
  - (17) Vegetation information, 30 CFR 779.19;
  - (18) Fish and wildlife resources information, 30 CFR 779.20;
  - (19) Soil resources information, 30 CFR 779.21;
  - (20) Land-use information, 30 CFR 779.22. The phrase "this part" shall be replaced by "K.S.A. 49-406(f), as amended by L. 1984, Ch. 200, section 1, K.A.R. 47-3-3(b), (e)(1) and (2), 47-3-21, and 47-3-42(a)(9) to (a)(20), inclusive";
  - (21) Operation plan: general requirements, 30 CFR 780.11;
  - (22) Operation plan: existing structures, 30 CFR 780.12;
  - (23) Operation plan: blasting, 30 CFR 780.13. This section shall be incorporated by reference as it existed on March 8, 1983;
  - (24) Air pollution control plan, 30 CFR 780.15(b);
  - (25) Fish and wildlife plan, 30 CFR 780.16;
  - (26) Reclamation plan: general requirements, 30 CFR 780.18;
  - (27) Reclamation plan: protection of hydrologic balance, 30 CFR 780.21;
  - (28) Reclamation plan: postmining land uses, 30 CFR 780.23;
  - (29) Reclamation plan: ponds, impoundments, banks, dams, and embankments, 30 CFR 780.25;
  - (30) Reclamation plan: surface mining near underground mining, 30 CFR 780.27;
  - (31) Diversions, 30 CFR 780.29;
  - (32) Protection of public parks and historic places, 30 CFR 780.31;
  - (33) Relocation or use of public roads, 30 CFR 780.33;
  - (34) Disposal of excess spoil, 30 CFR 780.35;
  - (35) Transportation facilities, 30 CFR 780.37;
  - (36) Experimental practices mining, 30 CFR 785.13;
  - (37) Mountaintop removal mining, 30 CFR 785.14;

- (38) Steep slope mining, 30 CFR 785.15;
- (39) Permits incorporating variances from approximate original contour restoration requirements for steep slope mining, 30 CFR 785.16;
- (40) Prime farmlands, 30 CFR 785.17. The phrase "the director's approval of this incorporation by reference expires on February 7, 1980" shall be deleted;
- (41) Variances for delay in contemporaneous reclamation requirement in combined surface and underground mining operations, 30 CFR 785.18;
- (42) Augering, 30 CFR 785.20;
- (43) Coal processing plants or support facilities not located within the permit area of a specified mine, 30 CFR 785.21;
- (44) In situ processing activities, 30 CFR 785.22;
- (45) Public notices of filing of permit applications, 30 CFR 786.11, except "section 786.12-786.14" and "section 786.12 of this part" shall be replaced by "K.A.R. 47-3-40";
- (46) Public availability of information in permit applications on file with the regulatory authority, 30 CFR 786.15;
- (47) Review of permit applications, subsections (a), (c), and (d) of 30 CFR 786.17, deleting subsection (b). References to "30 CFR 786.12-786.14" shall be replaced by "K.A.R. 47-3-40" and references to "section 787.11" shall be replaced by "K.A.R. 47-4-16 and 47-4-14";
- (48) Criteria for permit approval or denial, 30 CFR 786.19. References to "30 CFR 764, 765, or 769; shall be replaced by "K.A.R. 47-12-4(e) to (k), inclusive, and K.S.A. 49-405b." References to "785.19" shall be deleted;
- (49) Criteria for permit approval or denial: existing structures, 30 CFR 786.21;
- (50) Permit approval or denial actions, subsections (a), (b) (3), (c), (d), (e), and (f) of 30 CFR 786.23, deleting subsections (b) (1), and (b) (2). References to "30 CFR 785" shall be replaced by "K.A.R. 47-3-42(a)(36) to 47-3-42(a)(44), inclusive" and references to "this part" shall be replaced by "K.A.R. 47-3-40, 47-3-42(a)(45) to (50), inclusive, 47-6-5, and 47-6-6";
- (51) Terms and conditions for liability insurance, 30 CFR 806.14, deleting subsection (d); and
- (52) Applicability, 30 CFR 701.11(e), deleting subsections (a), (b), (c), (d) and (f).
- (b) The incorporation by reference for the preceding parts and sections, except where otherwise indicated, shall cover said parts and sections as they existed on May 8, 1980.
- (c) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:
- (1) "Subchapter k" shall be replaced by "K.A.R. 47-9-1."
  - (2) "This chapter" shall be replaced by "these rules and regulations."
  - (3) "Act" shall be replaced by "state act."
  - (4) "Section 515" and "section 515(b)" shall be replaced by K.S.A. 49-405a, 49-408 to 49-413, inclusive, and 49-429."
  - (5) "Subchapter j" shall be replaced by "article 8 of

chapter 47 of the Kansas administrative rules and regulations."

(6) "Section 502" and "section 508" shall be replaced by "K.S.A. 49-406, as amended by L. 1984, ch. 200, section 1."

(7) "Section 515(b)(16)" shall be replaced by "K.S.A. 49-429."

(8) "Subchapter r" shall be replaced by "the office."

(9) "30 CFR 786.12, 786.13, and 786.14" or some derivation thereof shall be replaced by "K.A.R. 47-3-40." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-407, 49-427, K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981, amended May 1, 1985.

#### Article 5.—CIVIL PENALTIES

**47-5-5a. Civil penalties; incorporation by reference.** (a) Subject to the provisions of subsection (b), the following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, as they existed on November 1, 1983, are hereby incorporated by reference as rules and regulations of the board:

- (1) How assessments are made, 30 CFR 845.11;
  - (2) When penalty will be assessed, 30 CFR 845.12;
  - (3) Point system for penalties, 30 CFR 845.13;
  - (4) Determination of penalty amount, 30 CFR 845.14;
  - (5) Assessment of separate violations for each day, 30 CFR 845.15;
  - (6) Waiver of use of formula to determine civil penalty, 30 CFR 845.16;
  - (7) Procedures for assessment of civil penalties, 30 CFR 845.17;
  - (8) Procedures for assessment conference, 30 CFR 845.18; and
  - (9) Request for a hearing, 30 CFR 845.19.
- (b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:
- (1) "Act" shall be replaced by "state act."
  - (2) "Director" or "director or his designee" shall be replaced by "board."
  - (3) "Secretary" shall be replaced by "board."
  - (4) "Section 521(a)" shall be replaced by "K.S.A. 49-405(m)(2)."
  - (5) "Section 525(c)" shall be replaced by "K.S.A. 49-416a(c)."
  - (6) "Section 526" and "Section 526(c)" shall be replaced by "K.S.A. 49-422a."
  - (7) "Section 518(e), 518(f), 521(a)(4), or 521(c)" shall be replaced by "K.S.A. 49-405c(e), 49-405c(f), 49-405(m)(3), or 49-405(m)(4)."
  - (8) "Office" or "Office of hearings and appeals" shall be replaced by "board."
  - (9) "Sections 518, 521(a)(4), and 525" shall be replaced by "K.S.A. 49-405c, 49-405(m)(3), and 49-416a."
  - (10) "30 CFR 845.20" shall be replaced by "K.A.R. 47-5-16." (Authorized by K.S.A. 49-405; implementing

(continued)

K.S.A. 49-405, 49-405c, 49-416a; effective May 1, 1985.)

**47-5-6.** (Authorized by K.S.A. 1980 Supp. 49-405, 49-405c; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; revoked May 1, 1985.)

**47-5-7 to 47-5-13.** (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-405c; effective May 1, 1984; revoked May 1, 1985.)

**47-5-14.** (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-405, 49-405c, and 49-416a; effective May 1, 1984; revoked May 1, 1985.)

**47-5-15.** (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-405c; effective May 1, 1984; revoked May 1, 1985.)

**47-5-16. Civil penalties; final assessment and payment of civil penalty.** (a) If any person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in K.A.R. 47-5-5a(a)(9), the proposed assessment shall become a final order of the board. The civil penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

(b) If any party requests judicial review of a final order of the board, the proposed civil penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to subsection (c) of this regulation, the escrowed funds shall be transferred to the board in payment of the civil penalty and the escrow shall end.

(c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed civil penalty assessed under article 5 of chapter 47 of the Kansas administrative regulations, all or part of the escrowed amount shall be refunded to the person assessed within 30 days of receipt of the order. The refunded amount shall include any interest that is accrued from the date of payment into escrow to the date of the refund.

(d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the board within 15 days after the order is mailed to that person. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984; amended May 1, 1985.)

#### Article 8.—BONDING PROCEDURES

**47-8-9. Bonding procedures; incorporation by reference.** The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board. The incorporation by reference shall cover the parts and sections as they existed on May 8, 1980.

- (a) Requirement to file a bond, 30 CFR 800.11;
- (b) Determination of bond amount, 30 CFR 805.11;
- (c) Period of liability, 30 CFR 805.13;
- (d) Adjustment of amount, 30 CFR 805.14;

(e) Terms and conditions of the bond, 30 CFR 806.12(e);

(f) Procedures for seeking release of performance bond, 30 CFR 807.11;

(g) Criteria and schedule for release of performance bond, 30 CFR 807.12;

(h) Procedures, 30 CFR 808.12;

(i) Criteria for forfeiture, 30 CFR 808.13; and

(j) Determination of forfeiture amount, 30 CFR 808.14, except that the phrase "thereof in an interest-bearing escrow account" shall be deleted from subsection (b) of 30 CFR 808.14.

(k) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

(1) "30 CFR part 805" shall be replaced by "K.S.A. 49-406(h), as amended by L. 1984, ch. 200, section 1, K.A.R. 47-8-9(b), (c), and (d)."

(2) "30 CFR part 806" shall be replaced by K.S.A. 49-406(h), as amended by L. 1984, ch. 200, section 1, and K.A.R. 47-3-42(a)(51), 47-8-2, 47-8-9(e), and 47-8-10." (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1985.)

**47-8-9a. Bond forfeiture criteria and procedures; general.** (a) The permittee shall forfeit all or part of a bond for any permit when required or authorized by K.A.R. 47-8-9(i).

(b) The board may withhold forfeiture, if the permittee and surety, if applicable, agree to a compliance schedule to correct the violations of the permit or bond conditions.

(c) The board may allow the surety to complete the reclamation plan if the surety can demonstrate the ability to complete the reclamation plan, including the capability to support the alternative postmining land use approved by the board. No bond shall be released, except for a partial release authorized under K.A.R. 47-8-9(f), until successful completion of all reclamation under the terms of the permit and the expiration of applicable liability periods under K.A.R. 47-8-9(f) and (g). (Authorized by K.S.A. 49-405; implementing K.S.A. 1984 Supp. 49-406, K.S.A. 49-415, 49-416a; effective May 1, 1985.)

#### Article 9.—PERFORMANCE STANDARDS

**47-9-1. Incorporation by reference.** The following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of the board as the performance standards to be maintained by surface and underground coal mining and reclamation operations. The incorporation by reference shall cover the parts and sections as they existed on May 8, 1980, except as otherwise indicated:

(a) Permanent program performance standards—general provisions, 30 CFR 810.2, except "subchapter" shall be replaced by "K.A.R. 47-9-1(a)."



(b) Permanent program performance standards—coal exploration, 30 CFR Part 815.

(c) Permanent program standards—surface mining activities, 30 CFR Part 816, except as follows:

(1) Subsection (f) of 30 CFR 816.11 shall be deleted and shall be replaced by a new subsection (f) which reads: "Increment boundary markers. As deemed appropriate by the board or its designated representative to ascertain increment boundaries, increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted as provided by K.S.A. 49-406(h), as amended by L. 1984, Ch. 200, Section 1."

(2) 30 CFR 816.61 to 816.68, inclusive, shall be adopted as those sections existed on November 1, 1983.

(3) 30 CFR 816.42 shall be adopted as it existed on November 1, 1983.

(4) The phrase "the director's approval of this incorporation by reference expires on February 7, 1980" in subsection (a)(5) of 30 CFR 816.49 and subsection (c)(2) of 30 CFR 816.85 shall be deleted.

(5) "Subchapter" shall be replaced by "K.A.R. 47-9-1(c)."

(d) Permanent program performance standards—underground mining activities, 30 CFR Part 817, except as follows:

(1) Subsection (f) of 30 CFR 817.11 shall be deleted and shall be replaced by a new subsection (f) which reads: "Increment boundary markers. Increment boundary markers shall be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted as provided by K.S.A. 49-406(h), as amended by L. 1984, Ch. 200, Section 1."

(2) 30 CFR 817.61 to 817.68, inclusive, shall be adopted as those sections existed on November 1, 1983.

(3) 30 CFR 817.42 shall be adopted as it existed on November 1, 1983.

(4) The phrase "the director's approval of this incorporation by reference expires on February 7, 1980" in subsection (a)(5) of 30 CFR 817.49 and subsection (c)(2) of 30 CFR 817.85 shall be deleted.

(5) "Subchapter" shall be replaced by "K.A.R. 47-9-1(d)."

(e) Special permanent program performance standards—concurrent surface and underground mining, 30 CFR Part 818.

(f) Special permanent program performance standards—auger mining, 30 CFR Part 819.

(g) Special permanent program performance standards—operations on prime farmland, 30 CFR Part 823. Any references to "30 CFR 807" shall be replaced by "K.A.R. 47-8-9(f), (g)."

(h) Special permanent program performance standards—mountaintop removal, 30 CFR Part 824.

(i) Special permanent program performance standards—operations on steep slopes, 30 CFR Part 826.

(j) Special permanent program performance standards—coal processing plants and support facilities at or near the mine site or not within the permit area for a mine, 30 CFR Part 827.

(k) Special permanent program performance standards—in situ processing, 30 CFR Part 828.

(l) The following terms shall be replaced with the indicated terms wherever they appear in the text of rules and regulations incorporated by reference under this section:

(1) "Subchapter k" shall be replaced by "K.A.R. 47-9-1."

(2) "Director" or "regional director" shall be replaced by "board."

(3) "Subchapter g" shall be replaced by "these rules and regulations."

(4) "Subchapter j" shall be replaced by "article 8 of chapter 47 of the Kansas administrative rules and regulations."

(5) "30 CFR 780.15" shall be replaced by "K.A.R. 47-3-42(a)(24)."

(6) "This part" shall be replaced by "K.A.R. 47-9-1."

(7) "This chapter" shall be replaced by "these rules and regulations." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-408, 49-409, 49-411, 49-413, 49-415, 49-429; effective May 1, 1980; amended, E-81-30, Oct. 8, 1980; amended May 1, 1981, amended May 1, 1985.)

**47-9-2. Revegetation.** The board or its designated representative may require the permittee to cut the vegetative cover, remove rocks that are nine inches or larger, or carry out any other measures which promote the control and revegetation of the permit area as consistent with the approved postmining land use. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-409; effective May 1, 1985.)

**47-9-3. Performance standards; alternate design.** Where specific engineering design procedures are set forth or referenced in these rules and regulations, the board may approve alternate engineering designs if it can be shown that:

(a) The alternate design is in conformance with currently acceptable engineering practices;

(b) The design and construction is certified by a qualified registered professional engineer;

(c) The alternate design will meet the objectives of K.A.R. 47-9-1(a), incorporating by reference 30 CFR 810.2 as it existed on May 8, 1980; and

(d) The design will comply with all applicable local, state, and federal laws and regulations. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-408, 49-409, 49-411, 49-413, 49-415, 49-429; effective May 1, 1985.)

### Article 13.—TRAINING AND CERTIFICATION OF BLASTERS

**47-13-4. Training and certification of blasters; incorporation by reference.** (a) The provisions of the federal rules and regulations of the office of surface mining, department of the interior, contained in 30 CFR part 850 and promulgated pursuant to the surface mining control and reclamation act of 1977, are hereby incorporated by reference as rules and regulations of

(continued)



the board. The incorporation by reference shall cover the part as it existed on November 1, 1983, except that 30 CFR 850.10 and 850.12 shall be deleted.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this regulation:

(1) "Act" shall be replaced by "state act."

(2) For the purposes of 30 CFR 850.15(a), "regulatory authority" shall be replaced by "state fire marshal."

(3) For the purposes of 30 CFR 850.14, "regulatory authority" shall be replaced by "board-approved blaster training program director."

(4) The term "board-approved blaster training program director" means the person who is in charge of a given blaster training program which has been specifically approved by the board as being in accordance with the state act, the rules and regulations, and the state program. (Authorized by and implementing K.S.A. 49-405 and K.S.A. 49-405a; effective May 1, 1985.)

**47-13-5. Responsibilities of operators and blasters-in-charge.** (a) Each operator shall:

(1) Designate a blaster-in-charge for each blast to be detonated in surface coal mining and reclamation operations;

(2) Ensure that the designated blaster-in-charge is properly certified;

(3) Ensure that all employees who perform blasting tasks under the supervision of a blaster-in-charge have adequate training;

(4) Limit the size of a blasting crew to 12 persons, supervised by a blaster-in-charge who is continuously and readily accessible to crew members in preparing and executing a blast. The board may, in individual cases, approve a larger blasting crew if unusual circumstances or mining methods are involved. Permission to use a larger blasting crew may be granted only if the operator ensures that the blaster-in-charge can provide adequate direct supervision to crew members and remain in control of blast design, preparation, and execution so that blasting complies with the applicable regulations; and

(5) Ensure that each blaster-in-charge supervises no more than one crew at any given time.

(b) Each blaster-in-charge shall:

(1) Be certified by the state fire marshal for all blasting operations conducted in the state of Kansas;

(2) Ensure that blast design and execution meet the applicable standards;

(3) Directly supervise blast preparation and execution at the blast site to ensure that such standards are met;

(4) Be present at the site when the blast is detonated;

(5) Ensure that all members of blasting crews under the supervision of a blaster-in-charge have adequate training to perform assigned tasks in compliance with the applicable standards; and

(6) Limit to 12 the number of persons to be supervised at any given time in preparing and executing a

blast at one operational pit at the site.

(c) The blaster-in-charge may authorize members of the blasting crew to perform general blasting operations, to load and unload explosives for use in blasting, to transport explosives at or near the job site, load explosives into drill holes, and stem or otherwise prepare explosives for detonation. However, each of these assigned duties shall be performed only after instructions from and under the direct supervision of the blaster-in-charge. The blaster-in-charge shall retain full responsibility for all blasting and for the use of explosives. These responsibilities shall include keeping blasting logs and records, supervising the blasting-related activities of the workers in his or her charge, and ensuring that all persons under his or her supervision have the necessary training to perform safely their assigned tasks in accordance with the applicable regulations. (Authorized by and implementing K.S.A. 49-405 and 49-405a; effective May 1, 1985.)

**47-13-6. Training.** (a) Each person who seeks a blaster certification pursuant to K.A.R. 47-13-4 shall document successful completion of a board-approved blaster training program.

(b) Proof of completion of an approved blaster training program shall be filed with an applicant's application for certification by the state fire marshal. (Authorized by and implementing K.S.A. 49-405 and 49-405a; effective May 1, 1985.)

**Article 15.—INSPECTIONS AND ENFORCEMENT**

**47-15-1a. Inspections and enforcement; incorporation by reference.** (a) Subject to the provisions contained in subsection (b), the following parts and sections of the federal rules and regulations of the office of surface mining, department of the interior, as they exist on November 1, 1983, are hereby incorporated by reference as rules and regulations of the board, with exceptions as indicated:

(1) Inspections by state regulatory authority, 30 CFR 840.11;

(2) Availability of records, 30 CFR 840.14. References to "30 CFR §§ 772.15" and "773.13(d)" shall be replaced by "K.A.R. 47-3-42(a)(2) and 47-3-42(a)(46), incorporating by reference 30 CFR 786.15(a)(2);"

(3) Definitions, 30 CFR 843.5;

(4) Right of entry, 30 CFR 840.12;

(5) Review of adequacy and completeness of inspections, 30 CFR 842.14;

(6) Review of decision not to inspect or enforce, 30 CFR 842.15, except that the phrase in subsection (b) of 30 CFR 842.15, "or disclosure is required under the freedom of information act or other federal law," shall be deleted;

(7) Cessation orders, 30 CFR 843.11;

(8) Notices of violations, 30 CFR 843.12, except that the phrase in subsection (a) of 30 CFR 843.12, "carried out during the enforcement of a federal program or federal lands program or during federal enforcement of a state program under sections 504(b) or 521(b) of the act and part 733 of this chapter" shall be deleted. Paragraph (a)(2) of 30 CFR 843.12 shall be deleted;

(9) Suspension or revocation of permits, 30 CFR 843.13, except that the phrase in paragraph (a)(4)(i)(A) of 30 CFR 843.13, "or a federal lands program," and

paragraphs (a)(4)(i)(B) and (C) of 30 CFR 843.13 shall be deleted;

- (10) Informal public hearings, 30 CFR 843.15;
- (11) Formal review of citations, 30 CFR 843.16;
- (12) Compliance conference 30 CFR 843.20; and
- (13) Compliance conference, 30 CFR 840.16.

(b) The following terms shall be replaced with the indicated terms wherever they appear in the text of the rules and regulations incorporated by reference under this section:

- (1) "Act" shall be replaced by "state act."
- (2) "This chapter" shall be replaced by "these rules and regulations."
- (3) "Federal" shall be replaced by "state."
- (4) "Secretary" shall be replaced by "board."
- (5) "Office" shall be replaced by "board or its authorized representative."
- (6) "Regional director" and "director" shall be replaced by "board."
- (7) "43 CFR Part 4" shall be replaced by "K.S.A. 49-416a."
- (8) "Office of hearings and appeals" shall be replaced by "board."
- (9) "30 CFR Part 845" shall be replaced by "article 5 of chapter 47 of the Kansas administrative rules and regulations."
- (10) "43 CFR 4.1281" shall be replaced by "K.S.A. 49-416a(a)."
- (11) "Section 521(a)(5)" shall be replaced by "K.S.A. 49-405(m)(4)."
- (12) "Section 521(a)(2)" shall be replaced by "K.S.A. 49-405(m)(1)."
- (13) "Section 517" shall be replaced by "K.S.A. 49-404, 49-405, and 49-405d."
- (14) "Section 518" shall be replaced by "K.S.A. 49-405c."
- (15) "Section 521" shall be replaced by "K.S.A. 49-405(m)."
- (16) "Section 518(b), 521(a)(4), or 525" shall be replaced by "K.S.A. 49-405c(b), 49-405(m)(3), or 49-416a."
- (17) "30 CFR 842.12" or "§ 842.12" shall be replaced by "K.A.R. 47-15-8."
- (18) "Section 520" shall be replaced by "K.S.A. 49-426."
- (19) "30 CFR 800.40" or "§ 800.40" shall be replaced by "K.A.R. 47-8-9(g)."
- (20) "Section 525" shall be replaced by "K.S.A. 49-416a."
- (21) "30 CFR 842.11" or "§ 842.11" shall be replaced by "K.A.R. 47-15-1a(a)(1)." (Authorized by K.S.A. 49-405; implementing K.S.A. 49-404, 49-405, 49-405c, 49-405d, 49-416, 49-416a, 49-427 K.S.A. 1984 Supp. 49-406; effective May 1, 1985.)

**47-15-2.** (Authorized by K.S.A. 1980 Supp. 49-405, effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; revoked May 1, 1985.)

**47-15-5, 47-15-6.** (Authorized by K.S.A. 1982 Supp. 49-405, implementing K.S.A. 1982 Supp. 49-405, 49-405d; effective May 1, 1984; revoked May 1, 1985.)

**47-15-8. Citizens' requests for state inspections.**

(a) Any citizen may request a state inspection under K.A.R. 47-15-7(b) by furnishing to an authorized representative of the board a signed, written statement or an oral report followed by a signed, written statement. The statement shall include the reasons for the citi-

zen's belief that a violation, condition, or practice referred to in K.A.R. 47-15-7(b) exists. Such a citizen shall provide a phone number and address where the citizen can be contacted.

(b) Upon request, the identity of any person supplying any information to the board or its authorized representative that relates to a possible violation or imminent danger or harm shall remain confidential with the board or its authorized representative, unless that person elects to accompany the inspector on the inspection.

(c) If a state inspection is conducted as a result of information provided to the board or its authorized representative as described in subsection (a) of this regulation, the citizen shall be notified as far in advance as practicable as to when the inspection is to occur. The citizen shall be allowed to accompany the authorized representative of the board during the inspection. Such a person shall have a right of entry to, upon and through the coal exploration or surface coal mining and reclamation operation about which that person supplied information. However, the person shall be in the presence of and under the control, direction and supervision of the authorized representative while on the mine property. This right of entry shall not include a right to enter buildings without consent of the person in control of the building or without a search warrant.

(d) Within 10 days of the state inspection or, if there is no inspection, within 15 days of receipt of the citizen's written statement, the board or its authorized representative shall send the citizen the following:

(1) If an inspection was made, a description of the enforcement action taken. This description may consist of copies of the state inspection report and of all notices of violation and cessation orders issued as a result of the inspection or an explanation as to why no enforcement action was taken;

(2) If no state inspection was conducted, an explanation of the reason why an inspection was not considered to be necessary; and

(3) An explanation of the citizen's right, if any, to informal review of the action or inaction of the board or its authorized representative under K.A.R. 47-15-1a(a)(6).

(e) The board or its authorized representative shall give copies of all materials in paragraphs (d)(1) and (d)(2) of this regulation, within the time limits specified in those paragraphs, to the person alleged to be in violation. However, the name of the citizen shall be removed unless disclosure of the citizen's identity is permitted under subsection (b) of this regulation. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984; amended May 1, 1985.)

**47-15-9 to 47-15-14.** (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-405, 49-405d; effective May 1, 1984; revoked May 1, 1985.)

**47-15-16.** (Authorized by K.S.A. 1982 Supp. 49-405; implementing K.S.A. 1982 Supp. 49-405, 49-405d, 49-416a; effective May 1, 1984; revoked May 1, 1985.)

**47-15-17. Maintenance of permit areas.** The board or its designated representative shall require the permittee to cut vegetative growth if necessary to facilitate inspection of all permit areas to insure compliance with the state act and the rules and regulations.

(continued)

(Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1985.)

MINED-LAND CONSERVATION  
AND RECLAMATION BOARD

Doc. No. 002937

State of Kansas

DEPARTMENT OF CORRECTIONS

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1985)

Article 1.—GENERAL ADMINISTRATION

**44-1-105. Oaths, administration of; authorization and method.** (a) Those persons responsible for the conduct of investigations within the prison, including those persons acting as hearing officers in hearings regarding inmate discipline and transfers to mental health institutions, shall be authorized to administer oaths.

(b) Oaths shall be administered in a form and manner that is in accordance with K.S.A. 54-101 *et seq.* (Authorized by K.S.A. 75-5210 and K.S.A. 75-5251; effective, T-85-37, Dec. 19, 1984; effective, May 1, 1985.)

Article 5.—INMATE MANAGEMENT

**44-5-110. Inmate marriage ceremonies.** (a) Marriage ceremonies in correctional facilities shall be conducted only in accordance with the following requirements and general orders of the principal administrator:

(1) Inmate shall not marry other inmates.

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

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

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

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

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

(e) Subject to secretary of corrections prior ap-

proval, the principal administrator shall publish general orders regarding marriage ceremonies and inmates shall comply with such general orders.

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

(g) This regulation shall apply only to marriage ceremonies performed in an institution. Other forms of marriage, including, but not limited to, common law marriage and marriage by proxy shall not be subject to this regulation. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985.)

**44-5-113. Funeral or serious illness of relatives, attendance by inmates on non-furlough status.** (a) The principal administrator of an institution or facility may permit an inmate to travel to visit a member of the inmate's immediate family, as defined in this subsection, who is in danger of death, and to attend the funeral of such a family member. For purposes of this regulation, immediate family includes parents, step-parents, siblings, step-siblings, children, step-children, spouse, grandparents and any person who filled the role of parent de facto with respect to the inmate, as confirmed by the director upon review of the social history.

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

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

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

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

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

(g) Such escorted travel shall be limited to the boundaries of the state of Kansas. This limitation may be waived, by the secretary of corrections, upon request of the principal administrator, if peculiar or cogent reasons exist which are based in good correc-

tional practice, rehabilitation needs, humane treatment, justice and fairness. The decision to request an exception shall be entirely within the discretion of the principal administrator. If travel is out of state, the inmate may be required to reimburse the state for costs of travel and supervision, at the sole discretion of the secretary of corrections.

(h) If an inmate is to be taken outside the state, the inmate shall be taken, if possible, before a district court judge and required to execute a waiver of extradition rights, after being advised of those rights by the judge. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; effective, May 1, 1980; amended, May 1, 1981; amended, May 1, 1984; amended May 1, 1985.)

#### Article 6.—GOOD TIME CREDITS

**44-6-126. Meritorious good time.** (a) For all those inmates incarcerated for crimes committed before July 1, 1982, "meritorious" good time credits shall be recommended to the Kansas adult authority for some meritorious act by the inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the principal administrator. The action taken by the Kansas adult authority shall be recorded in the inmate's record by the records officer at the institution. The application of these "meritorious" good time credits shall be in addition to the "statutory authorized" good time credits. For offenses committed on or after July 1, 1982, no meritorious good time shall be given.

(b) On and after July 1, 1984, meritorious good time shall again be available and may be awarded by the secretary of corrections in accordance with the terms set out in L. 1984, ch. 131. (Authorized by 75-5251, K.S.A. 1983 Supp. 22-3717, 75-5210; implementing K.S.A. 22-3427, 75-5251; K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985.)

**44-6-138. Sentence begins date.** (a) Jail credit. Each sentence begins date shall reflect all jail credit.

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

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

(d) Multiple consecutive sentences. When multiple sentences are imposed on the same date with the

stipulation that one is to be consecutive to another, that date shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(e) Consecutive before 1979 or after 1982. If a sentence for a crime committed prior to January 1, 1979 or after July 1, 1982 is to be consecutive to some previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release as a result of a previously imposed sentence, parole eligibility, conditional release and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release subject to K.S.A. 1983 Supp. 21-4608(e).

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

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

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole or conditional release, no credit for time spent on that probation, parole or conditional release shall be given in computations for the aggregate sentence.

(h) When computing the aggregate, the inmate shall be given credit for time spent on probation or parole if:

(1) an inmate is returned to prison as a parole violator with multiple new charges which have identical sentences running concurrent with each other but consecutive to the previous sentence on which parole was being served; and

(2) the date of offense on one or more new charges is prior to July 1, 1983 and another is after July 1, 1983. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-

(continued)

32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985.)

#### Article 9.—PAROLE

**44-9-101. Definitions.** The parole officer means the person responsible for the supervision of those individuals released on parole by the Kansas adult authority. (Authorized by K.S.A. 75-5214, 75-5251, K.S.A. 1983 Supp. 22-3717, 75-5202, 75-5210, 75-5215; effective May 1, 1980; amended May 1, 1985.)

#### Article 12.—CONDUCT AND PENALTIES

**44-12-202. Radios, T.V.'s, musical instruments or other sound equipment.** All personal radios, T.V.'s, and other electronic sound equipment shall be played only with the use of earphones worn on the person so that no sound will be emitted from the equipment itself. Size, type, and capacity of such equipment shall be limited by internal management policies and procedures issued by the secretary of corrections. All such equipment, as well as all musical instruments, shall be possessed and used in accordance with the order of the principal administrator. Violation of this rule shall be a class III offense. (Authorized by K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1985.)

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

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

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

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

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

(1) Disciplinary segregation, not to exceed 45 days;

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

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

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

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

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

(7) restitution; or

(8) an oral or written reprimand, including officially criticizing the inmate's behavior, admonishing the inmate regarding the violation and warning against repeating the behavior. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

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

use and amount of the fine. These factors shall be as follows:

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

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

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

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

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

(6) outstanding or pending restitution requirements;

(7) family support payments;

(8) history of fines or restitution requirements;

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

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

(b) Fines shall be fairly and appropriately used. Fines shall not be used in such a way as to disrupt family support payments, tax payments or restitution payments. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985.)

**44-12-1308. Disciplinary segregation; limits.** (a) The maximum sentence of disciplinary segregation for all violations arising out of one incident shall not exceed 60 days.

(b) Continuous confinement in disciplinary segregation for more than 30 days shall require the review and approval of the principal administrator. (Authorized by and implementing 1983 Supp. 75-5210; effective May 1, 1985.)

#### Article 13.—DISCIPLINARY PROCEDURE

**44-13-101. Disciplinary procedure established, general description of system.** (a) The principal administrator of each institution or facility shall establish a disciplinary procedure in accordance with these regulations.

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

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

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

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

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

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

(2) to be present at the hearing;

(3) to present documentary evidence;

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

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

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

(7) be represented by counsel or counsel substitute in certain serious cases.

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

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

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

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

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

(2) Part II, which is the final hearing, shall consist of:

(A) Stage A, the fact finding needed to determine guilt or innocence; and

(B) Stage B, the disposition.

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

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

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

(3) Stage B of the final hearing may be conducted by a hearing officer in all class II and III cases and in those class I cases where the plea is "guilty" or "no

contest." The principal administrator may require any class I case to be sent to the board for stage B.

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

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

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

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

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

(p) In class I and II offense cases, following an administrative review of the record and any needed adjustments of the disposition by the principal administrator, the inmate may appeal the case to the secretary of corrections on the record. In class III offense cases, an appeal may be made to the principal administrator on the record following an initial review of the record by some person within the facility other than the principal administrator. No appeal to the secretary of corrections shall be permitted.

(q) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or any portion of it to the principal administrator of another Kansas state correctional facility for good cause shown and if justice and fairness will not thereby be infringed. An assignment or delegation shall not be made except by the secretary of corrections or by the principal administrator with the secretary of corrections' written approval. This restriction shall not prohibit hearings at a receiving institution following a transfer based on a classification decision in the sending institution where the offense occurred in the sending institution (see K.A.R. 44-13-507). (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985.)

**44-13-101a. Waiver of rights.** (a) The inmate shall be permitted to voluntarily waive the right to any time limit or process afforded by these disciplinary procedure regulations, K.A.R. chapter 44, article 13. The waiver shall be in writing and shall state with specificity the particular time limit or process being waived. The waiver shall be made in the form and manner approved or prescribed by the secretary of corrections and shall be witnessed by one impartial correctional

(continued)



employee. It shall be signed by the inmate and the board chairperson or hearing officer.

(b) The inmate shall be informed of the nature of the time limit or process being waived and of the impact and consequence of the waiver.

(c) The inmate shall be questioned by board chairperson or hearing officer prior to accepting the waiver to determine if it is knowingly and voluntarily made. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985.)

**44-13-106. Administration of oaths; designation of persons authorized.** (a) The principal administrator, the deputy principal administrators, and the disciplinary administrator appointed pursuant to K.A.R. 44-13-105, and those persons serving as hearing officers and board members in the prison disciplinary hearings shall be authorized to administer oaths to witnesses in those proceedings.

(b) Oaths shall be administered in a form and manner that is in accordance with K.S.A. 54-101 *et seq.* (Authorized by K.S.A. 75-5210 as amended by L. 1984, ch. 319, and K.S.A. 75-5251; effective, T-85-37, Dec. 19, 1984; effective May 1, 1985.)

**44-13-301. Disciplinary board in class I offense cases.** (a) For the final hearing in all class I offense cases, an impartial board shall be appointed by the principal administrator.

(1) A three member board shall be appointed at the following institutions:

- (A) Kansas state penitentiary;
- (B) Kansas correctional institution at Lansing;
- (C) Kansas correctional vocational training center;
- (D) Kansas state industrial reformatory; and
- (E) State reception and diagnostic center.

(2) A two- or three-member board, as designated by the principal administrator, shall be appointed at the following institutions or facilities:

- (A) All honor camps;
- (B) all department-operated work release centers; and

(C) all pre-release centers.

(b) The board shall be selected from the following:

(1) Security personnel who have at least two years prior service and who have completed required training. The experience requirement may be waived in writing by the secretary; and

(2) treatment, counseling, programs, or classification personnel.

(c) The board, to the extent possible, shall not be composed entirely of personnel from the same division or section, but shall be from a mixture of divisions or sections.

(d) Any person who is the report officer, investigator, or a witness shall not be a member of the board.

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

(f) When a plea of not guilty in a class I case was entered by or on behalf of the inmate at the first hearing, the disciplinary board shall conduct both stages of the final hearing. When a plea of guilty or no contest in a class I case was entered at first hearing, either the disciplinary board or a hearing officer shall conduct the stages of the final hearing, as determined by the principal administrator or designee. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

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

(b) Each hearing officer shall have had experience hearing at least 10 disciplinary cases as a member of the board, except at the state reception and diagnostic center, work release centers, pre-release centers, honor camps, and Kansas correctional vocational training center. At those facilities, substantial experience, but less than 10 cases, shall be required.

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

(d) In class II and III offense cases, the hearing officer may conduct both stage A and B of the final hearing. When a plea of guilty or no contest has been taken in class I cases at the first hearing, the hearing officer shall record a finding of guilt. Stage B may then be conducted either by the disciplinary board or by the hearing officer, as determined by the principal administrator or the administrator's designee. (See K.A.R. 44-13-405.) (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, May 1, 1985.)

**44-13-401. Hearing within certain time.** (a) Except as otherwise provided in this section, the administrative hearing, by the disciplinary board or hearing officer of the institution, to determine the guilt or innocence and impose a penalty shall be held no less than seven nor more than 30 days from the date of the first hearing, subject to authorized continuances. The inmate may waive the seven day delay period and be heard at the next regular disciplinary session or as soon thereafter as the case can be heard.

(b) If the offense occurs while the inmate is in administrative or disciplinary segregation or while at the state reception and diagnostic center or Kansas correctional vocational training center, a work release center, a pre-release center, or an honor camp, the disciplinary board hearing shall be held no sooner than 24 hours after service of the notice of charge.

(c) In class IV offense cases, the final hearing may be held no earlier than 24 hours, nor later than seven working days after service of the notice of charge, subject to authorized continuances. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective



tive May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985.)

**44-13-407. Procedure for conducting the unit team hearing in class IV offense cases.** (See also K.A.R. 44-13-303 and 44-13-504.) (a) The unit team shall explain the charge, the possible penalties, and the evidence against the inmate.

(b) The inmate shall have the opportunity to respond in the inmate's own defense.

(c) The unit team may permit witnesses at its discretion.

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

(e) A summary record shall be made.

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

(Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**44-13-601. Serving sentence.** In all cases, the inmate shall begin serving the sentence immediately upon imposition of sentence by the disciplinary board or hearing officer. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**44-13-610. Collection of fines.** (a) Upon disposition of the case, a fine may be collected immediately, without further hearing process, from the inmate's trust account. The fine shall be collected only on written order of the disciplinary administrator.

(b) The fine shall be taken from any money the inmate has credited to the trust account administered by the department of corrections or the contract facility. The fine shall not be deducted or taken from the gratuity, travel, or clothing allowance provided to the inmate upon release, nor from a legislative appropriation or a judgment for recovery on a personal injury claim. Money awards received by inmates for loss of personal property, whether from a court judgment, the department of corrections, or a legislative appropriation, shall not be subject to collection of fines for 30 days after receipt into the trust account. The inmate shall be given written notice on the day the money award is deposited to the inmate's trust account.

(c) Upon release, the fine shall be dormant. Upon any subsequent admission, the fine may be collected.

(d) If the inmate is transferred to another department of corrections or contract facility before collection, collection may be made by the receiving facility on order of the principal administrator of the sending facility, as approved and confirmed by the principal administrator of the receiving institution. The proceeds of the fine shall be deposited to the inmate benefit fund at the facility where the collection is made. However, the principal administrator of the facility where the offense occurred may submit a

written request, to the secretary of corrections, to transfer the money to that administrator's facility. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985.)

**44-13-703. Appeal on the record to the principal administrator of the institution or facility in class III and IV cases.** (a) In class III and IV offense cases, the inmate shall have a right of appeal to the principal administrator of the institution or facility and shall not have a right of appeal to the secretary of corrections.

(b) The procedure for appeal to the principal administrator of the institution or facility shall be the same as that for appeal to the secretary of corrections in class I and II offense cases except that material shall be forwarded to the principal administrator by the unit team.

(c) The principal administrator shall have the same time to answer the appeal as provided for the secretary of corrections in class I and II offense cases. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1985.)

**44-13-704. Administrative review.** (a) In class I and II offense cases, within 10 days after preparation of the record, excluding Saturdays, Sundays, and holidays, there shall be a review of the case without the presentation of further arguments from either side. The principal administrator shall approve the decision, disapprove the decision and dismiss the case, reduce the penalty, or remand the case to the board or hearing officer and order a new hearing.

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

(c) In class III and IV cases, where possible, the reviewer shall not be the principal administrator. The principal administrator shall designate an impartial employee of suitable rank and experience to do the review. No person who was a member of the disciplinary board or who was the hearing officer may act as reviewing authority nor shall the reviewer be any person involved in the offense as witness or reporting officer. (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

#### Article 14.—ADMINISTRATIVE AND DISCIPLINARY SEGREGATION

**44-14-303. Placement within segregation; notification requirements; hearing.** (a) In all cases in which inmates are placed in administrative segregation, the shift supervisor shall be notified directly. The shift supervisor shall forward a written report to the principal administrator before the end of the particular shift.

(b) Except as provided in subsection (c), inmates placed in segregation shall be provided with a hearing prior to placement in order to provide them with an

(continued)

opportunity to present objections, explanations or reasons as to why such a placement should not be effected. This hearing shall be held by the administrative segregation review board, the principal administrator or the administrator's designee.

(c) A hearing prior to placement shall not be required if an emergency situation exists. The principal administrator or designee may order immediate placement in administrative segregation when necessary to protect the inmate or others, prevent escape, or maintain control of the correctional facility. This action shall be reviewed by the administrative segregation review board as soon as possible, but not later than three working days after placement, in accordance with K.A.R. 44-14-310. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5252; effective May 1, 1980; amended May 1, 1984; amended May 1, 1985.)

#### Article 15.—GRIEVANCE PROCEDURE FOR INMATES

**44-15-101a. Grievance procedure distribution; orientation; applicability; remedies; advisory committee; investigation.** (a) Grievance procedure regulations shall be distributed or made readily available to all employees and inmates in each correctional facility.

(b) Each inmate and employee, upon admittance to or employment by the institution, shall receive an oral explanation of the procedure including an opportunity to have questions regarding the procedure answered orally. Explanatory materials and the oral presentation shall be available in any language spoken by a significant portion of the institution's population. To the extent feasible, inmates who do not understand a language spoken by a significant portion of the institution's population shall receive an explanation of the grievance procedure in a language in which the inmate is fluent. Mentally impaired and physically handicapped inmates shall receive explanations in a manner comprehensible to them. Parole officers shall provide each parolee with a brief grievance procedure orientation that explains the manner in which the system functions for parolees. Following the explanation, inmates and parolees shall sign a statement indicating that the required explanation has been given.

(c) All employees of the institution who are directly involved in the operation of the grievance procedure shall receive training in the skills necessary to operate, or participate in, the grievance procedure.

(d) (1) The grievance procedure shall be applicable to a broad range of matters which directly affect the inmate, including:

(A) Complaints by inmates regarding policies and conditions within the jurisdiction of the institution or the department of corrections; and

(B) Actions by employees and inmates, and incidents occurring within the institution.

(2) The grievance procedure shall not be used in any way as a substitute for, or as part of, the inmate disciplinary procedure, the classification decision-making process, or the property loss or personal injury

claims procedure. The grievance system shall not challenge the decision of these other procedures. If the other procedure was conducted improperly, the grievance may challenge the manner in which the decision was made. Grievances of this type shall be made only after the decision process is completed unless the inmate would incur irreparable harm if delayed until the end of the process.

(e) The remedies available to the inmate may include action by the director of the institution to correct the problem or action by the secretary of corrections to cause the problem to be corrected. Relief may include an agreement by institution officials to remedy an objectionable condition within a reasonable, specified time, or to change an institution policy or practice.

(f) The principal administrator shall establish a procedure for investigating the allegations and establishing the facts of each grievance. Any inmate or employee who appears to be involved in the matter shall not participate in any capacity in the resolution of the grievance.

(g) A copy of the grievance response at each level shall be delivered to the unit team, to the inmate, and to the principal administrator last responding. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210, 75-5210(f); effective May 1, 1984; amended May 1, 1985.)

**44-15-102. Procedure.** (a) Preliminary requirement; informal resolution and problem-solving at unit team level.

(1) The inmate shall first seek information, advice, or help on any matter from the inmate's unit team, or from a member of the team, to attempt to resolve the problem informally. The unit team shall then, if unable to solve the problem, refer the inmate to the proper office or department for the assistance necessary to solve the problem.

(2) If the inmate receives no response within 10 calendar days from the unit team, a grievance report may then be sent to the principal administrator without the unit team signature or signatures. The grievance report form shall include an explanation of the absence of the signature or signatures.

(b) Grievance step one; complaint to the principal administrator. If the inmate receives a response but does not obtain a satisfactory solution to the problem through the informal resolution process within 10 calendar days, the inmate may fill out an inmate grievance report form and submit it, within three calendar days after the deadline for informal resolution, to a staff member for transmittal to the principal administrator.

(1) The inmate shall attach copies of all inmate request forms used to attempt to solve the problem and shall indicate on the inmate grievance report the following information:

(A) The nature of the complaint. This statement shall be specific and shall state what or who is the subject of the complaint, related dates and places, and what effect the situation, problem, or person is having on the inmate which makes the complaint necessary;

(B) Title and number, if possible, of any order or regulation, if that is the subject of the complaint;

(C) The action the inmate wants the principal administrator to take to solve the problem;

(D) The name and signature of the responsible institution employee or employees or of the parole officer from whom the inmate sought assistance. This signature shall be on either an inmate request form, or the grievance report form. The date the help was sought shall be entered by the employee on the form; and

(E) The date the completed grievance report was delivered to the staff member for transmittal to the office of the principal administrator.

(2) The staff member shall forward the report to the principal administrator before the end of the next working day, and shall give a receipt to the inmate.

(3) Principal administrator's response.

(A) (i) Upon receipt of a grievance report form, the principal administrator shall assign a serial number and shall indicate the date of receipt. The principal administrator shall ascertain the nature of the grievance.

(ii) If it is determined to be a grievance which challenges general policies or practices of the institution or department, the principal administrator or designee shall prepare and post a notice setting out the nature of the general policy or practice which is the subject of the complaint and shall solicit written comments from both inmates and employees concerning the practice or policy. The notice shall direct any interested inmate or employee to submit a written comment to the principal administrator no later than five calendar days from the date notice is posted.

(iii) Each grievance which is the subject of inmate and employee comment shall be returned to the inmate, with an answer, within 15 calendar days from the date of receipt. All other inmate grievances shall be returned to the inmate, with an answer, within 10 calendar days from the date of receipt.

(B) The answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions and the action taken by the principal administrator. The answer shall inform the inmate that the inmate may appeal by submitting an appeal with the appropriate form to the secretary of corrections.

(C) In all cases, the principal administrator shall return the original and one copy of the grievance report to the inmate. The copy shall be retained by the inmate for the inmate's files. The original may be used for appeal to the secretary if the inmate desires. The principal administrator shall provide the necessary copies.

(D) A second copy shall be retained by the principal administrator.

(E) The institution or facility shall maintain a file on grievance reports indexed by inmate name and subject matter. Grievance report forms shall not be placed in the inmate's institution file.

(F) A grievance report form may be rejected by the principal administrator, if the form does not document any unit team action as required for the preliminary informal resolution process. The grievance report form shall then be sent back to the unit team for an immediate answer to the inmate.

(G) If no response is received from the principal administrator in the time allowed, the grievance may be sent to the secretary of corrections with an explanation of the reason for the delay.

(c) Grievance step two; appeal to the secretary of corrections.

(1) If the principal administrator's answer is not satisfactory, the inmate may appeal to the secretary's office by indicating on the grievance appeal form exactly what the inmate is displeased with and what action the inmate believes the secretary should take. The inmate's appeal shall be made within three calendar days of receipt of the principal administrator's decision, or within three calendar days of the deadline for that decision, whichever is earlier.

(2) The appeal shall then be sent directly and promptly to the department of corrections office in Topeka.

(3) When an appeal of the principal administrator's decision is made to the secretary, the secretary shall then have 20 calendar days from receipt to return the grievance report form to the inmate with an answer. The answer shall include findings of fact, conclusions made and actions taken.

(4) If a grievance report form is submitted to the secretary without prior action by the principal administrator, the form may be returned to the principal administrator. If the principal administrator did not respond in a timely manner, the secretary shall accept the form.

(5) The answer by the secretary of corrections shall be in the same form as that by the principal administrator. The response shall explain the procedures for obtaining an external review and a final decision by the secretary. The secretary may designate an appropriate deputy secretary to prepare the answer.

(d) Grievance step three; external review and secretary's decision. If the inmate notifies the secretary of corrections in writing within three days from receipt of the secretary's response that the solution is not satisfactory, and if the inmate requests outside review and the secretary determines that outside review is appropriate, then the secretary may refer the grievance within five calendar days to the ombudsman for corrections, or to some other independent or impartial body outside the agency designated by the secretary of corrections. The external reviewer shall conduct a complete investigation, and shall submit a written report and recommendation to the secretary of corrections and to the inmate. The report shall be filed within 20 calendar days after referral to the external reviewer. The written report and recommendation shall not be binding upon the secretary of corrections. The secretary of corrections shall render a decision within 10 calendar days following receipt of the external review report. (Authorized by and implementing K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210 and 75-5210(f); effective May 1, 1980; amended May 1, 1984; amended May 1, 1985.)

MICHAEL A. BARBARA  
Secretary of Corrections

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