

Vol. 4, No. 49

December 5, 1985

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### KANSAS JUDICIAL COUNCIL

### NOTICE OF DECEMBER MEETINGS

Meetings of the Kansas Judicial Council and its advisory committees scheduled for December, 1985 are:

Date	Committee	Time	Location
Dec. 6	Municipal Court Manual	9:00 a.m.	Room 266, Kansas Judicial Center 301 W. 10th, Topeka
Dec. 6	Probate Law	9:00 a.m.	Room 259; Kansas Judicial Center 301 W. 10th, Topeka
Dec. 12	Criminal Law	9:30 a.m.	Room 259, Kansas Judicial Center 301 W. 10th, Topeka
Dec. 13	Civil Code	9:30 a.m.	Room 259, Kansas Judicial Center 301 W. 10th, Topeka
Dec. 19	Judicial Council	10:00 a.m.	Room 259, Kansas Judicial Center 301 W. 10th, Topeka
Dec. 20	Court Unification	8:30 a.m.	Room 259, Kansas Judicial Center 301 W. 10th, Topeka
Dec. 20	Pattern Jury Inst.	9:00 a.m.	Room 266, Kansas Judicial Center 301 W. 10th, Topeka
			DAVID PRAGER, Chairman

Doc. No. 003755

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



PHONE: 913/296-3489

Kansas Judicial Council

# STATE BANK COMMISSIONER STATE BANKING BOARD

### NOTICE OF MEETING

The State Banking Board will conduct its monthly meeting, in accordance with K.S.A. 74-3006, at 10 a.m. Monday, December 16, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The Board reviews matters coming before it relating to its supervisory authority set forth in K.S.A. 98-1801 et seq.

EUGENE T. BARRETT, JR. State Bank Commissioner

Doc. No. 003746

# State of Kansas KANSAS TURNPIKE AUTHORITY

### NOTICE TO BIDDERS

The Kansas Turnpike Authority division office at 3939 Topeka Blvd., Topeka 66609, is requesting sealed proposals for furnishing all labor and materials and performing all work in accordance with the plans and specifications and other contract documents for bridge repair and deck replacement of Bridge No. 2-3 on the 18th Street Expressway, known as KDOT Project No. 35-105-K-2701-01, also known as KTA Contract No. 969.

Work under this contract consists of the removal of the existing Bridge No. 2-3, 18th Street over I-35, and the construction of a new bridge consisting of a structural steel and reinforced concrete superstructure, a reinforced concrete substructure founded on steel Hpiles and drilled shafts, concrete and asphaltic concrete pavement construction, and other miscellaneous work as shown on the plans and specifications.

Proposals, plans and specifications are on file and may be obtained at the office of R. D. Fogo, Chief Engineer-Manager, Kansas Turnpike Authority, 9401 E. Kellogg, Wichita, or may be examined in the offices of the Sedgwick or Wyandotte county clerks.

Sealed proposals will be received at the KTA Topeka division office until 10 a.m. December 18, 1985, at which time they will be publicly opened and read aloud. Proposals must be accompanied by a bid bond in the amount of 5 percent of bid and made payable to the Kansas Turnpike Authority as a guarantee that the bidder will enter into a contract and give a performance bond as required if awarded the contract. The award of contract shall be based on the grand total bid; however, each bidder shall be required to furnish unit prices as part of the bid.

The Authority reserves the right to reject any or all bids and to waive any irregularity therein to determine which is the lowest responsible bid most suitable to the Authority.

R. D. FOGO, Chief Engineer-Manager
Kansas Turnpike Authority

Doc. No. 003741

### **State of Kansas**

### SECRETARY OF STATE

### NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL

COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1984 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of December 1, 1985 through December 31, 1985 shall be 12.75 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 29th day of November, A.D. 1985.

JACK H. BRIER Secretary of State

Doc. No. 003748

# State of Kansas DEPARTMENT OF TRANSPORTATION

### NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m., December 19, 1985, and then publicly opened:

### **DISTRICT ONE—Northeast**

Shawnee, 40-89 K 2886-01—US-40, Stinson, Tecumseh and Whetstone creeks east of Topeka, clearing and grubbing for bridge replacements. (State Funds).

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

Plans and specifications for the project may be examined at the office of the County Clerk or at the Kansas Department of Transportation district office

responsible for the work.

JOHN B. KEMP Secretary of Transportation

# STATE CORPORATION COMMISSION MINED-LAND CONSERVATION AND RECLAMATION BOARD

# REQUEST FOR QUALIFICATIONS FOR ENGINEERING AND TECHNICAL SERVICES

The Mined-Land Conservation and Reclamation Board, pursuant to K.S.A. 75-430a and 75-5803, is establishing a list of prequalified firms for engineering and technical services. Firms are invited to submit qualifications for engineering and technical services as required in connection with the Mined-Land Conservation and Reclamation Act, K.S.A. 49-401 et seq., which includes the state's administration and enforcement program for current coal mining operations and the state's abandoned mined-land program.

Examples of work to be performed include, but are not restricted to, the preparation of environmental assessment statements in compliance with the National Environmental Policy Act, actual design and construction work related to abandoned mined-land reclamation projects, aerial photography related to the preparation of topographic maps, cross-sections and related work and review of surface coal mining permits and permit applications to determine completeness and technical compliance with the Act and rules and regulations promulgated thereunder.

Interested firms must submit completed Kansas Form ASD-E1, Statement of Qualifications and Performance Data, to Joyce Stover, Executive Director, Mined-Land Conservation and Reclamation Board, 107 W. 11th, P.O. Box 1418, Pittsburg 66762 and Judith McConnell, Executive Secretary, State Corporation Commission, 4th Floor, State Office Building, Topeka 66612, by the close of business January 5, 1986 to be considered. Requests for submission forms or telephone inquiries may be directed to Joyce Stover at (316) 231-8615.

This is not a request for proposals. As actual projects arrive, proposals from at least three prequalified firms will be requested. Minority business enterprises are encouraged to respond to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin.

The Board will negotiate contracts on the basis of the services required at a just and reasonable fee, in accordance with state law.

JOYCE STOVER Executive Director

Doc. No. 003758

### State of Kansas

# DEPARTMENT OF HEALTH AND ENVIRONMENT

# BOARD OF ADULT CARE HOME ADMINISTRATORS

### NOTICE OF MEETING

The Board of Adult Care Home Administrators will meet at 1:30 p.m. Friday, December 13, in the executive conference room at the Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka.

JOHN GRACE, Chairman Board of Adult Care Home Administrators

Doc. No. 003757

### State of Kansas

# DEPARTMENT OF HUMAN RESOURCES KANSAS COUNCIL ON EMPLOYMENT AND TRAINING

### NOTICE OF MEETING

The Kansas Council on Employment and Training will meet from 9 a.m. to noon Friday, December 6, in the Pozez Education Center, Stormont-Vail Regional Medical Center, 1500 S.W. 10th, Topeka. The meeting agenda includes the following:

- 1. Announcements
  - a. Terms
  - b. Legislative subcommittee
  - c. SDA planning instructions
  - d. Statewide PIC/LEO meeting
- 2. Reorganization
- 3. Activity updates
  - a. Special projects
  - b. Meeting with Educational Planning Committee
  - c. State funds to supplement Dislocated Worker Program
  - d. Labor/JTPA involvement
  - e. Dislocated Worker Committee
  - f. Economic development
  - g. Funds for dislocated farmers
  - h. Evaluation Committee
- 4. Intake Form—Handicapped
- 5. 1986 meeting dates

The meeting is open to the public.

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

### **LEGISLATURE**

### INTERIM AGENDA

Notice is hereby given to interested parties that the following committee meetings have been scheduled uar

during the period of December 9, 1985 through January 12, 1986.

Date	Room	Time	Committee	Agenda
Dec. 9 Dec. 10	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda to be determined.
Dec. 11	527-S	10:00 a.m.	Joint Standing Ways and Means Committees	Subcommittee—mental retardation institutions.
Dec. 12 Dec. 13	527-S 527-S	10:00 a.m. 9:00 a.m.	Special Claims Against the State	Hearings on claims filed to date.
Dec. 16 Dec. 17	Lansing 527-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	16th: Tour educational facilities at KSP. 17th: Agenda unavailable.
Dec. 18	123-S	9:00 a.m.	Legislative Post Audit	Agenda to be determined.
Dec. 19 Dec. 20	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda to be determined.
Jan. 2 Jan. 3	514-S 514-S		Joint Committee on Administrative Rules and Regulations	Agenda to be determined.
Jan. 2 Jan. 3	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda to be determined.
Jan. 8 Jan. 9 Jan. 10	514-S 514-S 514-S		Joint Committee on Administrative Rules and Regulations	Agenda to be determined.
<b>3</b>	7	1	T	WILLIAM R. BACHMAN

Doc. No. 003749

Director of Legislative Administrative Services

# DEPARTMENT OF ADMINISTRATION DIVISION OF PURCHASES

### **NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 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, DECEMBER 16, 1985

#26728-C

Statewide—TYPEWRITERS

#26870

Department of Administration, Topeka—SNOW REMOVAL, State Office Building, Wichita

#26871 Statewide—CAR RENTAL

#26874

Kansas Correctional Industries, Lansing—LIQUID CONCENTRATED BLEACH

#63996

Wichita State University, Wichita—LAB CENTRIFUGE

#63997

University of Kansas, Lawrence—HEMATOLOGY ANALYZER

#64000

Fort Hays State University, Hays—PIPE INSULATION

#64001

University of Kansas Medical Center, Kansas City—PATIENT MONITOR WITH BATTERY PACK AND AUXILIARY CHARGER #64009

Pittsburg State University, Pittsburg—LAB OSCILLOSCOPE/POWER SUPPLY

#64011

University of Kansas Medical Center, Kansas City—THREE CHANNEL NEONATAL MONITOR #64024

Department of Social and Rehabilitation Services, Topeka—MODIFY EXISTING HVAC CONTROL SYSTEM, Vocational Rehabilitation Center, Salina #64037

State Corporation Commission, Topeka—DRILLING OBSERVATION WELLS, Harvey and Reno counties

### **TUESDAY, DECEMBER 17, 1985**

#A-4821(a)

Kansas State University, Manhattan—FURNISH AND INSTALL ENVIRONMENTAL MONITORING SYSTEM, South Range Glasshouses, Throckmorton Hall, on campus

#A-4821(b)

Kansas State University, Manhattan—FURNISH AND INSTALL REVERSE-OSMOSIS EQUIPMENT, Throckmorton Hall—Equipment Room #A-5466

Pittsburg State University, Pittsburg—PROVIDE TUCKPOINTING, various buildings, on campus #26873

Kansas State University, Manhattan—FERTILIZER, Sandyland Experiment Station, St. John #64012

Winfield State Hospital and Training Center, Winfield—MISCELLANEOUS GROCERIES

#64019

Kansas State University, Manhattan—PLAIN PAPER COPIER

#64020

Kansas State University, Manhattan—CORN #64021

Kansas State Industrial Reformatory, Hutchinson—ELECTRICAL SUPPLIES #64022

Kansas State University, Manhattan—PICKUPS #64023

Kansas State University, Manhattan—MILO #64025

Emporia State University, Emporia—OVERHEAD DOORS

#64028

University of Kansas Medical Center, Kansas City—LAB CENTRIFUGE

#64029

Department of Social and Rehabilitation Services, Topeka—PUSHBROOM HANDLES #64030

Department of Social and Rehabilitation Services, Topeka—BLIND MADE PRODUCTS

### WEDNESDAY, DECEMBER 18, 1985

#A-5428(a)

Kansas State University, Manhattan—ROOFING SYSTEM REPLACEMENT, Willard Hall, on campus #A-5428(b)

Kansas State University, Manhattan—ROOFING SYSTEM REPLACEMENT, Cardwell Hall, on campus #A-5428(c)

Kansas State University, Manhattan—ROOFING SYSTEM REPLACEMENT, Call Hall, on campus #A-5428(d)

Kansas State University, Manhattan—ROOFING SYSTEM REPLACEMENT, Old Stacks Addition, Ferrell Library Facility

#A-5428(e)
Kansas State University, Manhattan—PHASE
II—PARTIAL ROOFING SYSTEM REPLACEMENT,
women's gym area, Ahern Hall, on campus
#26863

Various state agencies—CONSUMER GRADE AA EGGS

#64034

Department of Administration, Division of Printing, Topeka—BROWN KRAFT ENVELOPES—PRINTED #64038

Department of Administration, Division of General Services, Topeka—MAIL ROOM EQUIPMENT #64039

Kansas Fish and Game Commission, Pratt—JEANS AND WINDBREAKERS

#64042

University of Kansas, Lawrence—HPLC APPARATUS

#64044

Department of Transportation, Topeka—COLD ASPHALTIC CONCRETE MIX FOR COLD WEATHER USE, Kansas City area

### FRIDAY, DECEMBER 20, 1985

#26869

University of Kansas Medical Center, Kansas City—ONE INCH SLAT WINDOW BLINDS

Transfer &

NICHOLAS B. ROACH Director of Purchases

### KANSAS INSURANCE DEPARTMENT

### NOTICE OF HEARING

A formal hearing will be conducted at 10 a.m. Wednesday, December 18, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka. The purpose of this proceeding is to determine whether the application for the proposed acquisition of control of Farm and Ranch Life Insurance Company, Inc., Wichita, Kansas, by Eagle Life Insurance Company, San Antonio, Texas, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 et seq.

All interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition, to present either oral or written testimony in favor of or in opposition to the transaction, and to ask any questions relative to the transaction.

FLETCHER BELL Commissioner of Insurance

Doc. No. 003756

# State of Kansas DEPARTMENT OF ADMINISTRATION

### **GRANT APPLICATIONS IN REVIEW**

Below are 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, Intergovernmental Liaison, State Office Building, 122A-South, Topeka 66612, (913) 296-3919. Comment period is approximately 30 days.

KS851121-387-13608KS—Shannon Manzanares, SRS, 2700 W. 6th, Topeka 66606, (913) 296-4657, applied for \$199,877 from the U.S. Department of Health and Human Services for Kansas Phase II, Intensive Home Based Family Centered Services.

KS851121-388-13608KS—Russell Northup, SRS, 2600 W. 6th, Topeka 66606, (913) 296-4634, applied for \$43,219 from the U.S. Department of Health and Human Services for therapeutic foster homes.

KS851121-389-13608KS—David O'Brien, SRS, 2700 W. 6th, Topeka 66606, (913) 296-4649, applied for \$40,406 from the U.S. Department of Health and Human Services for "The Next Step: Preparing Youth in Kansas SRS Custody for Leaving State-Supported Care and Living as Independent Adults."

KS851121-390-13608SN—Mary McCallister, Junior League of Topeka, Inc., 2709 S.W. 29th, Topeka 66614, (913) 272-9385, applied for \$20,000 from the U.S. Department of Health and Human Services for a court appointed special advocate volunteer program, expediting permanent placement for children.

KS851121-391-13608SG—Sally Northcutt, Salvation Army Booth Memorial Family Service Center, 2050 W. 11th, P.O. Box 2037, Wichita 67201, (316) 263-6174, applied for \$100,033 from the U.S. Department of Health and Human Services for a development in self sufficiency in transient families.

KS851121-392-13608SG—Luci Monares, Salvation Army Booth Memorial Family Service Center, 2050 W. 11th, P.O. Box 2037, Wichita 67201, (316) 263-6174, applied for \$60,000 from the U.S. Department of Health and Human Services for a self sufficiency skills development for older adolescents.

KS851121-393-13608SG—Jerry J. Coppel, Kansas Children's Service League, P.O. Box 517, Wichita 67201, (316) 942-4261, applied for \$75,000 from the U.S. Department of Health and Human Services for

the black family preservation project.

KS851121-394-13608OK—Antonia Dobrec, Three Feathers Association, P.O. Box 5508, Norman, OK 73070, applied for \$105,000 from the U.S. Department of Health and Human Services for an American Indian training and technical assistance program.

KS851121-395-13608SG—Bernice Karstensen, Lutheran School Service, 1855 N. Hillside, Wichita 67214, (316) 686-6645, applied for \$25,000 from the U.S. Department of Health and Human Services for an

adoptive recruitment program.

KS851122-396-13608RL—John A. Moore, Jr., Kansas State University, Justin Hall, Manhattan 66506, (913) 532-6207, applied for \$126,890 from the U.S. Department of Health and Human Services for a food service employee training in extended care facilities program.

MARVIN A. HARDER Secretary of Administration

Doc. No. 003747

### State of Kansas

### **ATTORNEY GENERAL**

### Opinion No. 85-158

Automobiles and Other Vehicles—Drivers' Licenses—Persons to Whom Licenses Not Issued; Denial of Driving Privileges Due to Seizure Disorders. Rose Marino, Associate General Counsel of the University of Kansas, Lawrence, November 21, 1985.

The Division of Vehicles of the Department of Revenue may not deny, refuse to renew, or suspend a driver's license based on an applicant's seizure disorders which are controlled by medication without first receiving an opinion from the medical advisory board that the particular applicant is likely to be a danger to himself or others while driving. Cited herein: K.S.A. 8-237; K.S.A. 1984 Supp. 8-247; 8-254; 8-255; K.S.A. 8-255c. KG

### Opinion No. 85-159

Schools—School Attendance, Curriculum and Accreditation—Responsibility to Investigate Home Instruction. Dennis W. Moore, Johnson County District Attorney, Olathe, November 21, 1985.

A local board of education has no authority to investigate situations involving home instruction to determine compliance with the compulsory school attendance statutes, K.S.A. 1984 Supp. 72-1103 et seq.

(continued)

However, upon receiving a report that a child is not enrolled in a public or nonpublic school, the Department of Social and Rehabilitation Services has a duty under K.S.A. 1984 Supp. 38-1501 et seq. to determine whether a child's home instruction may violate the compulsory school attendance law. Cited herein: K.S.A. 1984 Supp. 38-1502, as amended by L. 1985, Ch. 145, § 3; 38-1510; 38-1524; 38-1529; 72-1111; 72-1113; 72-8205. KG

### **Opinion No. 85-160**

Schools—Capital Outlay Levy, Fund and Bonds—Protest, Petition and Election.

Elections—Sufficiency of Petitions—Petition Documents, Contents. Steven L. Boyce, Coffey County Attorney, Burlington, November 21, 1985.

Apetition, prepared and filed under the supposed authority of K.S.A. 1984 Supp. 72-8801 which does not meet the requirements of K.S.A. 1984 Supp. 25-3601 et seq., is invalid. As such, assuming a board of education imposes a four mill levy for capital outlays pursuant to a validly adopted resolution, such an invalid petition has no effect in preventing the levy from being imposed. Cited herein: K.S.A. 25-3601; K.S.A. 1984 Supp. 25-3602; 72-8801. BPA

### Opinion No. 85-161

Drainage and Levies—Watershed Districts—Meetings of Directors.

State Departments; Public Officers, Employees—Public Officers and Employees—Meetings Open to Public. Van Smith, Attorney for Pawnee Joint Watershed District No. 81, Garden City, November 21, 1985.

Pursuant to K.S.A. 24-1212, a watershed district board is required to have regular meetings once each quarter during the year. While this statute establishes minimum standards which must be met by the board, more frequent regular meetings may be held in that the statute is directory, rather than mandatory, on this point. K.S.A. 24-1212 also requires that all meetings of the board be open, and that no executive sessions be held. In that this language conflicts with the more recent and comprehensive language of the Open Meetings Act, K.S.A. 75-4317 et seq., it has been repealed by implication, as was concluded in Attorney General Opinion No. 82-130. Cited herein: K.S.A. 24-1212; 75-4319. JSS

ROBERT T. STEPHAN Attorney General

Doc. No. 003753

### State of Kansas

# STATE BOARD OF INDIGENTS' DEFENSE SERVICES

# TEMPORARY ADMINISTRATIVE REGULATIONS

(Effective October 23, 1985. Expire May 1, 1986.)

### Article 2.—TERMS DEFINED

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

(a) Board means the state board of indigents' de-

fense services.

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

(c) District means judicial district.

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

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

indigent defendants.

(f) Public defender means an attorney selected and employed on full-time basis by the board to provide quality legal representation to indigent defendants pursuant to K.S.A. 1984 Supp. 22-4501, et seq.

(g) State appellate defender means an attorney selected and employed on a full-time basis by the board to provide appellate representation to indigent de-

fendants in the appellate courts of Kansas.

(h) Trial counsel means an attorney or public defender appointed under the terms of these regulations to provide legal representation to indigent defendants in the district courts of Kansas and as provided by K.A.R. 105-3-9.

(i) Conflicts attorney office means the office established by the board to provide indigent felony and related defense services in the district courts of Shawnee and Geary counties for cases which cannot be handled by the third judicial district public defender office or the eighth judicial district public defender office due to potential conflicts of interest. (Authorized by K.S.A. 1984 Supp. 22-4522; implementing K.S.A. 1984 Supp. 22-4522; effective May 1, 1984; amended May 1, 1985; amended, T-86-33, Oct. 23, 1985.)

### Article 3.—APPOINTED ATTORNEYS

105-3-8. Continued representation by trial counsel. (a) In any class A, B or C felony which is appealed to the appellate courts of Kansas, the trial counsel may represent the defendant on appeal if:

(1) the trial counsel has submitted a written request to the trial court judge and the director setting forth the reasons for the need to continue with the case:

(2) the trial court judge has approved the request in writing; and

(3) the director has approved the request based

upon the board's policies and guidelines governing

such requests.

(b) Claims for compensation for appellate work performed by trial counsel shall be subject to review and approval by the director. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507; effective, T-86-33, Oct. 23, 1985.)

105-3-9. Duties of trial counsel following sentencing. (a) In order to protect a convicted defendant's right to appeal, it shall be the duty of each trial counsel

(1) file a motion for modification of sentence pursuant to K.S.A. 1984 Supp. 21-4603(3), when appropriate;

(2) file a motion for release on appeal bond pursu-

ant to K.S.A. 22-2804(2), when appropriate;

(3) file a notice of appeal in a timely manner;

(4) upon filing the notice of appeal, obtain a court order for the trial transcript, and a transcript of any pretrial or posttrial proceedings from which a claim of error may arise;

(5) upon filing the notice of appeal, obtain an order from the district court appointing the state appellate

defender as counsel for the appeal; and

(6) submit a draft of the docketing statement required by Supreme Court Rule 2.041 to the appellate defender within 10 days of the filing of the notice of

- (b) Requests for compensation for services set forth in subsection (a) shall be included in the claim filed with the board. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507; effective, T-86-33, Oct. 23, 1985.)
- 105-3-10. Appointments generally. Each court appointment funded by the board shall be made in accordance with the rules and regulations adopted by the board for providing legal defense services for indigent persons as prescribed by the board. (Authorized by K.S.A. 1984 Supp. 22-4501, 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507 and 22-4522; effective, T-86-33, Oct. 23, 1985.)

### Article 10.—SYSTEMS FOR PROVIDING LEGAL DEFENSE SERVICES FOR INDIGENT PERSONS

105-10-1. Public defender system at the trial level. (a) The public defender office shall provide indigent felony and related defense services at the trial level in the following districts and in all other counties which are served by one of the following public defender offices by mutual agreement between the district administrative judge for that county and the board:

(1) the third judicial district; (2) the eighth judicial district;

(3) the eighteenth judicial district; and

(4) the twenty-eighth judicial district. (b) The conflicts attorney office shall provide indigent felony and related defense services at the trial

level for those cases in Shawnee and Geary counties which cannot be handled by the third judicial district public defender office or the eighth judicial district public defender office due to potential conflicts of interest.

(c) In the public defender districts designated above, the trial court shall appoint the public defender to provide felony defense services in all felony and other cases set forth in K.A.R. 105-1-1(a) with the following exceptions:

(1) when K.A.R. 105-10-2 requires the appointment

of the state appellate defender:

(2) when a conflict of interest will not permit the public defender to represent the defendant and the conflicts attorney office is not available; or

(3) when the public defender withdraws from the

case as provided in K.A.R. 105-21-3.

- (d) When one of the exceptions stated above prevents the appointment of the public defender, the court shall appoint an attorney as provided in K.A.R. 105-3-1 on a form approved by the board. (Authorized by K.S.A. 1984 Supp. 22-4501 and 22-4522; implementing K.S.A. 1984 Supp. 22-4503 and 22-4522; effective, T-86-33, Oct. 23, 1985.)
- 105-10-2. Public defender system for appeals. (a) The state appellate defender office shall provide defense services in the appellate courts of Kansas for all indigent appeals taken from cases described in subsection (b) in all district courts of Kansas.

(b) The court shall appoint the state appellate defender to provide appellate representation to persons determined to be indigent in the following cases:

(1) all felony appeals;

(2) appeals from the denial of a motion pursuant to K.S.A. 60-1507;

(3) appeals from the denial of a petition for a writ of habeas corpus pursuant to K.S.A. 22-2710; and

(4) appeals pursuant to K.S.A. 1984 Supp. 38-

1681(b).

(c) The state appellate defender office may represent a defendant in an appeal on a question reserved by the prosecution pursuant to K.S.A. 22-3602(b)(3). (Authorized by K.S.A. 1984 Supp. 22-4501 and 22-4522; implementing K.S.A. 1984 Supp. 22-4505, 22-4506 and 38-1681; effective, T-86-23, Oct. 23, 1985.)

> RON MILES Director

### **BOARD OF REGENTS**

### TEMPORARY ADMINISTRATIVE REGULATIONS

(Effective November 20, 1985. Expire May 1, 1986.)

### Article 13.—STUDENT ASSISTANCE PROGRAMS

88-13-1. Definitions. Terms used herein are defined as follows: (a) "Parent" means a guardian or any person who is legally responsible for the maintenance, care or support of a dependent who is an applicant under this program.

(b) "Parent's contribution" means the amount parents can reasonably be expected to contribute from their income and assets toward a year's college education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) "Independent student" means a student who demonstrates independence from a parent's support to the satisfaction of the board. Documentation that will meet U.S. education department guidelines for an independent student may be required from the appli-. cant, applicant's parent or parents, or guardian to ver-

ify emancipation from the parent or parents.

(d) "Student contribution" means the amount a student can contribute from the student's own work and resources toward a year's college education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board. The student contribution shall not be less than \$450.

(e) "Student resources" means assets, earnings, income or benefits from other sources, work study income, and any grant or loan coming directly to the

student from non-college sources.

(f) "Family contribution" means the sum of parents' contribution and student contribution. The family

contribution shall be determined annually.

(g) "Tuition" means the amount of money charged a full-time student for the cost of educational services for the academic year, excluding any summer session. The amount of the tuition shall be set by the eligible postsecondary institution and shall be the same for the grantee and non-grantee students who are in identical circumstances at the institution.

(h) "Required fees" means fees which are not optional for the full-time student and which are considered by the board to be for educational purposes.

- (i) "College budget" means the total amount required for a student to attend the postsecondary institution of the student's choice. The costs of tuition and required fees, room and board, supplies, and incidentals shall be included in the college budget. For married students, a family maintenance budget shall be substituted for room and board. All amounts to be used for maintenance, supplies and incidentals shall be comparable for all eligible institutions.
- (j) "Tuition grant offer" means the annual amount offered to a student under this program, rounded to

the nearest \$10. Each tuition grant offer shall be the lesser of the following amounts:

(1) \$1,200;

(2) the annual tuition and required fees at the colleges of the student's choice;

(3) the financial need of the student; or

(4) the pro-rata amount determined by the board.

(k) "State scholarship offer" means the annual amount offered to a state scholar under this program, rounded to the nearest \$10. Each state scholarship offer shall be the lesser of the following amounts:

(1) \$1,000 for scholars designated for fall, 1985 and

(2) \$500 for any scholar designated prior to fall, 1985:

(3) the financial need of the state scholar;

(4) the pro-rata amount determined by the board. (l) "Grantee" means a person possessing a valid

tuition grant offer, or state scholarship offer, or both.

- (m) "Tuition grant payment or state scholarship payment" means the amount awarded to a student to attend a portion of the academic year. This amount shall be determined by pro-rating the amount of the tuition grant offer, or state scholarship offer, or both.
- (n) "Unmet need" means the financial need of a grantee less the amount of the student's tuition grant offer or state scholarship offer or both. (Authorized by K.S.A. 76-6111, 72-6814; implementing K.S.A. 72-6107, 72-6109, 72-6110, 72-6111, 72-6810, 72-6812, 72-6814, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984; amended, T-86-35, Nov. 20, 1985.)
- 88-13-4. Applicant eligibility. To be eligible for a tuition grant offer, or state scholarship offer, or both, a person shall demonstrate to the executive director of the board that the applicant: (a) qualifies as a resident of the state of Kansas for fee purposes at a state educational institution according to K.S.A. 76-729 and K.A.R. 88-33-1, et seq.;

(b) is initially accepted or enrolled at an eligible

Kansas postsecondary institution;

(c) is an undergraduate who has never received a

baccalaureate degree;

- (d) has financial need as determined by an analysis of information submitted on the American College Testing Service Family Financial Statement 1986-87. which is hereby adopted as the board's family financial statement;
- (e) having received a state scholarship and having completed the initial enrollment in a postsecondary educational institution, has attained the academic standard of a cumulative 3.3 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points; and

(f) having received a tuition grant and having completed the initial enrollment in a postsecondary educational institution, has attained the academic standard of a cumulative 2.0 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A- equals four points. (Authorized by K.S.A. 72-6112, 72-6815; implementing K.S.A. 72-6112, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 17, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985.)

88-13-11. College certification. Upon the enrollment of grantees, each eligible postsecondary institution shall certify to the board that each grantee attending its institution: (a) is providing a minimum of \$450 from the grantee's own work and resources;

(b) is not receiving more financial aid than the

grantee's unmet need;

(c) is a full-time undergraduate student in good standing who is responsible for paying full tuition and required fees;

(d) has met the state scholarship academic standard of a cumulative 3.3 grade point average for grantees participating in the state scholarship program;

(e) has met the tuition grant academic standard of a cumulative 2.0 grade point average for grantees par-

ticipating in the tuition grant program;

- (f) has reported accurate parent or student income data, as verified by a copy of the income tax return for the most recent tax year or through other verification of income criteria as provided in 34 C.F.R. 690.77. effective April 29, 1985, which are hereby adopted by reference: and
- (g) for an independent grantee, that the grantee meets the U.S. education department guidelines for an independent student, as in effect on October 26, 1983, and that the college has on file a valid statement of financial independence. The statement of financial independence shall be certified by a notarized signature of the applicant's parent or legal guardian. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6107, 72-6111, 72-6810, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19. 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended T-85-14, May 3, 1984; amended, T-85-39, Dec. 19, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985.)

### Article 16.—AUTHORIZATION OF NON-PUBLIC INSTITUTIONS OF POSTSECONDARY **EDUCATION TO CONFER DEGREES**

88-16-1a. Definitions. (a) "Associate in arts degree" means a transfer-oriented degree:

(1) consisting of courses totaling a minimum of 60 semester credit hours;

(2) granted to those who successfully complete programs which emphasize the liberal arts; and

(3) in which not less than 45 semester credit hours

in general education are required.

(b) "Associate in science degree" means a degree: (1) consisting of courses totaling a minimum of 60

semester credit hours designed to serve both career and transfer objectives;

(2) granted to those who successfully complete

programs which emphasize mathematics or the biological or physical sciences, or both; and

(3) which includes not less than 30 semester credit

hours in general education.

(c) "Associate in applied science degree" means a degree:

(1) consisting of courses totaling a minimum of 60

semester credit hours;

(2) granted to those who successfully complete programs which emphasize preparation in the applied arts and sciences for careers, typically at the technical

or semi-professional level; and

(3) which includes not less than 15 semester credit hours in general education and not less than 30 semester credit hours in the area of specialized preparation. Such programs may be transferred to a college or university upon validation of applicable course work.

(d) "Baccalaureate degree" means a degree:

(1) consisting of courses totaling a minimum of 120 semester credit hours in the liberal arts, sciences or professional fields:

(2) granted to those who successfully complete an educational program requiring at least four but not more than five years of academic work or the equivalent in part-time attendance.

(e) "Master's degree" means a degree:

(1) granted to those who successfully complete an educational program in the liberal arts and sciences or a professional field; and

(2) requiring not less than one year of academic work or the equivalent in part-time attendance beyond

the baccalaureate degree. (f) "Intermediate (specialist) degree" means a de-

gree:

(1) granted to those who successfully complete an

educational program; and

(2) requiring not less than one year of academic work or the equivalent in part-time attendance beyond the master's degree in the liberal arts and sciences or a professional field.

(g) "Doctor's degree" means a degree:

(1) granted to those who successfully complete an educational program requiring three or more academic years of full-time study or the equivalent in part-time attendance beyond the baccalaureate de-

(2) requiring evidence, in the form of a doctoral dissertation, of competence in independent research. (Authorized by K.S.A. 74-3252; implementing K.S.A. 74-3249, K.S.A. 1984 Supp. 74-3250, K.S.A. 74-3252; effective May 1, 1980; amended, T-86-35, Nov. 20, 1985.)

> WILLIAM R. KAUFFMAN General Counsel

# State of Kansas STATE CORPORATION COMMISSION

### NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, unless otherwise noticed.

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

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

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

Procedure Before the Commission.

### Application set for January 2, 1986

# Application for Certificate of Convenience and Necessity:

Raudin McCormick, Inc. ) Docket No. 148,294 M P.O. Box 1852 ) Corsicana. TX 75110

Applicant's Attorney: John Jandera, 641 Harrison, Topeka, KS 66603

Passengers, restricted to train crews,

Between points in the Kansas counties of Cowley, Sumner, Butler, Sedgwick and Harvey.

Also,

Between points in the Kansas counties of Cowley, Sumner, Butler, Sedgwick and Harvey, on the one hand, and on the other, points in Kansas.

. .

### Applications set for January 14, 1986

# Application for Extension of Certificate of Convenience and Necessity:

Duane Thompson, Inc. ) Docket No. 27,790 M )
706 S. 5th )
Osage City, KS 66523 ) MC ID No. 100192

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods and classes A and B explosives) and livestock,

Between points and places in Riley, Geary, Morris, Greenwood, Lyon, Wabaunsee, Pottawatomie, Shawnee, Osage, Coffey, Anderson, Franklin, Douglas, Jefferson, Leavenworth, Wyandotte, Johnson, Jackson, Dickinson and Chase counties, Kansas.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

### Grain.

Between points and places in Reno, Saline, Wyandotte and Sedgwick counties, Kansas, on the one hand,

and points and places in the state of Kansas, on the other hand.

# Application for Certificate of Convenience and Necessity:

Michael E. DePratt and William A. DePratt, dba DePratt Used Cars Solo DePratt Used Cars Depart Used C

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

Between all points and places in Cherokee County, Kansas.

Also.

Between all points and places in Cherokee County, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

# Application for Certificate of Convenience and Necessity:

Arco Auto Carriers, Inc. ) Docket No. 148,286 M P.O. Box 1503 ) Bryn Mawr, PA 19010 )

Applicant's Attorney: Donald Levine, La Salle Plaza, 22nd Floor, 180 N. La Salle, Chicago, IL 60601

Transportation equipment,
Between points and places in the state of Kansas.

# Application for Transfer of Certificate of Convenience and Necessity:

Edward A. Keller ) Docket No. 57,682 M Route 1, Box 57 ) 
Zurich, KS 67676 ) MC ID No. 100545 
TO: 
Helen Keller 
Route 1, Box 57 
Zurich, KS 67676

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between all points and places in Thomas, Logan, Scott, Lane, Ness, Rush and Russell counties, Kansas. Also,

Between all points and places in the counties of Phillips, Osborne, Ellis, Trego, Graham, Norton, Rooks, Sheridan, Decatur, Rawlins, Cheyenne, Sherman, Wallace, Gove, Marion, Kingman, Kiowa, Sumner, Cowley, Dickinson, Barton, Lyon and Smith. Also.

Between all points and places in Phillips, Osborne, Ellis, Trego, Graham, Norton, Rooks, Sheridan, Decatur, Rawlins, Cheyenne, Sherman, Wallace, Gove, Marion, Kingman, Kiowa, Sumner, Cowley, Dickinson, Barton, Lyon and Smith counties, Kansas, on the one hand, and points and places in Thomas, Logan, Scott, Lane, Ness, Rush and Russell counties, Kansas, on the other hand.

# Application for Extension of Certificate of Convenience and Necessity:

Helen Keller ) Docket No. 57,682 M Route 1, Box 57 ) MC ID No. 100545

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between points and places in Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Russell, Dickinson, Scott, Lane, Ness, Rush, Barton, Marion, Lyon, Kiowa, Kingman, Sumner and Cowley counties, Kansas.

# Application for Certificate of Convenience and Necessity:

Karl J. Heinz, dba
Heinz Truck & Auto
Repair
215 N. Topeka Ave.
Carbondale, KS 66414

Docket No. 148,289 M

Carbondale, KS 66414

Applicant's Attorney: None

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

Between all points and places in Osage, Lyon, Coffey, Anderson, Franklin, Douglas, Shawnee and Wabaunsee counties, Kansas.

Also.

Between the above named counties, on the one hand, and on the other hand, all points and places in Kansas.

### Applications set for January 16, 1986

# Application for Abandonment of Certificate of Convenience and Necessity:

D & L Transfer Co.
134 Jasper
P.O. Box 12311
N, Kansas City, MO 64116 ) MC ID No. 105286
Applicant's Attorney: None

# Application for Certificate of Convenience and Necessity:

Bryan McDaniel ) Docket No. 148,290 M P.O. Box 37 ) Ransom, KS 67572 )

Applicant's Attorney: John Jandera, 641 Harrison, Topeka, KS 66603 Hay, grain, seed grain, feed, feed ingredients, dry fertilizer, agricultural chemicals,

Between points and places in Kansas lying on and west of U.S. Highway 183.

Also.

Between points and places in Kansas lying on and west of U.S. Highway 183, on the one hand, and on the other, points and places in Kansas.

# Application for Extension of Certificate of Convenience and Necessity:

Floc Enterprise, Inc. ) Docket No. 138,730 M 5300 State Ave. ) Kansas City, KS 66102 ) MC ID No. 117074

Applicant's Attorney: Philip Lorton, 711 N. 9th, Kansas City, KS 66101

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

Between all points and places in Wyandotte, Johnson, Leavenworth, Miami, Jefferson, Douglas, Shawnee, Wabaunsee, Geary, Riley, Pottawatomie and Jackson counties, Kansas.

# Application for Certificate of Convenience and Necessity:

Custom Hauling, Inc. ) Docket No. 148,291 M 3539 N. 56th Terrace ) Kansas City, KS 66106 )

Applicant's Attorney: John Jandera, 641 Harrison, Topeka, KS 66603

Dry bulk commodities (except cement and flour), Between points in Kansas on and east of U.S. Highway 77.

Álso.

Between points in Kansas on and east of U.S. Highway 77, on the one hand, and on the other, points in Kansas.

# Application for Extension of Certificate of Convenience and Necessity:

Arnold P. Kratky, dba

Kratky Service and Repair

Box 554

25th St. and Kansas

Highway 232

Wilson, KS 67490

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS

### Boats.

Between points and places in Russell, Lincoln, Ottawa, Barton, Ellsworth, Saline, Rice and McPherson counties.

Also,

66614

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

(continued)

# Application for Certificate of Convenience and Necessity:

Walter E. Starkey ) Docket No. 148,288 M 432 E. 8th ) Concordia, KS 66901 ) MC ID No. 103325

Applicant's Attorney: None

Grain and farm products,

Between all points and places in the state of Kansas.

# Application for Certificate of Convenience and Necessity:

Steven Clary, dba Docket No. 148,292 M
Clary and Sons Hutchinson, KS 67504-1744

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods, explosives and bulk petroleum products),

Between points and places in Barton, Ellsworth, Rice, Reno, Saline, McPherson, Harvey, Sedgwick and Marion counties.

Also.

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

\*\*\*\*

### Applications set for January 23, 1986

# Application for Extension of Certificate of Convenience and Necessity:

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, feed, feed ingredients, fertilizer, hay, salt, machinery, livestock, fencing materials and construction materials,

Between points and places in Barton, Ellsworth, Rice, Reno, Saline, McPherson, Harvey, Sedgwick, Dickinson and Marion counties.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

### Grain,

Between points and places in Shawnee, Lyon and Wyandotte counties.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

### Livestock,

Between points and places in Pratt County, Kansas. Also,

Between points and places in Pratt County, on the one hand, and points and places in the state of Kansas, on the other hand.

Gasoline and diesel fuel,

Between points and places in McPherson County, Kansas.

# Application for Extension of Certificate of Convenience and Necessity:

Joe N. Colletti, dba
Colletti Trucking
320 Ingalls
P.O. Box 405
Tribune, KS 67879

Applicant's Attorney: Erle Francis, 719 Capitol

Federal Building, Topeka, KS 66603

Livestock and unprocessed farm commodities,

Between all points and places in the counties of Wallace, Logan, Gove, Greeley, Wichita, Scott, Lane, Hamilton, Kearny and Finney.

And,

Between all points and places in the counties of Wallace, Logan, Gove, Greeley, Wichita, Scott, Lane, Hamilton, Kearny and Finney, on the one hand, and all points and places in Kansas, on the other.

# Application for Certificate of Convenience and Necessity:

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

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

Between points and places in Saline, McPherson, Marion, Reno, Harvey, Pratt, Kingman, Sedgwick, Butler, Harper, Sumner, Cowley, Shawnee and Wyandotte counties, Kansas.

Also.

Between points and places in the above described territory, on the one hand, and all points and places in the state of Kansas, on the other hand.

WILLIAM E. GREEN Administrator Transportation Division

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