

Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 10

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In this issue . . .

	Page
Kansas Planning Council on Developmental Disabilities Services	
Notice of meeting	296
State Emergency Response Commission	
Notice of meeting	296
Wichita State University	
Notice to bidders	296
Department of Administration	
Notice of commencement of negotiations for technical services	296
Notice of commencement of negotiations for architectural services	297
State Board of Technical Professions	
Notice of meeting	297
Secretary of State	
Usury rate for March	297
Executive appointments	297
Kansas Private Industry Council	
Public notice	298
Attorney General	
Opinions No. 92-28 and 92-29	298
Notice to bidders for state purchases	299
Department of Transportation	
Notice to consulting engineers	300
State Corporation Commission	
Notice of motor carrier hearings	300
Social and Rehabilitation Services	
Request for proposals	302
Legislative bills introduced February 20-26	302
Department of Health and Environment	
Request for comments	306
Notice concerning Kansas water pollution control permits	306
State Board of Regents	
Notice of hearing on proposed traffic regulations at:	
Wichita State University	308
Kansas State University	309
Kansas State University-Salina	309
University of Kansas	309
Fort Hays State University	310
University of Kansas Medical Center	311
Notice of Bond Sale	
City of McPherson	311
Notice of Bond Redemption	
Coffeyville Community Junior College District (corrected)	314
U.S.D. 362, Linn County	314
City of Manhattan	314
New State Laws	
Senate Bill 498, relating to certain fees and receipts collected by legislative agencies	315
Senate Bill 437, relating to cemetery districts	316
Permanent Administrative Regulations	
Department of Corrections	316
Index to administrative regulations	337

State of Kansas

**Kansas Planning Council on
Developmental Disabilities Services**

Notice of Meeting

The Kansas Planning Council on Developmental Disabilities Services will meet at 10 a.m. Thursday, March 26, in Room 452-West, Docking State Office Building, 915 S.W. Harrison, Topeka.

John F. Kelly
Executive Director

Doc. No. 011671

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 technical services for acoustical services at the Educational Communications Center at Kansas State University. Services will include performing sound tests on the studio and audio booths of the facility.

Any questions or expressions of interest should be directed to Pat Tryon, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before March 20. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 011675

State of Kansas

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Tuesday, March 17, in the Board of Agriculture board room, first floor, Mills Building, 109 S.W. 9th, Topeka.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011693

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following items:

Closing March 18, 1992

**Quotation #920375-1
Ultracentrifuge**

Closing March 19, 1992

**Quotation #910379-1
Fraction collector**

Bids must be submitted to The Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67208, by 2 p.m. C.S.T. on the above specified closing dates. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link
Director of Purchasing

Doc. No. 011691

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State of Kansas

Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet Thursday, March 19, and Friday, March 20, at the board office, Room 507, Landon State Office Building, 900 S.W. Jackson, Topeka. The Architect and Landscape Architect Committee will meet at 10 a.m. March 19 and at 8 a.m. March 20. The Professional Engineer and Land Surveyor Committee will meet at 8 a.m. March 20.

The full board will meet at the conclusion of the committee meetings March 20. All meetings are open to the public.

Betty L. Rose
Executive Secretary

Doc. No. 0011674

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of Negotiations
for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services related to the design and construction of a new Cancer Diagnostic and Treatment Center on the Medical Center campus of the University of Kansas. The basic premise of the new cancer center facilities is to focus upon the patient. All diagnostic, therapeutic, consultative and support services are to be provided in one pleasant setting. This premise dictates a design which will result in a facility with a unique identity, an inviting and warm character in keeping with the architectural traditions of the Medical Center, and be rich with amenities to counter the stress and discomfort of cancer diagnosis and treatment.

The facility will include the following: Medical Oncology Unit, Day Surgery Suite, Pharmacy, Laboratory and Imaging, and Administrative/Support Services. The project location will be on top of the existing Radiation Therapy facility and consist of a five-story addition to that building. The new cancer center will be a unique design opportunity for the architect and their consultants.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Deputy Director of Planning & Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before March 20. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 011682

State of Kansas

Secretary of State

Usury Rate for March

Pursuant to the provisions of K.S.A. 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 March 1, 1992, through March 31, 1992, is 10.10 percent.

Bill Graves
Secretary of State

Doc. No. 011670

State of Kansas

Secretary of State

Executive Appointments

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 officers are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office.

The following appointments were filed February 24-28:

Acting Secretary of Administration

John Hennessy, 316 St. James, Wichita 67206. Serves at the pleasure of the Governor. Succeeds James R. Cobler, appointment withdrawn.

Advisory Council on Aging

Bert Blank, Public Service Area No. 3 Appointee, Delaware Region Foundation, 398 7th St., Phillipsburg 67661. Term expires June 30, 1994. Succeeds Vernon Mickey.

State Building Advisory Commission

Stan Peterson, Architect Appointee, 4629 S.E. Oak Bend Drive, Topeka 66609. Term expires December 31, 1995. Succeeds Carl Ossmann.

Kansas Commission on Children,
Youth and Families

Ruby Lontena Gentry, 2401 S.E. Kentucky, Topeka 66605. Serves at the pleasure of the Governor. New position.

Connie Stucky, Western Kansas Foundation for Alcohol and Chemical Dependency, 146 E. Chestnut, Garden City 67846. Serves at the pleasure of the Governor. New position.

Kansas Development Finance Authority

William F. Caton, Acting President, P.O. Box 119, Auburn 66402. Serves at the pleasure of the Governor. Succeeds James F. Cobler.

Bill Graves
Secretary of State

State of Kansas

Private Industry Council

Public Notice

The Kansas Private Industry Council of Service Delivery Area (SDA) III is submitting a two-year Job Training Plan to the Governor of Kansas through the Kansas Department of Human Resources. Funding for this plan is through Title IIA of the Job Training Partnership Act (JTPA), which is designed to provide training to economically disadvantaged adults and youth.

The respective program years are July 1, 1992, to June 30, 1993 (PY 92), and July 1, 1993 to June 30, 1994 (PY 93). The funding level for PY 92 is \$1,624,149.

The SDA plans to serve an estimated 600 eligible adults and youth during PY 92. The plan will become effective July 1, 1992. The purpose of JTPA is to prepare unskilled adults and youth for entry into the labor force and to afford job training to economically disadvantaged individuals and other individuals having serious barriers to employment who are in special need of such training to obtain productive employment. Authorized activities include, but are not limited to, job search assistance, job counseling, remedial education and basic skills training, occupational skill training and on-the-job training.

The Kansas Private Industry Council of SDA III is also submitting to the Governor through the Kansas Department of Human Resources a Title IIB Summer Youth Employment and Training Plan as a sub-part of the Title IIA plan.

The respective program years are October 1, 1991, to September 30, 1992 (PY 91), and October 1, 1992, to September 30, 1993 (PY 92). The funding level for PY 91 (the summer of 1992) is \$789,144. The SDA plans to serve an estimated 475 eligible youth during the summer of 1992. Funding for the Summer Youth Employment and Training program is through Title IIB of the Job Training Partnership Act, which is designed to provide economically disadvantaged youth, ages 14-21, facing serious barriers to employment, with exposure to the world of work and the enhancement of basic educational skills.

The Kansas Private Industry Council of SDA III will also submit to the Governor through the Kansas Department of Human Resources a Title III Economic Dislocation and Workers Adjustment Act (EDWAA) Plan, as a sub-part of the Title IIA two-year plan. The respective program years are July 1, 1992, to June 30, 1993 (PY 92), and July 1, 1993 to June 30, 1994 (PY 93). The funding level for PY 92 is estimated to be \$361,957. The SDA plans to serve approximately 135 eligible participants during PY 92. The purpose of EDWAA is to meet the needs of workers who have been terminated, laid off or have received a notice of termination or layoff due to a permanent closure or substantial layoff at a plant or facility by providing retraining, job search assistance and other aids for dislocated workers.

There is a 30-day review and comment period for the proposed plan.

The full IIA plan and its Title IIB and Title III sub-parts are available at the following location and may be reviewed upon request. Questions and comments may be directed to the Kansas Private Industry Council, Inc., Service Delivery Area III, 717 Gateway Center Tower II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

Ann Conway
Executive Director

Doc. No. 011673

State of Kansas

Attorney General

Opinion No. 92-28

Public Records, Documents and Information—Records Open to Public—Procedures for Obtaining Access to or Copies of Records. Senator Nancy Parrish, 19th District, Topeka, February 24, 1992.

If a public record is not closed or its use limited, a public agency may only require a written request, advance payment of prescribed fees and proof of the requestor's identity prior to granting access to or copies of such open public records. A public agency may adopt procedures designed to safeguard public records and minimize disruption of public business and may supply a form for requesting records as a means of facilitating the process. However, the agency may not require that a written request for an open public record be made in a certain form prior to granting access to or copies of such records. However, if the requested record's use is limited pursuant to K.S.A. 21-3914 or K.S.A. 1991 Supp. 45-221, a public agency may also require a notarized statement attesting to the matters set forth in K.S.A. 45-220(c)(1) or (2). Cited herein: K.S.A. 21-3914; 45-215; 45-217; 45-219; 45-220; K.S.A. 1991 Supp. 45-221; 53-101. TMN

Opinion No. 92-29

Crimes and Punishments—Crimes Against Persons—Assault; Battery; Prosecution for Intentional Exposure to Human Immunodeficiency Virus (HIV). Senator Wint Winter, Jr., 2nd District, Lawrence, February 24, 1992

The present assault and battery statutes are not adequate to prosecute an HIV infected individual who engages in conduct defined in 42 U.S.C.S. § 300ff-47. Senate Bill No. 287 with its proposed amendments would allow such a prosecution. Senate Bill No. 358 which redefines the crime of battery, combined with the criminal attempt statute when appropriate, may permit such a prosecution. Cited herein: K.S.A. 1991 Supp. 21-3301; K.S.A. 21-3408; 21-3412; 21-3414; 42 U.S.C.S. § 300ff-41; 42 U.S.C.S. § 300ff-47. CN

Robert T. Stephan
Attorney General

Doc. No. 011686

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the purchase of the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, March 16, 1992

28797

Kansas Bureau of Investigation—Janitorial Services
91351

Division of Printing—Window envelopes—OS219,
OS200A

91352

Department of Transportation—Type II delineator
post, Chanute

91353

Department of Transportation—Building materials

Tuesday, March 17, 1992

A-6699

Youth Center at Atchison—Various mechanical
projects

27625 (Supp.)

Statewide—Printers, microcomputers

28789

University of Kansas Medical Center—
Photographic film processing and printing

28795

Kansas State University—April (1992) meat
products

28798

Statewide—Flexible disks

91364

Department of Transportation—Concrete
accessories

91365

University of Kansas—Diskless workstation and
engineering workstation servers

91366

Department of Transportation—Oscilloscope,
Hutchinson

91393

Youth Center at Atchison—Reach-in refrigerator
and rack-style dishwasher

Wednesday, March 18, 1992

A-6813

Emporia State University—Lightning protection for
William Allen White Library

A-6826

Department of Administration—Card shop
remodeling, Docking State Office Building

28748

Statewide—Cautery pads and pencils

28794

Department of Transportation—Cleaner/degreaser

28796

Kansas State University—Subtractive plates and
chemistry

91381

Kansas State University—Tractor, Chetopa

91382

Kansas State University—Imagesetters

91391

Lansing Correctional Facility—Fencing materials

Thursday, March 19, 1992

28770

Statewide—Bicarbonate hemodialysis concentrate

28771

Statewide—Home dialysis supplies

28793

Wichita State University—Janitorial supplies

91404

Kansas State University—Unix workstations

91405

University of Kansas Medical Center—Furnish all
labor and material to disconnect pump

91406

Pittsburg State University—Remove and replace
dish conveyor system

91407

Kansas State University—Carpet

Friday, March 20, 1992

28790

University of Kansas Medical Center—Diagnostics
and therapeutic drug screening items

28792

Winfield State Hospital and Training Center—
Dishwashing supplies

91392

Wichita State University—Furnish and install
professional audio system

91419

Wichita State University—Mechanical shear

91424

Pittsburg State University—Skid steer loader

91425

Department of Human Resources—Warrant forms

91427

Kansas State University—Renovation of theater
chairs

91428

Kansas Bureau of Investigation—AS400 disk drive,
controller, and maintenance

91429

Department of Transportation—Facsimile machines,
various locations

91430

Kansas State University—Auditorium seating

Monday, March 23, 1992

91426

Topeka Correctional Facility—Furnish and install
door alarm system

Jack R. Shipman
Director of Purchases

Doc. No. 011690

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consultant engineering firm for the development of a "State Airport Systems Plan." Responses must be received by March 12 from the consultant engineering firms wishing to be considered. Seven signed copies of responses need to be mailed to Al Cathcart, P.E., Project Control Engineer, Office of Engineering Support, Kansas Department of Transportation, 7th Floor, Docking State Office Building, Topeka 66612. The project number is P-0610-03.

In December 1982, the Kansas Department of Transportation initiated the Kansas Aviation Systems Planning Program. The program has evolved through a series of phases, resulting in a continuing planning process and a system of annual input to the National Plan of Integrated Airport Systems. The Kansas Department of Transportation desires to continue the Airport Systems Planning Program. The Basis Work Program for the consultant engineering firm will be to:

- 1) Participate in preparing a detailed work program;
- 2) Perform a series of tasks designed to produce an annual update of the Kansas Aviation Systems Plan, and
- 3) Prepare a series of special studies that will provide guidance for planning and policy decisions at both state and local levels (examples include studies on commercial air transportation, ground access and economic impact of the airport system).

From firms expressing interest, KDOT will select a list of the most qualified (not less than three, nor more than five) and invite them to attend a preproposal conference. Firms not selected will be notified by letter. A negotiating committee, appointed by the Secretary of Transportation, will conduct discussions with selected firms and will negotiate a contract with the number one ranked firm. After a final contract has been executed the remaining firms will be notified by letter.

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

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

It is not necessary to respond to this request of interest to ensure being considered for future projects.

Michael L. Johnston
Secretary of Transportation

Doc. No. 011652

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for March 24, 1992

Application for Transfer of Certificate of Convenience and Necessity:

Banks Construction Co., Inc.) Docket No. 146,319 M
P.O. Box 995)
El Dorado, KS 67042) MC ID No. 119143
To:
Banks Companies, Inc.
P.O. Box 995
El Dorado, KS 67042

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Commodities in bulk (except flour and crude oil),
Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Raymond O. and) Docket No. 177,592 M
Jayne A. Eves, dba)
R. O. Eves Trucking)
1206 Pincrest) MC ID No. 141284
Garden City, KS 67846

Applicant's Attorney: None

Livestock, packinghouse products and by-products,
Between points and places in Wallace, Greeley, Hamilton, Stanton, Morton, Stevens, Grant, Kearny, Wichita, Scott, Finney, Haskell, Seward, Meade, Gray, Lane, Ness, Hodgeman, Ford, Clark, Comanche, Kiowa, Edwards, Pawnee, Rush, Barton, Stafford, Pratt, Barber, Reno, McPherson, Sedgwick, Wyandotte, Leavenworth, Lyon, Rice, Cowley and Chautauqua counties, Kansas, on the one hand, and the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

First Class Cartage, Inc.) Docket No. 179,719 M
 9900 Pflumm, Suite 20)
 Lenexa, KS 66215) MC ID No. 139636

Applicant's Attorney: Coni Beal, 7110 Fonticello,
 Prairie Village, KS 66208

General commodities (except household goods, commodities in bulk, classes A and B explosives and hazardous materials),
 Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Heath & Son & Turpin) Docket No. 179,720 M
 Trucking, Inc.)
 313 S. 5th)
 Lamar, CO 81052) MC ID No. 100971

Applicant's Attorney: William Barker, 3401 Harrison,
 Topeka, KS 66611

Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, livestock, salt, seed, building and construction materials, machinery, and equipment (restricted against the transportation of hazardous materials),

Between all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Robert L. McEndree, dba) Docket No. 82,936 M
 Bob's Body Shop)
 13307 Walnut)
 Lenexa, KS 66215) MC ID No. 100878

TO:
 Alice I. McEndree and
 Roger W. Whitney, dba
 Bob's Body Shop
 13307 Walnut
 Lenexa, KS 66215

Applicant's Attorney: None

Wreck and disabled motor vehicles,

Between points and places in Douglas, Shawnee, Jefferson, Atchison, Leavenworth, Wyandotte, Johnson, Franklin and Miami counties, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Metro Courier Service, Inc.) Docket No. 147,063 M
 1309 N. Mosley)
 Wichita, KS 67214) MC ID No. 122286

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

General commodities (except classes A and B explosives, commodities in bulk, household goods and hazardous materials),

Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Priority Air Courier, Inc.) Docket No. 131,118 M
 211 E. Marley)
 Kansas City, KS 66115) MC ID No. 104185

Applicant's Attorney: Bob Storey, Shadow Wood Office Park, 5863 S.W. 29th, Topeka, KS 66614-2493

General commodities, no one parcel exceeding 100 pounds, total weight per vehicle not exceeding 750 pounds (restricted, however, to transport no hazardous materials),

Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Dee Roberts, dba) Docket No. 166,742 M
 Roberts Trucking)
 Route 1, Box 63X)
 Savonburg, KS 66772) MC ID No. 134449

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

Livestock, grain, hay, dry feed, dry feed ingredients, salt, seeds, crude oil, dry fertilizer (except ammonium nitrate), dry fertilizer ingredients, building and construction materials, fencing materials and machinery,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

L. J. Roberts, Jr., dba) Docket No. 179,721 M
 Roberts & Son)
 8516 S. Netherland Road)
 Sylvia, KS 67581) MC ID No. 143465

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

Livestock, hay, grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer (except ammonium nitrate), building and construction materials, fencing materials, iron and steel articles, machinery and pipe,

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Clay, Dickinson, Marion, Butler, Cowley, Marshall, Riley, Pottawatomie, Geary, Wabaunsee, Morris, Chase, Lyon, Greenwood, Elk and Chautauqua counties.

Also,

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

Don Carlile
 Administrator
 Transportation Division

Doc. No. 011684

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services is soliciting grant proposals from private or public agencies for a minimum of 12 one-day training conferences about child sexual abuse for new and experienced investigative workers, including child protection workers, law enforcement officers and mental health practitioners, to be held throughout the state.

Training will be presented by a qualified trainer and consultant and will include court preparation (testifying and court strategies), victims of ritualistic abuse, management of divorce custody investigations and out-of-home placements of the sexually abused child, including sexually aggressive children.

Details of the request for proposals are available from the grants coordinator, Community Resource Development, SRS Youth and Adult Services, Smith-Wilson Building, 300 S.W. Oakley, Topeka 66606, (913) 296-4645. Responses to the request are due no later than 5 p.m. Friday, March 27.

Carolyn Risley Hill
Acting Commissioner
Youth and Adult Services

Doc. No. 011689

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1992 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced February 20-26:

House Bills

HB 3075, by Committee on Education: An act enacting the school district finance act; amending K.S.A. 12-1677, 12-1742, 72-4442, 72-8812, 72-9603, 72-9604, 79-2201 and 79-2929a and K.S.A. 1991 Supp. 31-144, 72-978, 72-3703, 72-4437, 72-6757, 72-7081, 72-8230, 72-8233, 72-8803, 72-9502, 72-9504 and 79-5109, and repealing the existing sections; also repealing K.S.A. 72-7030, 72-7031, 72-7032, 72-7035, 72-7036, 72-7044, 72-7048, 72-7049, 72-7051, 72-7052, 72-7057, 72-7058, 72-7060, 72-7061, 72-7063a, 72-7065, 72-7066, 72-7072, 72-7074, 72-7075, 72-7076, 72-7077, 72-7078, 72-8159, 72-8160, 72-8161, 72-8162, 72-8163, 72-8806, 72-8809, 72-9505, 72-9506, 72-9605, 72-9606, 72-9607 and 72-9608 and K.S.A. 1991 Supp. 72-3702, 72-3704, 72-3705, 72-3706, 72-3707, 72-3708, 72-3709, 72-7033, 72-7034, 72-7037, 72-7038, 72-7039, 72-7040, 72-7041, 72-7042, 72-7043, 72-7045, 72-7046a, 72-7047, 72-7050, 72-7053, 72-7054, 72-7055, 72-7056, 72-7059, 72-7062, 72-7063, 72-7064, 72-7067, 72-7068, 72-7071, 72-8184, 72-8801, 72-8804, 72-8805, 72-8807, 72-8808, 72-8810, 72-8813, 72-9507 and 72-9508.

HB 3076, by Committee on Education: An act concerning school districts; affecting the definitions of parent and person acting as parent for purposes of determining school district residence and provision of special education services; amending K.S.A. 1991 Supp. 72-962 and 72-1046, and repealing the existing sections.

HB 3077, by Committee on Education: An act concerning proprietary schools; establishing the student protection fund; providing

for the sources and use of the fund; affecting the purposes for which surety bonds are maintained; amending K.S.A. 72-4932 and repealing the existing section.

HB 3078, by Committee on Education: An act concerning school districts; relating to employees thereof; amending K.S.A. 72-1390 and K.S.A. 1991 Supp. 72-1106, and repealing the existing sections.

HB 3079, by Committee on Agriculture: An act concerning weights and measures; relating to dispensing compressed natural gas; amending K.S.A. 83-202 and 83-211 and repealing the existing sections.

HB 3080, by Committee on Taxation: An act concerning publication of delinquent tax notices; amending K.S.A. 79-2303 and K.S.A. 1991 Supp. 19-547 and 79-2001 and repealing the existing sections.

HB 3081, by Committee on Appropriations: An act repealing K.S.A. 46-1208a and 46-1208b; relating to the legislative educational planning committee.

HB 3082, by Committee on Judiciary: An act concerning limited liability agricultural companies; amending K.S.A. 1991 Supp. 17-5903 and 17-5904 and repealing the existing sections.

HB 3083, by Committee on Legislative, Judicial and Congressional Apportionment: An act concerning state representative districts; providing for the reapportionment thereof; repealing K.S.A. 4-3,401 through 4-3,529.

HB 3084, by Committee on Federal and State Affairs: An act concerning the Kansas national guard; relating to pay; amending K.S.A. 1991 Supp. 48-225 and repealing the existing section.

HB 3085, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the Kansas lottery, the office of executive director of the Kansas lottery, and the Kansas lottery commission; amending K.S.A. 1991 Supp. 74-7279 and repealing the existing section.

HB 3086, by Committee on Transportation: An act relating to driver licenses; concerning lost or destroyed licenses; amending K.S.A. 8-243 and 8-246 and repealing the existing sections.

HB 3087, by Committee on Judiciary: An act concerning probate; relating to intestate succession; creating exceptions for who will take property; amending K.S.A. 59-504 and 59-505 and K.S.A. 1991 Supp. 59-401 and 59-403 and repealing the existing sections.

HB 3088, by Committee on Computers, Communications and Technology: An act concerning acquisition of data processing equipment and services for state agencies; requiring needs analyses; prescribing powers, duties and functions for the secretary of administration; amending K.S.A. 75-37,102, 75-4706 and 75-4707 and repealing the existing sections.

HB 3089, by Committee on Computers, Communications and Technology: An act defining cable television service companies as public utilities subject to jurisdiction of the state corporation commission; authorizing certain rules and regulations; amending K.S.A. 66-104 and repealing the existing section.

HB 3090, by Committee on Computers, Communications and Technology: An act concerning state officers and employees; relating to certain alcohol and drug testing procedures; amending K.S.A. 75-4362 and 75-4363 and repealing the existing sections.

HB 3091, by Committee on Local Government: An act concerning recreation commissions; relating to levies thereof; amending K.S.A. 12-1927 and repealing the existing section.

HB 3092, by Committee on Education: An act establishing the Kansas school board development program.

HB 3093, by Committee on Governmental Organization: An act concerning the Kansas sunset law; subjecting the state board of agriculture and the office of secretary of the state board of agriculture to the provisions thereof; amending K.S.A. 1991 Supp. 74-503 and repealing the existing section.

HB 3094, by Committee on Taxation: An act relating to taxation of income; providing a subtraction modification for certain amounts paid under the federal civil liberties act of 1988 in computing Kansas adjusted gross income; amending K.S.A. 1991 Supp. 79-32,117 and repealing the existing section.

HB 3095, by Committee on Commercial and Financial Institutions: An act concerning the uniform consumer credit code; relating to the notice of right to cure; amending K.S.A. 16a-5-110 and 16a-5-111 and repealing the existing sections.

HB 3096, by Committee on Judiciary: An act concerning crimes and punishments; relating to first degree murder; amending K.S.A. 1991 Supp. 21-3401 and repealing the existing section.

HB 3097, by Committee on Judiciary: An act concerning crimes and punishments; relating to harassment by telephone; amending K.S.A. 21-4113 and repealing the existing section.

HB 3098, by Committee on Judiciary: An act establishing a state march; and repealing K.S.A. 73-801.

HB 3099, by Committee on Judiciary: An act concerning grand juries; relating to the number of required signatures on a petition; amending K.S.A. 22-3001 and repealing the existing section.

HB 3100, by Committee on Judiciary: An act concerning fines for traffic offenses; relating to payment thereof; amending K.S.A. 8-2118 and repealing the existing section.

HB 3101, by Committee on Appropriations: An act concerning adult care homes; license of administrators; fees; amending K.S.A. 65-3502 and 65-3505 and K.S.A. 1991 Supp. 65-3503 and 65-3504 and repealing the existing sections.

HB 3102, by Committee on Governmental Organization: An act relating to podiatry; providing for establishment and appointment of a review committee; abolishing the advisory committee on podiatry; amending K.S.A. 74-2807 and repealing the existing section.

HB 3103, by Committee on Labor and Industry: An act concerning the state health care benefits program; relating to composition of the Kansas state employees health care commission; amending K.S.A. 75-6502 and repealing the existing section.

HB 3104, by Committee on Judiciary: An act concerning criminal procedure; relating to the stopping of a suspect; amending K.S.A. 1991 Supp. 22-2402 and repealing the existing section.

HB 3105, by Committee on Judiciary: An act concerning civil procedure; relating to depositions and interrogatories.

HB 3106, by Committee on Judiciary: An act enacting the medical support enforcement act.

HB 3107, by Committee on Judiciary: An act concerning insurance; relating to uninsured motorist coverage; amending K.S.A. 1991 Supp. 40-284 and repealing the existing section.

HB 3108, by Committee on Judiciary: An act concerning intoxicating liquors and beverages; relating to open containers; amending K.S.A. 41-804 and 41-2719 and repealing the existing sections.

HB 3109, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing the provisions thereof in existence; amending K.S.A. 74-7245 and repealing the existing section.

HB 3110, by Committee on Education: An act relating to taxation; exempting certain property of school district interlocal cooperatives from ad valorem taxes levied under state law; amending K.S.A. 79-201 and repealing the existing section.

HB 3111, by Committee on Education: An act repealing K.S.A. 1991 Supp. 72-8185 and 72-8186, relating to enrollment in unified school districts No. 260 and No. 385 for certain determinations under the school district equalization act for the 1991-92 school year.

HB 3112, by Committee on Education: An act concerning school districts; affecting the computation of state transportation aid; amending K.S.A. 1991 Supp. 72-7047 and repealing the existing section; also repealing K.S.A. 1991 Supp. 72-7039.

HB 3113, by Committee on Education: An act enacting the interagency provision of services for children, adolescents and families act.

HB 3114, by Committee on Federal and State Affairs: An act concerning bingo; relating to instant bingo; levying certain taxes; amending K.S.A. 79-4701, 79-4706, 79-4710 and 79-4711 and repealing the existing sections.

HB 3115, by Committee on Economic Development: An act repealing K.S.A. 1991 Supp. 32-964; relating to the regulation of commercial guide services.

HB 3116, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to the application of certain provisions covered by certain provisions of collective bargaining agreements; amending K.S.A. 44-505 and K.S.A. 1991 Supp. 44-508, 44-510 and 44-510g and repealing the existing sections.

HB 3117, by Committee on Labor and Industry: An act concerning the Kansas civil service act; relating to dismissals, demotions, suspensions and other discipline of persons in the classified service; prescribing certain limitations and guidelines therefor; amending K.S.A. 75-2949 and repealing the existing section.

HB 3118, by Committee on Judiciary: An act concerning controlled substances; relating to forfeiture; amending K.S.A. 1991 Supp. 65-4135, 65-4158, 65-4171, 65-4172, 65-4173 and 65-4174 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 65-4156.

HB 3119, by Committee on Judiciary: An act concerning civil procedure; relating to wage garnishment; amending K.S.A. 1991 Supp. 60-2310 and repealing the existing section.

HB 3120, by Committee on Judiciary: An act concerning community corrections; relating to county grants; amending K.S.A. 75-52,105 and repealing the existing section.

HB 3121, by Committee on Judiciary: An act concerning criminal procedure; relating to authorized dispositions; amending K.S.A. 21-4610a and 21-4611 and K.S.A. 1991 Supp. 21-4603 and repealing the existing sections.

HB 3122, by Committee on Judiciary: An act concerning children; relating to the termination of parental rights and adoption; amending K.S.A. 1991 Supp. 38-1583, 59-2114, 59-2118, 59-2124 and 59-2136 and repealing the existing sections.

HB 3123, by Committee on Judiciary: An act concerning criminal procedure; assessing a laboratory analysis fee in certain cases.

HB 3124, by Committee on Judiciary: An act concerning elections; relating to petitions; amending K.S.A. 1991 Supp. 25-3602 and repealing the existing section.

HB 3125, by Committee on Judiciary: An act concerning the Kansas animal dealer act; amending K.S.A. 1991 Supp. 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-1723, 47-1724, 47-1725, 47-1726, 47-1727 and 47-1731 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 47-1719 and 47-1722.

HB 3126, by Committee on Public Health and Welfare: An act concerning dentistry; relating to the delegation of certain acts; concerning the practice of dental hygiene; authorizing delegation of certain dental acts to dental assistants; amending K.S.A. 65-1423 and 65-1456 and repealing the existing sections.

HB 3127, by Committee on Public Health and Welfare: An act prohibiting certain patient referrals by a physician; declaring certain acts to be misdemeanors and providing penalties therefor.

HB 3128, by Committee on Economic Development: An act concerning economic development; relating to the trade show promotion act; reviving and amending K.S.A. 1991 Supp. 74-5075, 74-5076, 74-5077, 74-5078, 74-5079, 74-5080 and 74-5081 and repealing the revived sections.

HB 3129, by Committee on Local Government: An act concerning counties; relating to boards of county commissioners; amending K.S.A. 19-202 and 19-204 and K.S.A. 1991 Supp. 19-203 and repealing the existing sections.

HB 3130, by Committee on Local Government: An act concerning municipalities; relating to lease-purchase agreements; amending K.S.A. 10-1116c and repealing the existing section.

HB 3131, by Committee on Economic Development: An act authorizing Wichita state university and the Wichita area vocational technical school to establish a collaborative postsecondary educational program offering associate of applied science degrees.

HB 3132, by Committee on Transportation: An act relating to roads and highways; providing for the erection of Veterans Administration medical center signs.

HB 3133, by Committee on Transportation: An act relating to vehicles; concerning the width of certain loads; relating to special permits; amending K.S.A. 8-1902, 8-1911 and 8-1914 and repealing the existing sections.

HB 3134, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to postretirement benefit increase.

HB 3135, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to postretirement benefit increase; amending K.S.A. 1991 Supp. 74-4920 and repealing the existing section.

HB 3136, by Committee on Governmental Organization: An act concerning the state school for the visually handicapped; changing the name thereof to the state school for the blind; amending K.S.A. 72-7518b, 76-172, 76-1101, 76-1101a, 76-1101b, 76-1102, 76-1102a, 76-1115, 76-1116, 76-11a03 and 76-11a04 and repealing the existing sections.

HB 3137, by Committee on Governmental Organization: An act establishing the Kansas commission of fire, emergency response and safety; prescribing the composition, powers and duties of the commission.

HB 3138, by Committee on Governmental Organization: An act establishing a department of public safety; providing for the ap-

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pointment of a secretary of public safety; prescribing powers, duties and functions of the secretary and department; abolishing certain state agencies and transferring powers, duties and functions thereof to the department.

HB 3139, by Committee on Education: An act establishing the joint committee on school district finance and quality performance.

HB 3140, by Committee on Judiciary: An act concerning children; relating to adoption and grandparents' visitation; amending K.S.A. 38-129 and K.S.A. 1991 Supp. 59-2118 and repealing the existing sections.

HB 3141, by Committee on Judiciary: An act concerning costs in criminal cases; relating to the payment of such costs; amending K.S.A. 22-3801, 75-6202, 75-6204 and 75-6206 and repealing the existing sections.

HB 3142, by Committee on Judiciary: An act concerning criminal procedure; developing a field service officers training program.

HB 3143, by Committee on Judiciary: An act concerning criminal procedure; relating to the development of a uniform database of offender information.

HB 3144, by Committee on Judiciary: An act concerning criminal procedure; relating to field service agencies.

HB 3145, by Committee on Judiciary: An act concerning trials; relating to court statements made to the jurors.

HB 3146, by Committee on Judiciary: An act concerning the enforcement of county codes and resolutions; providing for judicial powers to compel appearances; amending K.S.A. 19-4718 and K.S.A. 1991 Supp. 20-310a and repealing the existing sections.

HB 3147, by Committee on Judiciary: An act creating county school attendance review boards; relating to the powers and duties thereof.

HB 3148, by Committee on Judiciary: An act concerning sports collectibles; relating to their authenticity.

HB 3149, by Committee on Judiciary: An act concerning industrial districts; relating to the powers and duties thereof; amending K.S.A. 19-3808 and repealing the existing section.

HB 3150, by Committee on Judiciary: An act concerning the probate code; relating to secured demands; amending K.S.A. 59-1303 and repealing the existing section.

HB 3151, by Committee on Judiciary: An act concerning open containers; relating to the transport thereof; amending K.S.A. 8-2106, 12-4419 and 12-4509 and K.S.A. 1991 Supp. 21-4502, 22-2909, 38-1563 and 38-1663 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 38-1663b.

HB 3152, by Committee on Judiciary: An act concerning the general corporation code of Kansas; amending K.S.A. 17-6003, 17-6009, 17-6203, 17-6204, 17-6205, 17-6206, 17-6301, 17-6302, 17-6401, 17-6418, 17-6422, 17-6423, 17-6506, 17-6508, 17-6513, 17-6515, 17-6601, 17-6602, 17-6605, 17-6701, 17-6702, 17-6703, 17-6704, 17-6705, 17-6706, 17-6707, 17-6804, 17-6805, 17-6913, 17-7001, 17-7204 and 17-7302 and K.S.A. 1991 Supp. 17-6002 and 17-7002 and repealing the existing sections.

HB 3153, by Committee on Energy and Natural Resources: An act amending the Kansas storage tank act; amending K.S.A. 1991 Supp. 65-34,119 and 65-34,120 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 65-34,119a.

HB 3154, by Committee on Elections: An act relating to elections; concerning petitions; amending K.S.A. 1991 Supp. 25-205, 25-303, 25-2311 and 25-3602 and repealing the existing sections.

HB 3155, by Committee on Public Health and Welfare: An act concerning dentistry; authorizing the delegation of certain acts to dental assistants; amending K.S.A. 74-1404 and repealing the existing section.

HB 3156, by Committee on Public Health and Welfare: An act providing for the certification of facilities which provide services and care for persons with Alzheimer's disease and related disorders; providing for a demonstration program to determine the feasibility and effectiveness of this type of facility for the care of such persons; granting certain powers to and imposing certain duties upon the secretary of social and rehabilitation services.

HB 3157, by Committee on Transportation: An act relating to emergency vehicles; concerning the designation thereof; amending K.S.A. 8-1404 and 8-2010 and repealing the existing sections.

HB 3158, by Committee on Labor and Industry: An act enacting the Kansas occupational safety and health act; prescribing certain powers, duties and functions for the secretary of human resources; duties of employers and employees; relating to adoption of safety and health regulations; creating the occupational safety and health

review commission; prescribing penalties for certain violations of the act.

HB 3159, by Committee on Transportation: An act relating to wide-base single tires; providing certain prohibitions.

HB 3160, by Committee on Labor and Industry: An act concerning workers compensation; relating to certain limits on attorney fees; requiring certain disclosures in contracts and advertising for legal services; amending K.S.A. 1991 Supp. 44-536 and repealing the existing section.

HB 3161, by Committee on Labor and Industry: An act concerning the department of human resources; changing the name of the department to the department of labor; changing the name of the office of the secretary of human resources to the secretary of labor; renaming the human resources special projects fund as the labor special projects fund; amending K.S.A. 74-7261, 75-5701, 75-5702, 75-5705, 75-5708, 75-5710, 75-5712, 75-5713, 75-5714, 75-5716, 75-5722, 75-5723, 75-5724, 75-5727, 75-5730, 75-5731, 75-5734, 75-5735 and 75-5740 and K.S.A. 1991 Supp. 75-5733 and repealing the existing sections.

HB 3162, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to benefits thereunder; retirement; participating service; amending K.S.A. 75-6511 and K.S.A. 1991 Supp. 74-4914 and 74-4915 and repealing the existing sections.

HB 3163, by Committee on Economic Development: An act concerning economic development; relating to the Kansas development finance authority; establishing a standby loan participation program; prescribing certain guidelines; amending K.S.A. 1991 Supp. 74-8905 and repealing the existing section.

House Concurrent Resolutions

HCR 5049, A concurrent resolution designating March, 1992, as "Developmental Disabilities Awareness Month" in Kansas.

HCR 5050, A concurrent resolution urging the Secretary of Administration to complete a needs analysis of the personnel and payroll functions of the Department of Administration, including development of alternative solutions.

HCR 5051, A proposition to amend section 2 of article 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives.

HCR 5052, A proposition to amend section 2 of article 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives.

House Resolutions

HR 6042, A resolution congratulating and commending Brenda Anderson on her selection as the 1992 Kansas State Honey Queen.

HR 6043, A resolution congratulating and commending the Goddard High School boys' soccer team and Coaches Ken Warren and Rick Childs for winning the 1991-1992 Class 5A State Soccer Championship in Kansas.

HR 6045, A resolution congratulating and commending the Security Benefit Group of Companies on the celebration of its 100th anniversary.

Senate Bills

SB 709, by Committee on Public Health and Welfare: An act concerning the healing arts; relating to the expiration date of licenses and registrations issued; amending K.S.A. 65-2910 and K.S.A. 1991 Supp. 65-2005 and 65-2809 and repealing the existing sections.

SB 710, by Committee on Judiciary: An act establishing a state march; and repealing K.S.A. 73-801.

SB 711, by Committee on Judiciary: An act amending the farm animal and research facilities protection act; amending K.S.A. 1991 Supp. 47-1826, 47-1827 and 47-1828 and repealing the existing sections.

SB 712, by Committee on Ways and Means: An act concerning court fees in criminal actions; providing for disposition of such fees to the law enforcement training center fund; amending K.S.A. 1991 Supp. 20-362 and 28-172a and repealing the existing sections.

SB 713, by Committee on Elections: An act relating to the reapportionment of congressional and state senatorial and representative districts; determining when the legislature shall be deemed to have failed to act; and imposing certain duties upon legislative leaders if legislative districts are reapportioned by the courts.

SB 714, by Committee on Local Government: An act concerning the municipal judge training fund; amending K.S.A. 12-4116 and repealing the existing section.

SB 715, by Committee on Labor, Industry and Small Business: An act prescribing payment of minimum wages for public works projects of state agencies.

SB 716, by Committee on Economic Development: An act authorizing the secretary of administration to sell certain property in the city of Wichita.

SB 717, by Committee on Federal and State Affairs: An act providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 21-4201 and repealing the existing section.

SB 718, by Committee on Federal and State Affairs: An act concerning equity skimming; establishing civil and criminal penalties.

SB 719, by Committee on Agriculture: An act concerning animals; relating to quarantines and the definition of livestock; repealing the registration of syringe tranquilizer projectors; amending K.S.A. 1991 Supp. 47-624 and 47-1001 and repealing the existing sections; also repealing K.S.A. 47-1604 and K.S.A. 1991 Supp. 47-1601, 47-1602 and 47-1603.

SB 720, by Committee on Agriculture: An act concerning the Kansas animal dealers act; relating to the inspection of premises and the seizure and impoundment of animals; amending K.S.A. 1991 Supp. 47-1707, 47-1709 and 47-1712 and repealing the existing sections.

SB 721, by Committee on Assessment and Taxation: An act relating to property taxation; concerning the definition of public utility; amending K.S.A. 79-5a01 and repealing the existing section.

SB 722, by Committee on Public Health and Welfare: An act relating to insurance; requiring the commissioner of insurance to make certain reports regarding the development of uniform electronic data interchange formats and standards; amending K.S.A. 1991 Supp. 40-2253 and repealing the existing section.

SB 723, by Committee on Assessment and Taxation: An act relating to local retailers' sales taxes; authorizing certain cities to increase the rate thereof for economic development initiatives; amending K.S.A. 12-187, 12-188 and 12-189 and repealing the existing sections.

SB 724, by Committee on Transportation and Utilities: An act relating to driver licenses; concerning duplicate licenses; proof of identity; amending K.S.A. 8-246 and repealing the existing section.

SB 725, by Committee on Elections: An act relating to elections; concerning absentee voting; amending K.S.A. 25-1122 and repealing the existing section; and also repealing K.S.A. 25-1122e.

SB 726, by Committee on Elections: An act relating to elections; concerning statements of expenditures of candidates for election to office in certain political subdivisions of the state; amending K.S.A. 1991 Supp. 25-904 and repealing the existing section; and also repealing K.S.A. 1991 Supp. 25-904a.

SB 727, by Committee on Local Government: An act concerning townships; relating to the governing body thereof.

SB 728, by Committee on Judiciary: An act concerning charitable health care providers; amending K.S.A. 1991 Supp. 75-6102 and 75-6117 and repealing the existing sections.

SB 729, by Committee on Federal and State Affairs: An act defining military discrimination and providing penalties for violations.

SB 730, by Committee on Education: An act concerning the teaching profession; establishing a professional teaching board; providing for the composition, responsibilities and duties of the board; repealing K.S.A. 72-8501, 72-8503, 72-8504, 71-8505, 72-8508, 72-8510, 72-8511, 72-8512 and 72-8514 and K.S.A. 1991 Supp. 72-8502, 72-8506, 72-8507 and 72-8509.

SB 731, by Committee on Education: An act concerning educational institutions; relating to the issuance of revenue bonds for construction or acquisition of certain properties; amending K.S.A. 1991 Supp. 76-6a13 and repealing the existing section.

SB 732, by SRS Task Force, Re Proposal No. 19: An act concerning enforcement of support; relating to income withholding; amending K.S.A. 23-4,108, 23-4,109, 23-4,111, 23-4,126 and 23-4,136 and K.S.A. 1991 Supp. 23-4,107, 23-4,110, 23-4,113, 23-4,114 and 23-4,130 and repealing the existing sections.

SB 733, by Committee on Judiciary: An act concerning crimes and punishment; relating to sentencing for certain persons convicted of murder; amending K.S.A. 1991 Supp. 21-4622, 21-4623, 21-4624 and 21-4625 and repealing the existing sections.

SB 734, by Committee on Judiciary: An act concerning crimes and criminal procedure; relating to diversion agreements; stipulation of facts; amending K.S.A. 1991 Supp. 22-2909 and repealing the existing section.

SB 735, by Committee on Judiciary: An act concerning crimes and penalties; relating to limitation of actions; continued jurisdiction of court in certain actions; amending K.S.A. 1991 Supp. 21-3106 and repealing the existing section.

SB 736, by Committee on Judiciary: An act concerning fire safety and prevention; relating to notice of violations by state fire marshal; amending K.S.A. 31-150a and repealing the existing section.

SB 737, by Committee on Public Health and Welfare: An act concerning the uniform controlled substances act; amending K.S.A. 1991 Supp. 65-4105, 65-4107, 65-4109 and 65-4113 and repealing the existing sections.

SB 738, by Committee on Governmental Organization: An act concerning membership of the Kansas real estate commission; amending K.S.A. 74-4201 and repealing the existing section.

SB 739, by Committee on Elections: An act creating and establishing the Kansas Legislative Commission on State-Indian Affairs; and providing for the membership and operation and powers and duties thereof.

SB 740, by Committee on Judiciary: An act concerning fire safety and prevention; relating to the state fire marshal; inspections and issuance of inspection warrants.

SB 741, by Committee on Judiciary: An act concerning the Kansas fire prevention code; relating to violations thereof; hearings; appeals; prescribing certain penalties.

SB 742, by Committee on Judiciary: An act concerning crimes and penalties; relating to controlled substances; amending K.S.A. 1991 Supp. 65-4127a and 65-4127b and repealing the existing sections.

SB 743, by Committee on Judiciary: An act concerning criminal procedure; relating to affidavits supporting an arrest warrant; availability; amending K.S.A. 22-2302 and repealing the existing section.

SB 744, by Committee on Judiciary: An act concerning crime; relating to moneys payable to accused or convicted persons; amending K.S.A. 1991 Supp. 74-7319 and repealing the existing section.

SB 745, by Committee on Judiciary: An act concerning the Kansas consumer protection act; amending K.S.A. 50-644 and K.S.A. 1991 Supp. 50-617, 50-659, 50-663, 50-668, 50-670 and 50-690 and repealing the existing sections.

SB 746, by Committee on Confirmations: An act concerning the director of the division of personnel services; relating to the preparation of qualifications for appointees to certain state offices or positions.

SB 747, by Committee on Education: An act concerning teachers; relating to nonrenewal or termination of contracts of employment; requiring adoption of professional improvement policies by boards; amending K.S.A. 72-5436 and 72-5445 and K.S.A. 1991 Supp. 72-5438, and repealing the existing sections.

SB 748, by Committee on Education: An act concerning school district finance; relating to limitations on budgets per pupil; amending K.S.A. 1991 Supp. 72-7055 and repealing the existing section.

SB 749, by Committee on Governmental Organization: An act concerning the Kansas state employees health care commission; relating to the open meetings law; amending K.S.A. 75-6504 and repealing the existing section.

SB 750, by Committee on Ways and Means: An act establishing the medical laboratory student scholarship program; authorizing the awarding of scholarships and establishing eligibility, terms, conditions and requirements therefor; providing for administration of the act; establishing the medical laboratory student scholarship fund; establishing the medical laboratory student scholarship review committee and providing the duties and functions thereof.

SB 751, by Committee on Ways and Means: An act concerning housing and housing related programs; establishing the division of housing within the department of commerce; abolishing the office of housing and director of housing and transferring powers, duties and functions to the division of housing and director thereof; transferring certain powers, duties and functions from the secretary and department of social and rehabilitation services to the division of housing and director thereof; amending K.S.A. 1991 Supp. 74-5086a and repealing the existing section; also repealing K.S.A. 1991 Supp. 74-5082, 74-5083, 74-5084 and 74-5086.

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SB 752, by Committee on Agriculture: An act concerning animals; amendments to the Kansas animal dealer act; amending K.S.A. 1991 Supp. 47-1701, 47-1702, 47-1703, 47-1704, 47-1709, 47-1712, 47-1721, 47-1725, 47-1726, 47-1731 and 47-1832 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 47-1719 and 47-1722.

SB 753, by Committee on Judiciary: An act concerning the Kansas act against discrimination; relating to reconciliation of statutory conflicts; amending K.S.A. 1991 Supp. 44-1002, 44-1015 and 44-1030 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 44-1002a, 44-1015a and 44-1030a.

SB 754, by Committee on Judiciary: An act repealing K.S.A. 1991 Supp. 21-4203a relating to the criminal code; reconciliation of statutory conflict.

SB 755, by Committee on Judiciary: An act concerning the uniform commercial code; relating to reconciliation of statutory conflicts; amending K.S.A. 1991 Supp. 84-1-201 and repealing the existing section; also repealing K.S.A. 1991 Supp. 84-1-201a.

SB 756, by Committee on Judiciary: An act concerning crimes and punishment; creating the crime of abuse, neglect or exploitation of an adult and prescribing a penalty therefor.

SB 757, by Committee on Judiciary: An act concerning landlords and tenants; relating to termination of rental agreements; notification; amending K.S.A. 58-2564 and repealing the existing section.

SB 758, by Committee on Judiciary: An act concerning children and minors; relating to adoption; visitation rights of grandparents; amending K.S.A. 38-129 and repealing the existing section.

SB 759, by Committee on Labor, Industry and Small Business: An act concerning the Kansas act against discrimination; relating applicability to employers; defenses under the act; drug use by employees; amending K.S.A. 1991 Supp. 44-1002, 44-1009 and 44-1112 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 44-1002a.

SB 760, by Committee on Labor, Industry and Small Business: An act enacting the Kansas occupational safety and health act; prescribing certain powers, duties and functions for the secretary of administration; duties of employers and employees; relating to adoption of safety and health regulations; creating the occupational safety and health review commission; prescribing penalties for certain violations of the act.

Senate Concurrent Resolutions

SCR 1640, A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

Senate Resolutions

SR 1821, A resolution to congratulate and commend radio station KFDI for receiving the national "Edward R. Murrow Award" for spot news coverage.

SR 1822, A resolution congratulating and commending the Pittsburg State University football team and Coach Chuck Broyles for winning the 1991 NCAA Division II National Championship.

SR 1823, A resolution congratulating and commending Chuck Broyles on being named the 1991 Kodak/AFCA College Division II National Football Coach of the Year.

SR 1824, A resolution congratulating and commending Ronnie West for being selected the 1991 Harlon Hill Trophy winner as the NCAA Division II Football Player of the Year.

SR 1825, A resolution approving Executive Reorganization Order No. 23, relating to the establishment of a department of commerce and housing.

SR 1826, A resolution disapproving Executive Reorganization Order No. 24, relating to banks and savings and loans.

SR 1827, A resolution congratulating and commending the Security Benefit Group of Companies on the celebration of its 100th anniversary.

SR 1828, A resolution in memory of Alex Haley.

SR 1829, A resolution congratulating the Kansas State University Music Department, in conjunction with the Kansas American String Teachers Association, for creating and promoting the annual String Fling.

Doc. No. 011685

State of Kansas

Department of Health and Environment

Request for Comments

Contingent on grant application approval from the Office of Special Education, fifth year funding under Title I of Public Law 102-119 will be awarded to Kansas for the continued development and implementation of a coordinated, comprehensive, multidisciplinary, interagency service system for infants and toddlers with disabilities or developmental delays and their families.

Copies of the draft grant application are available for review in public libraries in Colby (Pioneer Memorial), Concordia (Frank Carlson), Dodge City, Emporia, Garden City, Great Bend, Hays, Hiawatha, Hutchinson, Kansas City, Kansas (main library), Lawrence, Leavenworth, Manhattan, Parsons, Salina, Topeka and Wichita (central library), and also are available upon request. Written comments from the public will be accepted through May 8.

Public meetings for draft grant comments will be held in Kansas City from 3 to 5 p.m. Monday, April 6, in Room C at the Johnson County NE Courthouse, 6000 Lamar; in Winfield from 10 a.m. to noon Wednesday, April 8, at the Cowley County Health Department, 2120 E. 9th; and in Hays from 10 a.m. to noon Thursday, April 16, at the Hays Public Library, 1205 Main.

The contact person for submitting comments or obtaining further information is Marnie Campbell, Infant-Toddler Program Coordinator, Kansas Department of Health and Environment, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290, (913) 296-6135 or (800) 332-6262 V/TDD.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011687

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-92-22/23

Name and Address of Applicant	Legal Description	Receiving Water
Marvin Bell Route 1, Box 59D Harveyville, KS 66431	SW/4 Section 3, Township 14S, Range 13E, Wabaunsee County, Kansas	Kansas River Basin

Kansas Permit No.: A-KSWB-S010
The existing facility has the capacity for approximately 630 swine.

Wastewater Control Facilities:
Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:
Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement with capacity to meet application requirements as specified in Section A, Permit Limitations.

Name and Address of Applicant	Legal Description	Receiving Water
Gary D. Duerksen Route 1, Box 46 Lehigh, KS 67073	SE/4 Section 16, Township 19S, Range 1E, Marion County, Kansas	Neosho River Basin

Kansas Permit No. A-NEMN-S010
The proposed facility will have capacity for approximately 900 swine.

Wastewater Control Facilities:
Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

- Compliance Schedule:**
1. A livestock waste management plan for the facility shall be developed. The plans shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plan shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.
 2. Should the depth of storage required on December 1st in Section A, Permit Limitations, not be available in any year, additional wastewater handling equipment shall be acquired.

Public Notice No. KS-92-62/64

Name and Address of Applicant	Waterway	Type of Discharge
McAdam Limestone Products, Inc. Cedar Vale Quarry- Cedar Vale Route 1, Box 49 Moran, KS 66755	Verdigris River via Caney River via Cedar Creek via South Cedar Creek via unnamed tributary	Quarry pit dewatering, uncontaminated stormwater runoff and some gravel washwater

Cowley County, Kansas
Kansas Permit No. I-VE05-P001 Fed. Permit No. KS-0085332

Description of Facility: This is a limestone crushing operation with washing. Quarry pit dewatering, uncontaminated stormwater runoff and some recycled washwater passes through three sedimentation ponds before discharging to an unnamed tributary to South Cedar Creek. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Nelson Quarries Burlington Quarry- Burlington P.O. Box 124 LâHarpe, KS 66751 Coffey County, KS	Neosho River via unnamed tributary	Quarry pit dewatering

Kansas Permit No.: I-NE07-P003 Fed. Permit No. KS-0082589
Description of Facility: This is a limestone crushing operation with no washing. Previously there has been some gravel washing. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Union Quarries, Inc. Lenexa Facility P.O. Box 25348 Overland Park, KS 66225 Johnson County, KS	Karisas River via Mill Creek via unnamed tributary	Uncontaminated stormwater runoff

Kansas Permit No.: I-KS34-P002 Fed. Permit No. KS-0118273
Description of Facility: This is a limestone mining, crushing and screening operation with no washing. The mine is dry. Runoff from non-process areas is routed through four sedimentation basins in series. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits) Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to April 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-92-62/64, KS-AG-92-22/23) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011688

State of Kansas

**Board of Regents
Wichita State University**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 2 p.m. Thursday, April 16, in Room 208, Campus Activities Center, Wichita State University, Wichita, concerning the adoption by the administration of Wichita State University the regulations governing traffic and parking on roads, streets, driveways and parking facilities at Wichita State University.

Interested persons will be given an opportunity to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Charles Rummery, Chief of University Police, 1845 Fairmount, Box 3, Wichita 67208. The following is a summary of the substance of the rules and the proposed changes.

Article 1—Policy. Current regulations specify the purpose of the traffic and parking regulations and provide for the development of the regulations by the University Traffic Committee. The current regulations also specify that Wichita State University assumes no responsibility or liability for the care and/or protection of any vehicle while on University property. *The proposed amendments to Article 1 include clarification of the person authorized to amend or rescind the regulations, procedures for submitting recommendations for change, deadline for submittal of changes and size of the University Traffic Committee.*

Article 2—Definitions. Current regulations specify the meaning of words and phrases as used in the Traffic Rules and Regulations. *The proposed amendments to Article 2 include the addition of skateboards, coasters, and roller skates, and the inclusion of Martin Luther King's birthday or other holidays listed in university publications or authorized by the Governor.*

Article 3—General Information. Current regulations specify individual responsibility for compliance with traffic and parking regulations, specify certain areas where parking is prohibited and provides for removal of vehicles constitution a hazard or abandoned vehicles. *The proposed amendments to Article 3 is to remove all terminology regarding registration of vehicles, deletion of redundant regulations located in other articles.*

Article 4—Registration of Vehicles. Current regulations specify the condition under which faculty, staff, students and visitors must register vehicles and display parking permits. The current regulations also establish the procedure by which parking permits for vehicles may be obtained, the types of permits available and parking fees assessed to faculty, staff, and students. *The proposed amendments to Article 4 include retitling the article to parking permits, remove all terminology regarding the registration of vehicles, and the permanent affixed to the*

vehicle. Also includes the recognition of handicapped parking permits issued in accordance with K.S.A. 8-161 and 8-1,125.

Article 5—Parking Regulations. Current regulations specify where and when vehicles may be parked and also provide certain restrictions, conditions, and limitations during certain times. Provisions also specify the criteria for removal of vehicles from campus. *The proposed amendments to Article 5 include the removal of terminology regarding the registration of vehicles and metered parking areas.*

Article 6—Traffic Regulations. Current regulations regulate the amount of vehicles and pedestrians on campus. No amendments proposed.

Article 7—Violations. Current regulations specify prohibited acts and specify the penalties for parking and moving violations. *The proposed amendments to Article 7 include the following:*

	Old	New
7.1 No valid permit on vehicle	\$ 5.00	\$10.00
7.2 Permit improperly displayed	1.00	3.00
7.3 Improper parking	3.00	5.00
7.5 Meter violation	3.00	Delete
7.8 Parking on turf or sidewalk	5.00	10.00
7.10 Running stop sign or signal	10.00	20.00
7.14 Speeding	10.00	***
7.15 Unsafe speed for prevailing conditions		20.00
7.16 Refusal to submit to preliminary breath test		30.00
7.17 The fine schedule for all other moving violations and miscellaneous offenses will be in accordance with K.S.A. 8-2118, Uniform Fine Schedule for Traffic Infractions Violations.		

*** Speeding fines would be in accordance with K.S.A. 8-2118.

Article 8—All Payment of Violations Notices and Fines. Current regulations specify where violation fines are to be paid and penalties for failure to pay violation fines. No amendments are proposed.

Article 9—Appeal of Violation Notices. Current regulations specify the procedures for appeals for parking and moving violations. No amendments are proposed.

Article 10—Bicycles/Tricycles. Current regulations specify provisions for operating and parking bicycles/tricycles on campus. *The proposed amendments to Article 10 include the operators of bicycles to yield the right-of-way to pedestrians and to give audible signals when overtaking and passing such pedestrian from behind.*

Article 11—Skateboards, Coasters, Roller Skates. *The proposed Article 11 restricts the use of skateboards and coasters on the university campus except for special events approved by the university president and persons using roller skates on campus shall yield the right-of-way to pedestrians and shall give audible signals when overtaking and passing such pedestrian from behind.*

Ted D. Ayres
General Counsel

Doc. No. 011680

State of Kansas

**Board of Regents
Kansas State University**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 3 p.m. Thursday, April 23, in the Student Union Building, Big 8 Room, Kansas State University, Manhattan, 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:

General:

Revisions in wording and structure were made for the purpose of clarity and understanding. The address for Parking Services was changed throughout the copy to the current address in Burt Hall. A definition for physically disabled was added to Section I.B.4. Definitions. Also, "physically disabled" was used throughout the document replacing "handicapped" individuals, especially in Section II.E. Special Permits.

Section II.E.2.e. Jardine Terrace visitors are informed of the locations where visitor permits can be obtained for Jardine Terrace Visitor stalls.

Section II.E.4. Service permits and their users are better defined.

Section VIII.B. Misuse fees are delinquent if not paid within five business days unless the citation is under appeal.

Section VIII.D.1. A processing fee of \$10 is required for all appeals. If the appeal is granted, the processing fee is returned to the individual.

Ted D. Ayres
General Counsel

Doc. No. 011678

State of Kansas

**Board of Regents
Kansas State University-Salina**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 2 p.m. Monday, April 20, in the Student Union Building, Shuttle Room, Kansas State University-Salina, 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-Salina. The following is a summary of the substance of the rules and proposed changes:

General:

The entire Traffic and Parking Regulations Handbook has been revised. With the proper merger of Kansas College of Technology and Kansas State University, the Salina campus has adopted the traffic and parking regulations of the main campus with a number

of small changes to meet the unique environment of the Salina campus.

The major change affecting most individuals is in Section II, B, Fee Schedule. The proposed increase for campus vehicle parking rates on the campus of Kansas State University-Salina is as follows:

	Present Fee 1991-92	Proposed Fee 1992	Increase
Parking Permit	\$5.00	\$15.00	+\$10.00
Student Campus Permit			
Parking Permit Faculty or Staff	\$.00	\$25.00	+\$25.00
Reserved Parking Permit Restricted to Faculty and Staff only	\$5.00	\$40.00	+\$35.00
Second & Additional Permits (With Student Parking Permit)	\$4.00	\$10.00	+\$6.00
Second & Additional Reserved Permits (With Reserved Permit)	\$4.00	\$20.00	+\$16.00
Motorcycle Parking Permit	\$5.00	\$10.00	+\$ 5.00
Replacement Permits (lost, damaged, etc.)	\$2.00	\$ 5.00	+\$ 3.00

All parking permits are on an annual basis.

Ted D. Ayres
General Counsel

Doc. No. 011679

State of Kansas

**Board of Regents
University of Kansas**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 3 p.m. Wednesday, April 15, in the Parking Department conference room, 1501 Irving Hill Road, University of Kansas, Lawrence, concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at the University of Kansas. The following is a summary of the substance of the rules and proposed changes:

1. **General Regulations.** The current regulations specify who is subject to these rules and regulations, that all vehicles must have a valid parking permit, and hours of access to the central campus. No amendments are proposed.

2. **Definitions.** The current regulations specify, for the purpose of these regulations, the definitions of student, faculty, staff, visitors, dormitory visitor, medical parking needs, handicap parking, moped and motorcycle parking. No amendments are proposed.

3. **Visitor Parking.** The current regulations specify conditions under which visitors may legally park at the University of Kansas. No amendments are proposed.

4. **Parking Permits.** The current regulations establish procedures pertaining to parking permits and the types of permits available. The proposed amendment would impose a \$5 replacement fee for lost/stolen parking facility cards. A change in the way carpools are

(continued)

charged will reduce the total cost of the carpool by \$10.

5. Student, Faculty, and Staff Parking. The current regulations establish procedures by which parking permits for vehicles may be obtained and appealed, and procedures for new employees. The proposed amendment puts in writing the requirement that faculty and staff must show a valid staff ID card at the time of permit purchase.

6. Permit Fees. The current regulations specify the fees charged for parking permits. The proposed amendment would allow for a semester breakdown of the campus access pass, at \$40 for a year, \$25 per semester, and \$15 for the summer. The \$10 currently charged for each vehicle in a car pool, will only be charged on each additional vehicle, reducing the car pool total cost by \$10. Identifiable remnants of used permits will be required when refunds are requested; other established criteria must still be met.

7. Control of Parking Lots and Zones. The current regulations specify times and locations for parking restrictions at the University of Kansas. The proposed amendment will add nighttime restrictions to the west half of lot 14, and faculty/staff permits will now be required from 5 p.m. to 7:30 p.m. Lot 114, Stouffer Place, will change from 24-hour restricted, to 8 a.m. to 5 p.m., Monday through Friday.

8. Violations. The current regulations specify violations for which a vehicle may be ticketed and the cost of such violations. No amendments are proposed.

9. Payment of Fees for Violations. The current regulations specify the method and procedure for payment of violation notices, late payment, what constitutes excessive violations and consequences of excessive violations and towing and impoundment procedures. No amendments are proposed.

10. Appeal of Violation Notices. The current regulations establish the procedures for appeals from a charge of misuse of parking area. No amendments are proposed.

11. Statutory Authorization. The current regulations establish the authorization of the Board of Regents to promulgate regulations for the control of parking and traffic on the University of Kansas campus and to establish misuse fees for violations of the regulations. No amendments are proposed.

Interested persons will be given 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 Raymond K. Moore, Professor, Civil Engineering, University of Kansas, 2006D Learned Hall, Lawrence 66045.

Ted D. Ayres
General Counsel

Doc. No. 011676

State of Kansas

**Board of Regents
Fort Hays State University**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 11 a.m. Tuesday, April 7, and at 1 p.m. Thursday, April 16, in the State Room of the Memorial Union, Fort Hays State University campus, Hays, concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at Fort Hays State University.

The following is a summary of the major changes in 1992-1993 traffic and parking rules:

- 1) Motorcycles will be required to display a permit to park anywhere on campus, including Zone 2. Justification for this change is to maintain consistency with initial statement under heading entitled "Parking Permits."
- 2) Regulations stating parking privileges for holders of President's Club and President's Round Table Club have been included. Justification is based on the need to add clarity to the user's understanding of campus traffic regulations.
- 3) A time limitation on reporting a change of address to the University Police has been included. Justification is based on the need for clarification.
- 4) There are two changes under category VIOLATIONS. No. 6 has been reworded and refers the reader to Paragraph 3 under heading entitled "Fines." This paragraph states that sharing or loaning a parking permit, possessing an illegal parking permit or altering a permit constitutes grounds for assessment of a fine. Justification is based on the statement (under PERMIT OWNERSHIP) that use of a FHSU parking permit by anyone other than the permit holder will subject the permit holder and user to fines. No. 12 has been reworded for clarification.

Interested persons will be given a reasonable opportunity at the two public hearings to present their views regarding the adoption of the proposed changes to the existing regulations. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement should be submitted to John Huber, Hearing Officer, Traffic and Parking Regulations, Room 238, Malloy Hall, Fort Hays State University, 600 Park St., Hays 67601-4099.

Ted D. Ayres
General Counsel

Doc. No. 011681

(Published in the Kansas Register, March 5, 1992.)

**Summary Notice of Bond Sale
City of McPherson, Kansas
\$1,525,000
Water System Refunding and
Improvement Revenue Bonds
Series 1992**

Sealed Bids

Subject to the notice of bond sale dated March 3, 1992, sealed bids will be received by the city clerk of the city of McPherson, Kansas, on behalf of the governing body at the Municipal Center, 400 E. Kansas Ave., McPherson, KS 67460, until 10 a.m. C.S.T. on March 11, 1992, for the purchase of \$1,525,000 principal amount of Water System Refunding and Improvement Revenue Bonds, Series 1992.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1992, and will become due on October 1 in the years as follows:

Year	Principal Amount
2003	\$115,000
2004	120,000
2005	125,000
2006	135,000
2007	145,000
2008	155,000
2009	165,000
2010	175,000
2011	190,000
2012	200,000

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, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

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 \$30,500 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before March 26, 1992, 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.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, 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.

Additional Information

Additional information regarding the bonds, including an official notice of bond sale and preliminary official statement, may be obtained from the financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: Jeffrey K. Ray, (316) 262-4955.

Dated March 3, 1992.

City of McPherson, Kansas

Doc. No. 011683

State of Kansas

**Board of Regents
University of Kansas
Medical Center**

**Notice of Hearing on Proposed
Traffic Regulations**

A public hearing will be conducted at 2 p.m. Wednesday, April 15, at the University of Kansas Medical Center, Rieke Auditorium, Orr-Major Building, 39th Street, Kansas City, Kansas, concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas Medical Center.

Summary of Changes

Current

(1). 2.1 Application for Parking: Parking privileges at the University of Kansas, Kansas City campus are determined as follows: 1. Renewal applications; 2. Medical parking; and 3. Waiting lists.

Employees can have their names entered on any color zone waiting list by calling or visiting the Parking Service office. When space becomes available in a zone that has a waiting list, persons on that list will be called in the order that their names were taken. If a zone has no waiting list, any available space will be sold on a first come first serve basis.

The Parking Committee reserves the right to alter or revoke permit assignments as the needs of the individual or the University community change. Falsification of any information for the purpose of obtaining a parking permit or repeated violations of rules and regulations may result in the forfeiture of all parking permits, and parking fees paid.

Proposed Changes

2.1 Application for Parking: Parking privileges at the University of Kansas, Kansas City campus are determined as follows: 1. Renewal applications; 2. Medical parking; and 3. Waiting lists.

Employees can have their names entered on any one color zone waiting list by calling or visiting the Parking Service Office. When space becomes available in a zone that has a waiting list, persons on that list will be called in the order that their names were taken. If a zone has no waiting list, any available space will be sole on a first come first serve basis.

The Parking Services Department reserves the right to alter or revoke permit assignments as the needs of

(continued)

the individual or the University community change. Falsification of any information for the purpose of obtaining a parking permit or repeated violations of rules and regulations may result in the forfeiture of all parking permits, and parking fees paid.

Current

(2). **2.2 Parking Permits.** Parking assignees shall, upon payment of the scheduled fee, receive a parking permit sticker. This permit shall be valid only when permanently attached to the vehicle registered with Parking Services, in the manner specified on the sticker or as otherwise authorized by Parking Services. A parking permit entitles the assignee to park only in color zones or lots designated by the permit, as well as other lots as follows:

Blue: Any color zone
 Red: Any red, yellow or green zone
 Yellow: Any yellow or green zone
 Green: Green zone only
 Board of Regents Pass: All zones in both campuses

Proposed Changes

2.2 Parking Permits: Parking assignees shall, upon payment of the scheduled fee, receive a parking permit sticker. This permit shall be valid only when permanently attached to the vehicle registered with Parking Services, in the manner specified on the sticker or as otherwise authorized by Parking Services. It is not transferable to any other vehicle without authorization from parking services. A parking permit entitles the assignee to park only in color zones or lots designated by the permit, as well as other lots as follows:

Blue: Any color zone
 Red: Any red, yellow or green zone
 Yellow: Any yellow or green zone
 Green: Green zone only
 Board of Regents Pass: All zones on both campuses
 Emeritus: All color zones, except handicapped, loading zones, meter areas

Current

(3). **2.3 Medical Parking:** Faculty, staff, or students who require parking privileges because of health problems should obtain a Parking application form from the parking office. The form must be completed and signed by the applicant and by a physician of their choice. Students, faculty and staff will be issued the type of permit commensurate with their individual needs.

Proposed Changes

2.3 Medical Parking: Faculty, staff, or students who require parking privileges because of health problems should bring a signed statement from their attending physician to the parking office. This statement should include a time frame of their physical limitations. This is a temporary permit.

Current

(4). **2.6 Sold or Traded vehicles:** Replacement permits: prior to selling or trading a vehicle, all University of Kansas parking stickers shall be removed. Persons who have purchased a parking permit for a vehicle shall receive a permit for a replacement vehicle if identifiable remains of the original permit are presented to

Parking Services. Persons unable to comply with this requirement shall be required to submit a statement that the original permit has been destroyed. The charge for a replacement permit is \$1.00.

Note: Temporary use of an unregistered vehicle by permit holders can be authorized by contacting Parking Services.

Proposed Changes

2.6 Sold or traded vehicles: Replacement permits: prior to selling or trading a vehicle, all University of Kansas parking stickers shall be removed. Persons who have purchased a parking permit for a vehicle shall receive a permit for a replacement vehicle if identifiable remains of the original permit are presented to Parking Services. Persons unable to comply with this requirement shall be subject to pay full price.

Current

(5). **2.12 Part-Time and rotating shift permit:** May be purchased by employees who work less than 50% of full time a week or who work rotating shifts.

Proposed Changes

2.12 DELETE THIS

Current

(6). **2.13 Temporary permit:** Temporary permits are available to employees and students upon verification of their temporary status. The permits may be issued for the green zone, depending upon the availability of space, for an 11-week period.

Proposed Changes

2.13 Temporary permit: Temporary permits are available to family members of patients and visitors that have been admitted to the hospital upon verification of their medical status. The permits may be issued for the green zone, depending upon the availability of space.

Current

(6). **2.14 Emergency Medical permit:** Issued to medical departments who have on call status for patient care needs. These permits are valid in any area during on-call hours except fire lanes, handicapped stalls, Lot 27, Lot 151, and the Emergency Room parking area.

Proposed Changes

2.14 Emergency Medical permit (Emergency Call Back): Issued to medical departments who have on call status for patient care needs. These permits are valid in these areas as follows: (1) Blue Zone, Red Zone, Yellow Zone, Green Zone, Tan or Overflow Zone and (2) Cambridge Parking Garage. NOTE: Medical Personnel using the Emergency Medical Permit to park in the Cambridge Parking Garage will have their fee billed back to their respective department on a monthly basis.

Current

(7). **2.15 Courtesy Permits:** Courtesy parking will be authorized on a limited basis by Parking Services. A courtesy permit may be obtained if a permit holder needs to use a vehicle that is not registered with Parking Services for more than two days. A short term courtesy (for one or two days) can be authorized by calling Parking Service each day that the service is needed. If a "No Permit" citation is received after call-

ing Parking Service office, it will be cancelled by returning the citation to the Parking Service office via campus mail. Courtesy parking can be denied at the discretion of Parking Services.

Proposed Changes

2.15 Courtesy Permits: Courtesy parking will be authorized on a limited basis by Parking Services. A courtesy permit may be obtained if a permit holder needs to use a vehicle that is not registered with Parking Services for more than two days. A short term courtesy (for one or two days) can be authorized by calling Parking Service each day that the service is needed. If a "No Permit" citation is received after calling Parking Services, it will be cancelled by returning the citation to the Parking Services office via campus mail within 14 days. Courtesy parking can be denied at the discretion of Parking Services.

Current

(8). 3.7 Meter Parking: Metered parking is restricted to patient and visitor use and is enforced from 7:00 a.m. until 5:00 p.m. Monday through Friday. Meter areas can be used by others on holidays or any other time when the clinic areas of the hospital are closed.

Proposed Changes

3.7 Meter Parking: Metered parking is restricted to patient and visitor use and is enforced from 7:00 a.m. until 5:00 p.m. Monday through Friday. These meters are enforced throughout the day with the possibility of issuance of multiple tickets. Meter areas can be used by others on holidays or any other time when the clinic areas of the hospital are closed. No vehicle, regardless of permit, may park free of charge at any meter during the enforcement hour.

Current

(9). 3.11 Classification of parking permits: Subject to modification, the parking permit classifications and parking privileges are shown for the Kansas City campus only. All zones are posted by signs showing color codes. Parking in surface lots without a permit is authorized from 5:30 p.m. to 7:00 a.m., Monday through Friday, weekends and any holidays on the Kansas City campus.

Proposed Changes

3.11 Classification of parking permits: Subject to modification, the parking permit classifications and parking privileges are shown for the Kansas City campus only. All zones are posted by signs showing color codes. Parking in surface lots without a permit is authorized from 5:00 p.m. to 7:00 a.m., Monday through Friday, weekends and any holidays on the Kansas City campus.

Proposed Changes

(10). 3.12 Restricted areas are restricted 24 hours a day, seven days a week. Restricted Parking areas are as follows: All loading zones, all specially signed non-color zone parking areas, all roadways and all handicapped areas.

Current

(11). 5.0 Payment of fines. Violation fees are payable at the fine boxes located at all metered parking

areas except lots 44 and 145, or at the Parking Services office either in person, or by mail. Make checks payable to the University of Kansas. Payment of violations must be received at least 14 days after the day on which the violation was dated.

Proposed Changes

5.0 Payment of fines. Violation fees are payable at the fine boxes located at all metered parking areas except lots 44 and 145, or at the Parking Services office either in person, or by mail. Make checks payable to the University of Kansas. Payment of violations must be received at least 14 days after the day on which the violation was dated.

Current

(12). 5.1 Late payment of fines: Late payment occurs if the fine is not received or postmarked by the fourteenth calendar day after issuance of the violation notice. Late payment of violation fees shall result in the levy of an additional \$5.00 processing fee for each violation. Individuals with unpaid fines shall be sent a notice 15 days after the date on which the violation notice was issued.

Proposed Changes

5.1 Late payment of fines: Late payment occurs if the fine is not received or postmarked by the fourteenth calendar day after issuance of the violation notice. Late payment of violation fees shall result in the levy of an additional \$5.00 penalty for each violation. Individuals with unpaid fines shall be sent a notice 15 days after the date on which the violation notice was issued.

*NOTE: Late payment of violation 4.5A (Illegally parked in space designated for the handicapped) shall result in the levy of an additional \$10.00 penalty for this violation.

Current

(13). 7.2 Refunds: A full refund, less \$5.00, of fees paid for issued permits shall be made only if a request for a refund is made at the Parking Services Office within 15 days of the fee payment. A prorated refund shall be made after 15 days from the date of payment, based on the monthly schedule in Section 7.0. The refund after 15 days will be the original fee paid less \$5.00, less the prorated monthly rate for each month the permits had been used. A refund will be paid only upon presentation of the permit.

Proposed Changes

7.2 Refunds: A full refund, less \$5.00, of fees paid for issued permits shall be made only if a request for a refund is made at the Parking Services Office within 14 days of the fee payment. A prorated refund shall be made after 14 days from the date of payment, based on the monthly schedule in Section 7.0. The refund after 14 days will be the original fee paid less \$5.00, less the prorated monthly rate for each month the permit had been used. A refund will be paid only upon presentation of the permit.

Ted D. Ayres
General Counsel

Doc. No. 011677

(Published in the Kansas Register, March 5, 1992.)

Corrected**Notice of Call for Redemption
to the holders of**

**Coffeyville Community Junior College District
Montgomery County (Coffeyville), Kansas
Junior College Student Dormitory
System Revenue Bonds
Series of 1980, Dated May 1, 1980**

Notice is hereby given that pursuant to the provisions of Section 2 of a resolution adopted April 7, 1980, of Coffeyville Community Junior College District, Montgomery County (Coffeyville), Kansas (the issuer), that the above mentioned bonds maturing October 1, 1993, and thereafter and all unmatured coupons appertaining thereto (the refunded bonds), have been called for redemption and payment on April 1, 1992 (the redemption date), at the principal office of Bank IV Kansas, N.A., Wichita, Kansas, successor by merger to the First National Bank of Coffeyville, Coffeyville, Kansas (the paying agent).

Maturity Date	Principal Amount	Interest Rate
10/01/1993	\$15,000	8.75%
10/01/1994	15,000	8.75%
10/01/1995	15,000	8.75%
10/01/1996	5,000	8.75%
10/01/1997	5,000	8.75%
10/01/1998	5,000	8.75%
10/01/1999	5,000	8.75%
10/01/2000	5,000	8.75%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 103 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

**Coffeyville Community Junior College District
Montgomery County (Coffeyville), Kansas
By Bank IV Kansas, N.A.
Wichita, Kansas**

Doc. No. 011694

(Published in the Kansas Register, March 5, 1992.)

**Notice of Call for Redemption
to the registered owners of
Unified School District 362**

**Linn County, Kansas (LaCygne)
General Obligation Improvement Bonds
Series A, Dated April 1, 1986**

Notice is hereby given that pursuant to the provisions of the resolution authorizing the above-captioned bonds of Unified School District 362, Linn County, Kansas (LaCygne) (the issuer), that the above mentioned bonds maturing November 1, 1992, and thereafter (the refunded bonds), have been called for redemption and payment on May 1, 1992 (the re-

demption date), at the principal office of The Kansas State Treasurer (the bond registrar and paying agent).

Maturity Date	Principal Amount	Interest Rate	Cusip Nos.
11/1/92	\$250,000	6.20%	535800 BB1
11/1/93	250,000	6.40%	535800 BC9
11/1/94	250,000	6.60%	535800 BD7
11/1/95	250,000	6.80%	535800 BE5
11/1/96	250,000	7.00%	535800 BF2

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 100 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittance to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the refunded bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

**Unified School District 362
Linn County, Kansas**

Doc. No. 011692

(Published in the Kansas Register, March 5, 1992.)

**Notice of Call for Redemption
to the holders of the
City of Manhattan, Kansas
Waterworks Improvement Revenue Bonds
Series 1977**

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance No. 3553 of the city of Manhattan, Kansas (the issuer), duly passed November 16, 1977, that the above-mentioned bonds maturing November 1, 1992, and thereafter, as described herein, and all unmatured coupons appertaining thereto, have been called for redemption and payment on May 1, 1992 (the redemption date), at the principal corporate trust office of The Southwest National Bank of Wichita, Wichita, Kansas (the paying agent).

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
371-390	11-01-92	\$100,000	5.90%
391-411	05-01-93	105,000	5.90%
412-434	11-01-93	115,000	5.90%
435-455	05-01-94	105,000	5.90%
456-478	11-01-94	115,000	5.90%
479-501	05-01-95	115,000	5.90%
502-525	11-01-95	120,000	5.90%
526-549	05-01-96	120,000	5.90%
550-572	11-01-96	115,000	5.90%
573-596	05-01-97	120,000	5.90%
597-614	11-01-97	90,000	5.90%
615-628	05-01-98	70,000	5.90%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto, the redemption price thereof equal to 102 percent of the principal amount of each bond together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds and all unmatured coupons appertaining thereto so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Manhattan, Kansas
By: Curt Wood, Director of Finance

Doc. No. 011672

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills 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.

Bill Graves
Secretary of State

(Published in the Kansas Register, March 5, 1992.)

SENATE BILL No. 498

AN ACT relating to certain fees and receipts collected by legislative agencies; prescribing disposition thereof; amending K.S.A. 46-1207a and 46-1503 and repealing the existing sections.

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

Section 1. K.S.A. 46-1207a is hereby amended to read as follows: 46-1207a. (a) The legislative coordinating council may provide for sale or other disposition of copies of any publication, document or other paper, *information or record, regardless of form or characteristics*, produced by or under the legislative branch, whether such copies are printed or reproduced in any other manner. Such council may fix charges for sale of any such copies, and such charges may include costs of mailing, reproduction and other expenses. Whenever such council provides for the sale of copies under this section, the same shall be sold and distributed by or through the director of legislative administrative services or such other state officer as such council specifies. All amounts received under this section by or for any such sales shall be remitted at least monthly to the state treasurer, and the state treasurer shall deposit the same *in the state treasury* to the credit of the ~~state general~~ *legislative special revenue* fund. The provisions of this section shall not apply to the sale or distribution of the Kansas Statutes Annotated, the session laws of Kansas or other publications, documents or papers the sale of which is specifically provided for by law.

(b) At the conclusion of each legislative session, the officers of each house may deposit for safekeeping with the secretary of state such legislative documents and other papers as they may determine.

(c) *All moneys received by the director of legislative administrative services for the disposition of surplus property of any office or agency of the legislative branch shall be deposited in the state treasury to the credit of the legislative special revenue fund.*

(d) *The legislative coordinating council may provide for addi-*

tional legislative stationery or other printed material supplies for members of the legislature to be provided at cost as determined by the council. All moneys received by the director of legislative administrative services under this subsection shall be deposited in the state treasury to the credit of the legislative special revenue fund.

(e) *Except as otherwise specifically provided by statute on or after the effective date of this act, all moneys received by the director of legislative administrative services on or after November 18, 1991, under this or any other statute shall be credited to the legislative special revenue fund and any such moneys deposited in the state treasury to the credit of the state general fund shall be transferred from the state general fund to the legislative special revenue fund by the director of accounts and reports upon certification by the director of legislative administrative services of the amount to be transferred.*

Sec. 2. K.S.A. 46-1503 is hereby amended to read as follows: 46-1503. (a) The revisor of statutes shall contract in the name of the legislative coordinating council, and with approval of such council, for such computer programs and other computer services as cannot be suitably obtained from state agencies, and in like manner, the revisor shall acquire such computer and communications components as may be needed for this system. Purchases and other contracts authorized by the statutes contained in article 15 of chapter 46 of Kansas Statutes Annotated shall not be subject to K.S.A. 75-3739 ~~or~~ *and* amendments thereto nor shall the same be subject to approval under any statute other than those contained in article 15 of chapter 46. The director of information systems and communications and the director of purchases shall render such assistance in implementation of this system as is requested by the legislative coordinating council or the revisor of statutes.

(b) When authorized by the legislative coordinating council, the revisor of statutes may provide to or share with any other state agency computer services through the operation of the comprehensive legislative information system. Such services may be provided without charge or, when directed by the council, shall be provided at cost as the same is determined by the council. The furnishing of computer services under this subsection (b) for which a charge is made shall be a transaction to be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto. All receipts for charges made under this subsection (b) shall be deposited ~~in the computer information system services fund which is hereby created~~ *in the state treasury to the credit of the legislative special revenue fund.*

(c) When authorized by the legislative coordinating council, the revisor of statutes may provide information regarding legislation to state agencies and to private individuals, companies and organizations through access to the legislative information system. The primary purpose for the legislative information system shall be to provide necessary information and service to the legislature and offices of the legislative branch of government and the revisor of statutes shall impose such conditions and restrictions upon the receipt of information from such system by agencies, persons and organizations not a part of the legislative branch of government as may be necessary to protect such system and services for the purpose for which established. The legislative coordinating council may fix a charge for the receipt of information regarding legislation through access to the legislative information system by state agencies, private individuals, companies and organizations not a part of the legislative branch of government. Such charges shall be collected by the director of legislative administrative services upon certification by the revisor of statutes. All amounts received from charges imposed pursuant to this subsection shall be remitted at least monthly to the state treasurer, and the state treasurer shall ~~credit the same to the state general~~ *deposit all such amounts in the state treasury to the credit of the legislative special revenue fund.*

Sec. 3. K.S.A. 46-1207a and 46-1503 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, March 5, 1992.)

SENATE BILL No. 437

AN ACT relating to cemetery districts; amending K.S.A. 17-1330a and repealing the existing section.

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

Section 1. K.S.A. 17-1330a is hereby amended to read as follows: 17-1330a. ~~That~~ Whenever any such cemetery district has been formed including more than one cemetery, and there is no outstanding indebtedness against ~~said such~~ district, then any one of such cemeteries may be withdrawn from ~~said such~~ district by presenting to the board of county commissioners of the county in which the greater portion of ~~said such~~ district lies, a petition signed by not less than ~~51 percent~~ 51% of the qualified electors of the cemetery district proposed to be withdrawn, to be determined by an enumeration taken for this purpose and verified by some qualified elector of ~~said such~~ district. It shall be the duty of ~~said the~~ board of county commissioners at their next regular meeting to enter an order removing ~~said such~~ cemetery with the territory included in ~~said such~~ petition from ~~said such~~ cemetery district, and when so removed ~~said such~~ cemetery and territory so removed, shall not be taxed in the district from which it was removed and shall be restored to all rights and privileges the same as if it had never been included within any such district: *Provided, That no such cemetery shall be so withdrawn with a territory consisting of less than six square miles.*

Sec. 2. K.S.A. 17-1330a is hereby repealed.

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

State of Kansas

Department of Corrections

Permanent Administrative
Regulations

Article 7.—PROGRAMS AND ACTIVITIES

44-7-113. Religious activity. (a) Clergy from recognized religious faiths may hold religious services in the facilities, at their own expense, and at such times authorized by and in accordance with the principal administrator's general orders.

(b) A group of two or more inmates of a common religious faith who are without the benefit of clergy may appeal to the chaplain for recommendation and to the principal administrator for his or her approval to meet as a group and hold religious services among themselves.

(c) Upon the request of any inmate the principal administrator of the facility shall, at state expense, furnish a bible or other related religious text material to the inmate. The term bible shall be interpreted to mean, the main religious text of the inmate's religion. Other related religious text materials may be limited in numbers and amounts according to good administrative principle such as the amount of space per inmate in the cell. The principal administrator shall establish in the inmate library a religious reading section. The principal administrator may provide at state expense the main text of religious doctrine for each religion in the inmate library.

(d) The religious services and meetings shall be conducted in accordance with the orders of the principal

administrator and if no non-inmate religious minister is present shall be held under the supervision of facility staff. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 75-5205, K.S.A. 1990 Supp. 75-5251, K.S.A. 75-5223; effective May 1, 1981; amended April 20, 1992.)

44-7-115. Preservation of law books. There shall be a suitable place in each facility where inmates may have access to such statute, case report, Kansas regulations and research books as are available. At least two copies of the regulations of the secretary of corrections shall be available in the library. The facility shall manage and control the use of the legal library. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective April 20, 1992.)

Article 12.—CONDUCT AND PENALTIES

44-12-101. Inmate clothing. (a) Turn-in and issuance. Inmates shall turn in all personal clothing upon admission to a facility. Clothing furnished by the state facility shall be worn by all inmates unless exception is granted by the principal administrator with the approval of the secretary of corrections. Inmates shall not wear or have in their possession any other clothing, or clothing in excess of the authorized issue, unless specifically authorized by principal administrator's orders.

(b) Principal administrator's orders. Inmates shall follow the principal administrator's orders in regard to the clothing, care, and handling procedure.

(c) No inmate clothing will be given special treatment at the laundry, clothing distribution room, or elsewhere. Exchange of clothing shall be made according to established schedules and procedures. Inmates shall keep their clothing as neat and clean as conditions permit. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-102. Personal cleanliness. Inmates shall shower or bathe a minimum of once a week. Inmates shall brush their teeth a minimum of once a day. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-104. Care of living quarters. Every inmate shall keep his or her living quarters in a neat, clean and sanitary condition. Clothing shall be neatly hung or stored in designated places. Beds shall be made at all times when not in use. Linens shall be exchanged in accordance with the established facility procedures. Wash basins and toilet bowls shall be kept clean. No alteration, painting of, or addition to any assigned quarters or its equipment shall be made without approval according to the orders of the institution or facility. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-105. Unsanitary practices. No inmate shall throw trash of any kind upon the floors, sidewalks, or grounds of any facility. All rubbish shall be placed in the containers provided for that purpose. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-201. Registration and use of personal property. It shall be the responsibility of each inmate to make certain that such items of personal property in his or her possession as designated by Department of Corrections Internal Management Policy and Procedure or orders of the principal administrator of the facility are properly registered. Each inmate shall be required, upon demand, to produce any personal property registered in his or her name or issued to him or her, unless previously reported lost according to proper procedure. (See also K.A.R. Article 44-16, reporting lost or damaged property.) Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

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 in accordance with the orders of the principal administrator. 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 orders of the principal administrator. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1985; amended April 20, 1992.)

44-12-204. Taking without permission. No inmate shall take without permission, regardless of the intent, articles of any kind from any other person or place, nor shall the inmate obtain such articles by fraud or dishonesty. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-205. Unauthorized dealing or trading. Trading, borrowing, loaning, giving, receiving, selling, or buying between, or among inmates without written permission of the principal administrator or designee, is prohibited. Violation shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1988; amended April 20, 1992.)

44-12-208. Misuse of state property. No inmate shall destroy, damage, deface, alter, or misuse, or fail to return when due any article of any property, including clothing and shoes. Violation shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-209. Entering into contracts, incurring financial obligations. No inmate shall enter into a contract, or incur any financial obligation, including orders by mail, without the principal administrator's approval. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

44-12-301. Fighting. Fighting or other activity which constitutes violence, or which is likely to lead to violence, is prohibited, unless such activity is in self-defense. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-307. Avoiding an officer. No inmate shall run from or deliberately avoid any officer or employee when required, ordered, or requested to be present to talk with, accounted for, searched, or questioned by such officer or employee. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-308. Improper use of food. It is the responsibility of every inmate to accept no more food or drink than he or she will consume. No inmate shall wastefully and deliberately destroy food. Inmates shall not carry any food or drink from the dining area or kitchen, except as allowed under the facility orders. Violation shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-309. Kitchen utensils or shop tools. Inmates shall not remove or have in their possession any eating or cooking utensils or tools without proper authorization. Violation of this rule shall be a class II offense. (Note: Possession of utensils or tools may be considered dangerous contraband and punishable as a class I offense.) (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-312. Use of stimulants, sedatives, unauthorized drugs, or narcotics, or the misuse, or hoarding of authorized or prescribed medication. (a) No inmate shall take into his or her bodily system any kind of substance which is capable of producing intoxication, hallucination, stimulation, depression, dizziness, or other alteration of the inmate's state of consciousness or feeling, except accepted foods, such as coffee and tea, and legal drugs, such as medication properly and legally prescribed or authorized for a specific inmate by an authorized licensed physician. Alcohol in any form is specifically declared not to be an accepted food or drink unless it is a component of an authorized or prescribed medication.

(b) Misuse or hoarding of authorized or prescribed medication is prohibited.

(continued)

(1) "Misuse of medication" means any use other than that for which the medication was specifically authorized or prescribed.

(2) "Hoarding of medication" means having possession or control of or holding any quantity of authorized or prescribed medication greater than an amount or dosage that has been issued to the inmate by medical staff, or greater than the amount that should be remaining if the inmate has taken the medication in accordance with the prescription and instructions from medical staff.

(c) No inmate shall leave the infirmary or any area where medication is issued while in possession or control of any medication unless removal of the medication from such area has been authorized by medical staff. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-313. Obscenity. (a) No inmate shall have in his or her possession or under his or her control any obscene writing, pictures, items, or devices. Violation of this rule shall be a class III offense unless the obscene material involves children under the age of eighteen years, in which case violation of this rule shall be a class I offense.

(b) Any material is obscene if the average person applying contemporary community standards would find that the material, taken as a whole:

(1) appeals to the prurient interest;

(2) has patently offensive representations or descriptions of (A) ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or (B) masturbation, excretory functions, sadomasochistic abuse, or lewd exhibition of the genitals; and

(3) would not be considered by a reasonable person to have serious literary, educational, artistic, political, or scientific value. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-314. Sodomy; aggravated sodomy; aggravated sexual act. (a) No inmate shall commit or induce others to commit an act of sodomy, even with the consent of both parties. Participation in such an act shall be prohibited.

(b) No inmate shall force or intimidate another person to commit any kind of sexual act or sodomy. No inmate shall solicit or arrange for the application of force or intimidation by another person in order to commit any kind of sexual act or sodomy against another person. No inmate shall participate in any scheme or arrangement to force or intimidate another person to commit any sexual act. Sodomy is defined as oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal. Violation shall be a class I offense. (Authorized by and imple-

menting K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984; amended April 20, 1992.)

44-12-315. Lewd acts. No inmate shall engage in a lewd or lascivious manner in any acts of kissing, fondling, touching, or embracing, whether they be with a person of the same or opposite sex.

(b) An inmate shall not intentionally expose a sex organ with the knowledge or reasonable anticipation that the inmate will be viewed by others and with the intent to arouse or gratify the sexual desires of the inmate or another. The first or second violation of this rule shall be a class II offense. A third or subsequent violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

44-12-316. (Authorized by and implementing K.S.A. 1982 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984; revoked April 20, 1992.)

44-12-317. Falsifying documents. No inmate shall falsify any document. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-319. Riot or incitement to riot. (a) Riot is any use of force or violence by three or more persons acting together and without the authority of law which produces a breach of the peace on the premises of a correctional facility whether within or without the security perimeter itself, or any threat to use such force or violence against any person or property, if accompanied by power or apparent power of immediate execution.

(b) Incitement to riot is urging others by words or conduct to engage in riot under circumstances which produce a clear and present danger of injury to persons or property, or a breach of the peace. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-321. Conduct regarding visitors or the public. Inmates shall treat visitors and members of the public in a respectful and helpful manner. Inmates shall comply with the orders of the principal administrator regarding contact with visitors or the public and shall maintain a dignified and respectful demeanor while in the presence of such individuals. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-323. Assault. An assault is an intentional threat or attempt to do bodily harm to another, coupled with apparent or recognizable ability to carry out the threat or attempt, and resulting in immediate apprehension or fear of bodily harm. No bodily contact is necessary. Violation shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-324. Battery. Battery is the unlawful or unauthorized, intentional touching or application of force to the person of another, when done in a rude, insolent, or angry manner. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-325. Inmate activity; limitations. (a) No proselytizing of religious faiths or beliefs shall be allowed in the facilities. "Proselytizing" is an active effort to persuade one to convert to a religious belief without such person's prior consent. However, nothing herein shall prohibit one to one conversation about religious matters. Violation of this section shall be a class III offense.

(b) Inmates shall not serve in the capacity of clergy or religious instructors at any time except for purposes of K.A.R. 44-7-113, on recommendation of chaplain and the approval of the principal administrator. Violation of this section shall be a class III offense.

(c) Inmates shall not develop, organize, promote or assist any unsanctioned prison group nor engage in any activity calculated to incite a demonstration by any unsanctioned prison group. "Unsanctioned prison group" means any ongoing formal or informal organization, association, or group of three or more persons which have a common name or identifying sign or symbol, and which has not been specifically approved by the principal administrator. Violation of this section shall be a class I offense. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

44-12-326. Sexual activity. No inmate shall engage in sexual intercourse with any other inmate, staff member, volunteer, contract employee, or visitor. Violation shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended April 20, 1992.)

44-12-328. Relationships with staff. No inmate shall solicit, encourage, establish, or participate in any type of personal relationship with any staff member. A personal relationship is any relationship involving unnecessary familiarity by the inmate toward the staff member. Any contact between an inmate and staff member other than a polite exchange of remarks or casual conversation shall be limited to that contact necessary to allow the staff member to carry out official duties and provide authorized assistance to the inmate in a professional manner. Violation of this rule shall be a class I offense. (Authorized by and implementing 1990 Supp. K.S.A. 75-5210; effective April 20, 1992.)

44-12-401. Work performance. (a) No inmate shall intentionally interfere with, delay, or disrupt work in progress, or sabotage the work, machinery, systems, or products, nor shall any inmate assist or participate in such actions. Violation of this rule shall be a class I offense.

(b) All inmates shall perform work assigned in the manner prescribed and according to the directives of

his or her supervisor or other authorized official. Intentional failure to report to or depart from work at the prescribed time and without unnecessary delay enroute is prohibited. Violation of this rule shall be a class II offense.

(c) No inmate shall slow the work progress through carelessness or neglect. Violation of this rule shall be a class II offense.

(d) No inmate shall be tardy for work. Violation of this rule shall be a class III offense.

(e) Work as defined in this rule includes any work assignment, educational, vocational, counseling, or training program to which an inmate has been assigned. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1988; amended April 20, 1992.)

44-12-501. Answering calls or passes. Inmates shall respond promptly to all calls made for them and shall move from place to place as required by the orders of the facility. No inmate shall destroy or alter a pass issued to him or her. Inmates shall present a pass to the proper person at the time and place indicated on the pass. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-502. Responsibility for counts. Every inmate shall be present at the proper time and place of counts, in accordance with the orders of the principal administrator. Causing a delay that renders the count inaccurate or more difficult, or failure to be present during the count process shall be considered as fouling count. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-503. Restricted area and unauthorized presence or out-of-place in assigned domicile. (a) Restricted area. Each inmate shall make himself or herself aware of all restricted areas. Inmates shall not enter a restricted area without a direct order by a correctional employee authorized to render such order or unless expressly permitted in writing by the principal administrator. Violation of this rule shall be a class II offense.

(b) Unauthorized presence. Inmates shall not be present in any area without authorization. If a pass is required the inmate shall show the pass when required to do so. Specific permission or authorization, whether verbal or written, is required for an inmate to be present at any location at any time. Violation of this section shall be a class III offense.

(c) Out-of-place in assigned domicile. An inmate shall not roam about in the housing unit nor be any place in the housing unit without permission of the unit team. This section applies to conditions where the presence generally in the living unit itself is otherwise authorized. Violation of this section shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

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44-12-505b. Medical Restriction. In order not to aggravate any injury, illness, or other medical condition, inmates shall not participate in any work or recreational activities that violate a documented medical restriction which they have received. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective April 20, 1992.)

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

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

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

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

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

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

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

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

(c) Contraband. Except as provided in subsection (r), items identified as contraband shall be dealt with as provided in subsections (i) and (j) and then either returned to the sender at the inmate's expense or destroyed, at the inmate's option. Items which are illegal under Kansas or U.S. law shall be seized and held as evidence for other law enforcement officers.

(d) Direct communication with officials. Outgoing official or legal mail sent by any inmate shall not be opened. However, if any inmate threatens or terrorizes any person through such mail, subsequent mail, including official or legal mail, from the inmate to the person threatened or terrorized may, at the request of that person, be read and censored for a time period and to the extent necessary to remedy the abuse.

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

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

(g) Incoming or outgoing legal, official, or privileged mail shall not be censored or read unless a previous abuse of the right, or other good cause, is shown and documented. All other mail may be read by a designated official of the facility upon authorization by the principal administrator.

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

(i) Any incoming or outgoing mail other than legal, official or privileged mail may be inspected at any time. Such mail may be censored only when there is reasonable belief that:

(1) there is a threat to institutional safety, order, or security;

(2) there is a threat to the safety and security of public officials or the general public; or

(3) the mail is being used in furtherance of illegal activities. Such mail may also be censored if it is obscene and the addressee, or the responsible parent or guardian of any addressee who is a minor, has filed with the principal administrator a written complaint regarding previous correspondence and a request that future correspondence be stopped.

(j) If any communication to or from an inmate is censored, the following procedures shall be conducted:

(1) Each inmate shall be given a written notice of the censorship and the reason for censorship without disclosing the censored material;

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

(3) the author of the censored correspondence shall be given a reasonable opportunity to protest that decision;

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

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

(l) Any outgoing first class letters may be sent to as many people and to whomever the inmate chooses, subject to the foregoing restrictions.

(m) Outgoing inmate mail shall bear the full conviction name, inmate number, and address of the sender and the name and address of the intended recipient. No other words, drawings, or messages shall be placed on the outside of the envelope or package by an inmate except words describing the mail as being legal, official, privileged, or intended to aid postal officials in delivery of the item. Outgoing inmate mail shall be stamped by the institution to indicate that it was mailed from an institution operated by the department of corrections and that it has not been censored.

(n) The facility shall provide reasonable amounts of free writing paper and envelopes to all inmates, except those in a work release facility or employed by private industry. Inmates may also purchase stationery from the inmate canteen. The facility shall pay postage for

the initial two pieces of first class domestic mail weighing one ounce or less each, per week, for each individual inmate, except those in a work release facility or employed by private industry. Postage for any such domestic mail in excess of two pieces per week shall be paid by the inmate. All postage for legal and official mail shall be paid by the institution or facility except for inmates in a work release facility or employed by private industry. The facility shall not pay postage for inmate groups or organizations.

(o) Inmates shall not correspond with any person who has filed a written objection to the correspondence with the principal administrator of the facility. The inmate shall be notified of the objection in writing when it is received, but need not be informed of the exact contents of the objection. In the instance of unwanted correspondence to a minor, the objection shall be filed by the parent or guardian of the minor. The principal administrator of each facility shall develop orders to prevent further correspondence from being sent to those who have filed an objection. This regulation shall not prevent an inmate from writing to the inmate's natural or adoptive child, unless the child was the victim of the crime for which the inmate is incarcerated and the person having legal custody of the child files a written objection with the principal administrator, and the inmate has not obtained a court order permitting such written communication with the child.

(p) Publications.

(1) Any inmate may receive books, newspapers, and periodicals except for those inmates assigned to the reception and diagnostic unit of the Topeka correctional facility for evaluation purposes. Only books, newspapers, or periodicals received directly from a publisher or a vendor shall be accepted.

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

(3) Inmates shall have the option of having censored publications mailed out of the facility at their own expense, or discarded.

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

(5) On transfer between institutions or facilities, the inmate shall arrange change of address for newspapers and periodicals. Newspapers and periodicals shall not be forwarded for more than 30 days after the date of transfer.

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

(r) Each principal administrator may permit inmates to receive not more than one special holiday package in November or December of each year. These packages shall be processed as follows:

(1) Inmates shall be given written notice of the number and types of items which are authorized to be included in these packages.

(2) Inmates shall be responsible for notifying persons sending packages to them of authorized contents.

(3) The principal administrator may destroy or donate to a charitable organization any unauthorized non-food items included in the packages. However, the inmate may elect to forward the items to another address, at the inmate's expense, within three days after being notified of receipt of the unauthorized items.

(4) The principal administrator may destroy or donate to a charitable organization any unauthorized commercially prepared and packaged food items included in the packages. All homemade foods, fruits, and commercially packaged food not in original packing shall be destroyed.

(s) Violation of this regulation shall be a class II offense. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; April 20, 1992.)

44-12-602. Posting notices. No inmate may post or distribute any written communications without the principal administrator's written approval. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-701. (Authorized by K.S.A. 1979 Supp. 75-5210, 75-5210(f); effective May 1, 1980; revoked April 20, 1992.)

44-12-901. Dangerous contraband. (a) Dangerous contraband is defined as: (1) Any item or any ingredient or part of or instructions on creation of such item, which is inherently capable of causing serious damage to persons or property, or is capable or likely to produce or precipitate dangerous situations or conflict, and which is not issued by the department of corrections or the facilities, sold through the canteen, or specifically authorized or permitted by order of the principal administrator for use or possession in designated areas of the facility; or

(2) Any item which can be the basis for a charge of felony for its possession under the laws of Kansas or the United States; or

(3) Any item which, although authorized, is misused if the item in its misused form has the characteristics of being able to cause serious damage to persons or property or being likely to precipitate dangerous situations or conflicts; or

(4) Any item which would constitute traffic in contraband in violation of K.S.A. 21-3826.

(b) All contraband shall be confiscated and may be ordered forfeited by the inmate at the discretion of the disciplinary hearing officer.

(c) No inmate shall possess, hold, sell, transfer, receive, control, distribute, or solicit any dangerous contraband. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

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44-12-902. Less dangerous contraband. (a) Less dangerous contraband is: (1) Any item or any ingredient or part of or instructions for creation of such item, which is moderately dangerous in the facility environment, and which is not issued by the department of corrections, facilities, sold through the canteen, or specifically authorized or permitted by order of the principal administrator for use or possession in designated areas of the facility; or

(2) Any item which, although authorized, is misused in a way which causes some danger to persons or property.

(b) All contraband shall be confiscated, and may be ordered forfeited by the inmate at the discretion of the disciplinary hearing officer.

(c) No inmate shall possess, hold, sell, transfer, receive, control, distribute, or solicit any contraband. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-1001. Violation of statutes, other regulations, or orders. (a) Unless otherwise designated in this rule book, violation of state or federal statutes shall be a class I offense if the statute is a felony crime. A violation shall be a class II offense if the statute designates a misdemeanor criminal offense.

(b) Unless otherwise designated in this rule book, violation of any civil penalty statute or any regulation shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended April 20, 1992.)

44-12-1002. Violation of published orders. Violation of any published orders of the principal administrator of the facility shall be an offense of the class stated in the order itself, or if no class is stated it shall be a class III offense. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

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

(a) Attempt.

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

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

(b) Conspiracy.

(1) A conspiracy is an agreement with another person to commit an offense or to assist in committing

an offense. No inmate may be convicted of a conspiracy unless an overt act furthering that conspiracy is alleged and proved to have been committed by the inmate, or by a co-conspirator.

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

(c) Accessory to an offense. Aiding an offender or one charged with an offense is knowingly harboring, concealing, or aiding any inmate who has committed an offense, or one who has been charged with an offense, with intent that such inmate shall avoid or escape from apprehension, disciplinary hearing, conviction, or punishment for such offense.

(d) Solicitation. Solicitation is commanding, encouraging, or requesting another person to commit an offense, attempt to commit an offense, or aid and abet in the commission or attempted commission of an offense for the purpose of promoting or facilitating the offense. It shall not be a defense to a charge of solicitation that the inmate failed to communicate with the person solicited to commit the offense if the inmate's conduct was designed to effect a communication. It shall be a defense to a charge of solicitation that the inmate, after soliciting another person to commit an offense, persuaded that person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the inmates prohibited purposes. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective, E-79-37, Jan. 1, 1979; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended April 20, 1992.)

44-12-1201. Increased penalty for involving or victimizing one under 18. If any inmate who is 18 years of age or older involves, induces, or solicits an inmate who is less than 18 to commit an offense, or if the victim of an offense committed by the older inmate is an inmate who is less than 18, the older inmate may be subject to a penalty which is double the penalty established for the offense under these regulations. A finding that the older inmate is guilty of the same offense committed by the younger inmate, that the older inmate is guilty of a violation of K.A.R. 44-12-1101 with respect to that offense, or that the older inmate is guilty of an offense involving the victimization of the younger inmate shall be necessary in order to invoke the increased penalty. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended April 20, 1992.)

44-12-1202. Conviction of four offenses in six months. Subject to the limitations contained in K.A.R. 44-12-1308, upon conviction of the fourth offense of

the same class within the immediate prior six month period, the hearing officer may impose a sentence for such fourth offense not greater than twice the maximum that can be imposed for an offense of that class. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-12-1301. Class I offenses. (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) a fine, not to exceed \$20.00;

(7) restitution; or

(8) an oral or written reprimand. (Authorized by and implementing K.S.A. 1990 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; amended April 20, 1992.)

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

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

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

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

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

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

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

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

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

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

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

(7) restitution; or

(8) an oral or written reprimand. (Authorized by and implementing K.S.A. 1990 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 April 20, 1992.)

44-12-1303. Class III offenses. (a) Class III offenses are those offenses of a less serious nature that are designated in this code as class III offenses, whether or not such offense is also a violation of law. Any violation of any published secretary of corrections' regulation or order of the principal administrator which is not otherwise designated in these regulations or principal administrator's orders as a class I or class II offense shall be a class III offense.

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

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

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

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

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

(5) restitution; or

(6) an oral or written reprimand. (Authorized by and implementing K.S.A. 1990 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; amended April 20, 1992.)

44-12-1304. (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; revoked April 20, 1992.)

44-12-1306. Use of restitution. (a) When restitution is used in the disciplinary process the following rules and limitations shall apply:

(1) The amount of and manner of payment of restitution imposed may be appealed in the same manner and to the same extent as any other appeal of sentence in the disciplinary process.

(2) The appropriateness and amount of restitution ordered shall be determined by consideration of the factors set forth in K.A.R. 44-12-1307.

(3) No inmate shall be required to continue payment on any restitution imposed under these rules after the release from incarceration and no portion of the inmate's gate money gratuity as authorized by K.S.A. 75-5211 shall be used toward the payment of such restitution.

(4) Restitution shall continue to be paid out of money earned by the inmate in the work release program, the private nonprison employment program, or any other gainful employment industries program. Restitution payment shall be limited to a reasonable amount and where appropriate shall be made in installments.

(5) The inmate shall be given notice, not later than the beginning of the disciplinary hearing, of the amount of value of the property which will constitute the basis for restitution, and shall be given an opportunity at stage C of the hearing to present contrary evidence regarding such value. The hearing officer shall limit the evidence to a reasonable amount and extent as is appropriate to the nature of the admin-

(continued)

istrative hearing, the level of the offense, and the extent of possible impact on the inmate's resources.

(b) If restitution is to the state, the money shall be deposited to the state general fund. If restitution is to an inmate, the money shall be transferred by the clerk from the account of the inmate payer to the account of the inmate payee after the conclusion of the entire disciplinary process, including any appeal. If restitution is to any other person, the hearing officer shall determine how payment is to be made and the principal administrator or designee shall review the same for approval, conferring with the facility business manager where appropriate. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1981; amended May 1, 1987; amended April 20, 1992.)

44-12-1307. Fines and restitution, imposition and collection; limits. 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 court-ordered restitution payments, or to interfere with the inmate's ability to purchase basic hygiene items. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985; amended April 20, 1992.)

Article 13.—DISCIPLINARY PROCEDURE

44-13-101. Disciplinary procedure established, general description of system. (a) The principal administrator of each 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 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 officer;

(2) to be present at the hearing;

(3) to present documentary evidence;

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

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

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

(7) to 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 as provided in K.A.R. 44-13-103.

(g) There shall be three classes of offenses which shall be processed according to the provisions of these regulations.

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

(1) Stage A of the disciplinary hearing, which shall include the explanation of the charge and the disciplinary process, and the taking of the plea; and

(2) Stage B of the disciplinary hearing, which shall include the fact finding needed to determine guilt or innocence; and

(3) Stage C of the disciplinary hearing, the disposition.

(i) At stage A of the 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 during stage A. If a plea of guilty or no contest is entered during stage A, stage B of the final hearing shall not be required to be conducted in full. In lieu of stage B of the hearing, a finding of guilt may be recorded and the process shall go to stage C for disposition. In these cases, stage C may be conducted along with stage A. If a plea of not guilty or no plea at all is entered, the process shall go to stage B for the finding of guilt or innocence.

(j) All stages of the disciplinary hearing shall be conducted by a hearing officer appointed by the principal administrator pursuant to K.A.R. 44-13-302.

(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 hearing 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 all stages of the 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 all stages of the 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.

(g) 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 his designee, or by the principal administrator with the secretary of corrections' written approval. This restriction shall not prohibit the holding of hearings at a receiving facility following a transfer based on a classification decision in the sending facility where the offense occurred in the sending facility.

(r) This regulation is intended to summarize the disciplinary procedure and shall not be construed or interpreted as establishing any rights or procedures which are not specifically set forth in article 13. (Authorized by and implementing K.S.A. 1990 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; amended May 1, 1987; amended April 20, 1992.)

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. The waiver shall be witnessed by one impartial correctional employee and shall be signed by the inmate and the hearing officer except in cases where the inmate is waiving the right to the disciplinary hearing process by accepting a summary judgment citation as defined in K.A.R. 44-13-201b.

(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) Except in cases where the inmate is waiving the right to the disciplinary hearing process by accepting a summary judgment citation as defined in K.A.R. 44-13-201b, the inmate shall be questioned by the hearing officer prior to accepting the waiver to determine if it is knowingly and voluntarily made. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985; amended April 20, 1992.)

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

(b) Notification for prosecution by outside agency shall not preclude a disciplinary charge and proceeding by the correctional facility for the rule infraction arising from the same facts. The hearing officer may proceed or continue the case to await the outcome of the prosecution by the law enforcement agency. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984; amended April 20, 1992.)

44-13-104. Contract work release centers, halfway houses, any other facilities; use of other disciplinary procedures. (a) In any work release center, halfway house, or other facility operated on contract with the department, the facility administrator, may, in the administrator's discretion, use either the department of corrections' rules of disciplinary procedure or any other disciplinary procedure approved by the secretary of corrections which meets requirements of the United States constitution. Such procedures shall be submitted to the secretary of corrections in writing for approval prior to use for department of corrections inmates.

(b) All inmates entering the work release program, halfway house, or other contract facility shall be notified at the time of application that the disciplinary program used in those facilities may be different from that used by the department of corrections and its other facilities. Upon admission to a work release center, halfway house, or other contract facility, a copy of the disciplinary procedure used at that facility shall be provided to each inmate. This section shall be applicable to all sections of this article. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended April 20, 1992.)

44-13-106. Administration of oaths; designation of persons authorized. (a) The principal administrator, the deputy principal administrators, the disciplinary administrator appointed pursuant to K.A.R. 44-13-105, and those persons serving as hearing officers 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 and implementing K.S.A. 1990 Supp. 75-5210 and K.S.A. 1990 Supp. 75-5251; effective, T-85-37, Dec. 19, 1984; effective May 1, 1985; amended April 20, 1992.)

44-13-115. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1984; amended May 1, 1987; revoked April 20, 1992.)

44-13-201. Disciplinary report and written notice. (a) A disciplinary proceeding shall be commenced upon the making of a charge by a disciplinary report. The inmate shall be notified in writing by personal service of a copy of the request upon the inmate, within 24 hours after the issuance of the disciplinary report, excluding Saturdays, Sundays, and holidays. The report shall not be served upon the inmate by the same officer who brought the charge against the inmate unless no other officer is available to personally

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serve the inmate. The officer serving the report shall inform the inmate that the inmate may enter a plea of guilty or no contest to the charge at the time of service of the report. In that event, if the officer serving the report has been appointed as a hearing officer by the principal administrator pursuant to K.A.R. 44-13-302, that officer may immediately, or as soon as possible, accept the inmate's plea of guilty or no contest, conduct a sentencing hearing, and impose sentence by following the procedures established in K.A.R. 44-13-403. If the officer serving the report has not been appointed as a hearing officer by the principal administrator pursuant to K.A.R. 44-13-302, or wishes to refer the case to another hearing officer, then the inmate desiring to plead guilty or no contest to the charge at the time of service of the report shall be brought immediately, or as soon as possible before a hearing officer, who shall accept the inmate's plea of guilty or no contest, conduct a sentencing hearing, and impose sentence by following the procedures established in K.A.R. 44-13-403. If necessary, the hearing officer may accept the inmate's plea of guilty or no contest immediately, or as soon as possible, after service of the report, but delay the sentencing hearing and imposition of sentence for not more than six working days.

(b) If an inmate is transferred to another facility prior to being notified of the issuance of the disciplinary report, service of the report upon the inmate shall be made within 48 hours after issuance of the report, excluding Saturdays, Sundays, and holidays, in the same manner as provided in subsection (a).

(c) The disciplinary report shall be written within 48 hours of the offense, the discovery of the offense, or the determination following an investigation that the inmate is the suspect in the case and is to be named as defendant. The investigation shall be completed as soon as possible under the existing circumstances. If necessary, pending completion of the investigation, the inmate may be held in administrative segregation for a certain period pursuant to K.A.R. 44-14-302(b). The report shall be reviewed and approved or disapproved by the shift supervisor based on whether or not the report is sound, adequate and made in proper manner and form. If the charge is dismissed, or the report is otherwise rejected by the shift supervisor, a written explanation shall be made in the record and filed with the report, with a copy given to the officer. The report shall not be destroyed.

(d) The disciplinary report shall constitute a formal statement of the charge and shall be in a form prescribed by the secretary and shall include:

- (1) The name and number of the inmate;
- (2) the institution;
- (3) the signature and title of the writing officer;
- (4) the date and time of the alleged offense;
- (5) the date and time the report is written;
- (6) the nature of the alleged offense;
- (7) the class, title and number of the rule violated;
- (8) the specific rule which is the basis of an attempt, conspiracy or accessory under K.A.R. 44-12-1101;
- (9) the names of known witnesses;

(10) a brief description of the circumstances and facts of the violation;

(11) any unusual inmate behavior;

(12) disposition of any physical evidence; and

(13) any immediate action taken, including the use of force.

(e) No inmate shall be charged unless the rule or law has been made in writing and published.

(f) If the offending conduct observed is a class II or III offense, the officer may orally warn or reprimand the inmate instead of writing a report or otherwise documenting the incident. (Authorized by and implementing K.S.A. 1990 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, 1987; amended April 20, 1992.)

44-13-201b. Summary Judgment procedure. (a) In any case involving one or more alleged Class III offenses, the reporting officer may offer the inmate the option of resolving the matter through the summary judgment procedure as an alternative to writing a disciplinary report that leads to initiation of the formal disciplinary hearing process.

(b) Officers shall carry with them or have immediate access to summary judgment citation forms.

(c) If an officer observes an inmate in the act of committing one or more Class III offense(s) that the officer believes require more than an undocumented, on-the-spot verbal reprimand, the officer may file a formal disciplinary report against the inmate or offer him summary judgment by issuing a summary judgment citation. Once summary judgment is offered to the inmate by the officer, the offer cannot be withdrawn absent the commission of additional alleged disciplinary offenses by the inmate.

(1) The summary judgment citation shall be written and served on the inmate by the reporting officer within two hours of the alleged incident, and shall include:

(A) the date and time of the alleged offense(s);

(B) the date and time the citation is written;

(C) the name(s) and rule number(s) of the alleged Class III offense(s);

(D) a statement of the facts of the alleged incident, including names of witnesses;

(E) the date and time that the citation is served on the inmate;

(F) the summary judgment sanction; and

(G) the signature of the inmate indicating his acceptance or refusal of the summary judgment.

(2) The officer may impose only one of the following summary judgment sanctions regardless of the number of offenses cited:

(A) restriction from privileges for up to seven days;

(B) a fine of \$5.00; or

(C) extra work for up to two hours per day, not to exceed three days.

(3) The inmate may choose whether to accept the summary judgment or to reject it in favor of the formal disciplinary hearing process. This decision must be made immediately upon the inmate's receipt of the citation or the conclusion of any discussion between

the inmate and the officer about the summary judgment sanction to be imposed, or it will be assumed that the inmate refused the summary judgment. The officer may choose to impose a different summary judgment sanction after discussion of the incident with the inmate, and this fact shall be documented on the summary judgment citation if the inmate then accepts the summary judgment.

(A) If the inmate accepts the summary judgment offered, such acceptance shall constitute a waiver of the inmate's right to the benefits of the formal disciplinary hearing process. The acceptance and waiver shall be reflected by the inmate's signature on the summary judgment citation and on the appropriate form for waiver of rights established pursuant to K.A.R. 44-13-101a. Upon the inmate's acceptance of the summary judgment, the sanction shall be immediately imposed and the shift supervisor shall be notified.

(B) If the inmate rejects the summary judgment offered, the inmate shall receive the hearing process provided for a Class III offense. The summary judgment citation shall be marked and signed by the officer and the inmate to indicate the inmate's refusal. If notarized, the citation may then be used in lieu of the more formal disciplinary report to initiate the formal disciplinary hearing process. In that event all normal applicable time limits shall run from the time the inmate signs the citation indicating his refusal of the summary judgment. This shall constitute service of the disciplinary report on the inmate as required by K.A.R. 44-13-201. The requirement contained in K.A.R. 44-13-201 that an attempt be made to ensure that the officer personally serving the report on the inmate not be the same officer who wrote the report shall not apply when summary judgment has been offered.

(C) If an inmate rejects the summary judgment offered, the inmate may not be charged with a more serious offense or combination of offenses than was alleged in the summary judgment citation.

(4) All summary judgment citations accepted by the inmate shall be documented in the inmate's file. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective April 20, 1992.)

44-13-202. Amendment of the charge. (a) Where there is a language defect or omission in the statement of the charge, and the charge is otherwise correct, the language may be amended and the case may proceed if the change in language neither changes the substance of the charge nor adversely affects the defense.

(b) Where the charge is incorrect, or a language change would change the substance of the charge or adversely affect the defense, the charge may be amended and notice given to the inmate. After this notice is given, the inmate shall have the same period of time between notice and hearing to prepare a defense as would have been permitted when the charge was originally made.

(c) When the charge has been dismissed by the hearing officer because of a defect in the charge, the charge may be amended and notice given to the inmate, reinitiating the process.

(d) The same charge shall not be brought twice on same facts under any circumstance where a factual finding of guilt or innocence has been made.

(e) After the hearing officer has begun to hear evidence in the case, the hearing officer may permit amendment at any time before a factual finding of guilt or innocence has been made if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-13-203. State prosecution and disciplinary hearing. (a) If the inmate has been charged, convicted, or acquitted in a criminal court of a charge or for a crime arising from the same facts, the disciplinary hearing may be conducted or continued at the hearing officer's discretion.

(b) Where the inmate has been convicted or acquitted in criminal court for a crime arising from the same facts, the hearing officer may rely on the finding made by the jury or judge in conducting or dismissing the disciplinary hearing.

(c) If the disciplinary hearing is conducted while the criminal court case is pending, and the court later renders a decision different from the decision of the hearing officer, the decision of the hearing officer shall remain unaffected unless upon motion to the hearing officer there is a showing that the hearing officer's decision is based on an obviously erroneous fact which affects the substantial rights of the inmate, in which case the hearing officer shall correct its decision on the record. The hearing officer may not change his or her decision in order to convict an inmate following a conviction by the court if the hearing officer acquitted the inmate before the court made its finding, or otherwise change his or her decision to adversely affect the inmate. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-13-301. (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; revoked April 20, 1992.)

44-13-302. (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; revoked April 20, 1992.)

44-13-302a. Hearing officers. (a) The principal administrator shall appoint one or more impartial hearing officers to conduct disciplinary hearings at each department-operated facility.

(1) The minimum qualification for hearing officers shall be satisfactory completion of required training.

(2) Any person who is the reporting officer, investigator, or a witness in a case shall not be the hearing officer in that case. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective April 20, 1992.)

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44-13-303. (Authorized by and implementing K.S.A. 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, 1986; revoked April 20, 1992.)

44-13-304. The disciplinary representative. (a) The disciplinary representative, if appointed, shall present the case against the inmate on behalf of the facility. The principal administrator may appoint the reporting officer to act on the facility's behalf. If needed, the representative or officer may obtain the advice and assistance of the facility's legal counsel.

(b) The hearing officer may bring out the facts by direct or cross examination but shall not act as prosecutor on behalf of the facility or charging officer against the accused inmate, nor on behalf of the inmate. (Authorized by and implementing K.S.A. 1990 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 April 20, 1992.)

44-13-401. Hearing within certain time. (a) Except as otherwise provided in this section, the administrative hearing by a hearing officer of the institution to determine the inmate's guilt or innocence and impose a penalty in the event of a finding of guilt shall be held not less than 24 hours nor more than seven working days after the service of notice of charge on the inmate, subject to authorized continuances. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended April 20, 1992.)

44-13-401a. Notice to inmate; time and place of hearing. Each inmate charged with an offense shall be given advance written notice of the time and place of the disciplinary hearing. This notice shall be given not less than 24 hours before the hearing. Notice shall be given by the disciplinary administrator or other responsible person designated by the principal administrator. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1984; amended April 20, 1992.)

44-13-402. Continuing the hearing; time limits; extensions. (a) In the event that the employee filing a complaint or the inmate charged is not prepared for the hearing, one continuance of five working days, excluding Saturdays, Sundays and holidays, shall be allowed for each side if requested by the employee at least 24 hours prior to the scheduled hearing, or if requested by the inmate within 24 hours of the time the inmate receives notice of the hearing, as outlined in K.A.R. 44-13-401a. If the inmate is represented by Legal Services for Prisoners, Inc., and counsel is unavailable for the scheduled hearing, a continuance of five working days, excluding Saturdays, Sundays and holidays, shall be granted if requested at or prior to the scheduled hearing. In addition, one continuance of up to five working days, excluding Saturdays, Sundays and holidays, as requested, may be permitted to each side for good cause shown, at the fair discretion

of the hearing officer, or by the disciplinary administrator, if a hearing officer has not yet been appointed for the case. The continuance dates shall be recorded on the institution or facility disciplinary board log, and the inmate shall be notified of the dates. The hearing officer may also continue the case for a reasonable period, as necessary, subject to the hearing officer's review of the status of the case every 30 days, if:

(1) The inmate or the employee is unable to appear for medical or psychiatric reasons as certified by the facility or other licensed physician or psychiatrist;

(2) there is a delay to await determination of whether the case will go to trial in a court of law or to await the outcome of a trial;

(3) there is an unavoidable delay to await the return of evidence from an analysis laboratory;

(4) the inmate is transferred to or from the Topeka correctional facility for diagnostic evaluation, out to court or to a mental hospital before hearing; or

(5) the inmate is on "escape" status. At the hearing officer's discretion the case may be dismissed, or heard *in absentia* on the record, unless the inmate has been apprehended and is available at a known location for return to department of corrections custody for the hearing within six months.

(b) To obtain a continuance in advance of the hearing, the requesting party shall make the request to the hearing officer or to the disciplinary administrator. The continuance shall be granted if it complies with the rules. If there is a hearing officer appointed for the case, the request shall be forwarded to that officer.

(c) All time limits established within these rules and regulations for the disciplinary process shall be complied with. Reasonable extensions may be obtained with the prior approval of the secretary of corrections or the secretary's designee, only in the case of a substantial disruption of order in the facility or where the inmate has been transferred to another location. In the event an inmate has been transferred to another facility, it shall be the responsibility of the principal administrator of the sending facility to apply for approval of the extensions. The facts justifying an extension shall be examined, fully documented, and approved personally by the principal administrator. (Authorized by and implementing K.S.A. 1990 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, 1988; amended April 20, 1992.)

44-13-403. Conducting the disciplinary hearing. (a) The disciplinary hearing shall be conducted in three stages: Stages A, B, and C. In Stage A, the hearing officer shall inform the inmate of the charges and take the inmate's plea. In Stage B, the hearing officer shall determine guilt or innocence. In Stage C, the hearing officer shall make a disposition, including the determination and imposition of sentence if guilt was established in Stage B.

(b) In Stage A the hearing officer shall read the disciplinary report to the inmate, including the date, nature of offense, the reporting officer's name, and a synopsis of the observation. The officer shall assure that the inmate understands the charges and that a

copy was received by the inmate. The officer shall explain the possible penalties.

(c) Counsel or counsel substitute shall be permitted to be with the inmate at all stages of the disciplinary hearing only as provided in K.A.R. 44-13-408.

Counsel or counsel substitute shall not be permitted in other kinds of cases.

(d) If the inmate is disruptive or is deliberately refusing to be present, the hearing may proceed *in absentia* and the record shall indicate reasons for the inmate's absence. The inmate's counsel shall be permitted to be present.

(e) The hearing officer shall assure that the inmate has counsel or counsel substitute when required by K.A.R. 44-13-408.

(f) The hearing officer shall advise the inmate of the inmate's rights to Stages B and C of the hearing, and to counsel or counsel substitute in certain cases, pursuant to K.A.R. 44-13-408, and of other procedural due process rights.

(g) The hearing officer shall then ask the inmate to plead guilty, not guilty, or no contest, and shall take the plea if the presiding officer is assured that it is made knowledgeably and without threat or promise of reward to the inmate. If the inmate refuses to plead, the hearing officer shall enter a plea of not guilty. A plea of no contest shall be treated in the same manner as a plea of guilty. The inmate may plead guilty or no contest, thereby waiving his right to Stage B of the disciplinary hearing, but reserving the right to participate in Stage C of the hearing to the extent of offering a brief argument in mitigation of the penalty to be imposed. In that event, no evidence or arguments about the inmate's guilt or innocence of the charge(s) may be introduced by the inmate.

(h) The hearing officer may upon a plea of guilty or no contest, make a finding of guilt, conduct a Stage C sentencing hearing, and impose sentence.

(i) If the hearing officer finds at Stage A of the hearing that the case must be dismissed, the officer may dismiss the charge on the officer's own motion or on motion of either party. The hearing officer shall give a brief explanation on the record.

(j) In Stage B, only the facts relevant to determination of guilt or innocence shall be considered. In Stage C, the inmate's entire institution record and other relevant facts, observations and opinions may be considered. The unit team file shall be available to the hearing officer.

(k) The hearing officer shall rule on all matters of evidence. Strict rules of evidence, as used in a court of law, shall not be required, but the hearing officer shall exercise diligence to admit reliable and relevant evidence and to refuse to admit irrelevant or unreliable evidence.

(l) The hearing officer shall rule on all matters of representation for the accused inmate in accordance with these regulations. If the accused inmate is represented by counsel pursuant to K.A.R. 44-13-408, or counsel substitute, then that representative shall be permitted to fully represent the accused and shall be permitted to question witnesses and present argu-

ments on behalf of the accused inmate, except as otherwise provided by these regulations.

(m) The disciplinary process shall, to the extent possible, discover the truth regarding charges against the inmate. For this purpose, the hearing officer shall be authorized to call and to interrogate any witness. All testimony and evidence shall be given or presented in the presence of the accused inmate; testimony or evidence shall not be received by the hearing officer or introduced outside the presence of the inmate, except as provided in (n) below, K.A.R. 44-13-403(d), K.A.R. 44-13-402(a)(5), and as otherwise provided in these regulations.

(n) If the testimony of any inmate, in the judgment of the hearing officer, will subject that inmate to possible retaliation for having testified, the hearing officer may receive the testimony in confidence without confrontation or cross examination by the accused inmate, and the witness may be sequestered. The testimony given under oath shall be examined and tested by the hearing officer. The hearing officer shall closely question the testifying inmate to determine the veracity and weight of the testimony offered. The accused shall be apprised of the general nature of the confidential testimony, omitting those details that would tend to identify the inmate who gave the confidential testimony. The identity of any confidential witness shall not be disclosed to the accused, to any other inmate, or to any staff not required to complete the process. Counsel or counsel substitute, if any, shall be permitted to be present when the board receives testimony from the confidential witness, and the attorney may ask questions. The testimony shall be recorded for confidential review by the principal administrator and, on appeal, by the secretary of corrections.

(o) The hearing officer may require the defendant to explain briefly what the purpose and nature of the testimony of a witness will be. The request for the witness may be denied or the testimony reasonably and fairly restricted if the testimony relates to something already disposed of, is clearly irrelevant or immaterial, is repetitious of other testimony, or for reasons specified in K.A.R. 44-13-405a. The truth of the testimony shall be presumed in making this decision.

(p) The hearing officer shall have and exercise all powers necessary to ensure the orderly process of the disciplinary hearing proceedings.

(q) The hearing officer shall listen to all testimony by the reporting officer, the accused inmate, and all other witnesses. The hearing officer shall require the reporting officer and all witnesses to provide all details concerning the alleged offense. The hearing officer shall question each witness, as the need arises, to clarify the facts surrounding the alleged offense.

(r) The hearing officer, in deciding whether or not the inmate is guilty, shall consider only the relevant testimony and report. The accused inmate's correctional and supervision record shall not be considered in determining guilt or innocence. The decision in the

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hearing shall be based solely on evidence presented as part of the hearing.

(s) The hearing shall proceed as follows:

(1) The prosecution shall state its case simply in summary and then the defense shall do likewise.

(2) The prosecution shall present its evidence and the defense shall be permitted to cross examine, except as otherwise provided by these regulations.

(3) The defense shall present its case and the prosecution shall be permitted to cross examine.

(4) Prosecution may make closing argument. The defense may do likewise, and then the prosecution may make a short rebuttal.

(t) If the accused inmate is disruptive or is deliberately refusing to be present, the hearing may proceed *in absentia* and the record shall indicate reasons for the inmate's absence. The inmate's counsel, if available, shall be permitted to be present.

(u) Confrontation and cross examination may be denied by the hearing officer when deemed necessary in any case except class I cases. In class I cases, it may be limited or denied when necessary to protect the safety of an accuser, informant, or witness or when necessary to maintain institutional safety, security and control. Unless a security risk is involved endangering some person, the explanation shall be in the record. If there is such a security risk, a written explanation of the reason shall be sent to the principal administrator with a copy of the secretary for confidential review.

(v) After the conclusion of the presentation of evidence regarding guilt or innocence or disposition, if the hearing officer needs the charging officer, the accused inmate, or both present to provide further information to clarify facts, then both shall be present to hear what the other is saying unless exempt under subsection (n) or (o) above. (Authorized by and implementing K.S.A. 1991 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, 1986; amended April 20, 1992.)

44-13-404. Presence of inmate and presence of charging officer at disciplinary hearings; officer statements in lieu of testimony. (a) The inmate shall be present at all stages of the disciplinary hearing and disposition except as otherwise provided by these regulations or by law.

(b) In class I cases, the charging officer shall be present for direct examination, and for confrontation and cross examination, unless excused by the hearing officer or unless the inmate has been transferred to another facility. The hearing officer may excuse the charging officer only if it determined that institutional safety or correctional goals would be jeopardized. Institutional safety or correctional goals shall not include considerations of mere convenience. If the officer is not present, the officer's report and statement shall be made to the hearing officer in writing under oath. Copies of the report shall be provided to the inmate and it shall be read aloud at the hearing unless confidentiality is required to protect an inmate accuser,

informant, or witness. If an inmate has been transferred to another facility after a disciplinary report was written, the testimony of the charging officer and other witnesses regarding that report may be taken by telephone at the discretion of the hearing officer. Except as provided in K.A.R. 44-13-405(f), any testimony taken by telephone shall be taken in a manner which may be heard by all those present at the hearing, and shall be subject to the same procedures as though the witness was personally present at the hearing.

(c) In class II and III cases, the officer's attendance shall not be required unless deemed necessary by the hearing officer. The officer's report and statement shall be submitted to the hearing officer in writing under oath. It shall be read aloud at the hearing and a copy shall be given to the inmate unless confidentiality is required to protect an inmate accuser, informant, or witness pursuant to K.A.R. 44-13-405(f). If such confidentiality is required, but it is possible to protect the inmate accuser, informant, or witness by editing out certain portions of the report and statement, then those portions shall be edited and the inmate provided with a copy. The hearing officer may contact the officer, by telephone or radio, to ask questions or clarify the facts while the hearing is being conducted or while the matter is being considered for decision. In all cases, if the charging officer requests, the hearing officer shall allow the charging officer to be present. In such a case, the officer shall be present throughout and shall be subject to direct examination, confrontation and cross examination unless restricted by the hearing officer according to these regulations.

(d) When the officer is not present to testify, the officer's statement under oath, along with the disciplinary report, shall be admissible as evidence. The officer's statement under oath shall consist of the officer's rendition of all the facts of the case resulting from the charging officer's complete fact investigation. To the best of the officer's ability, it shall show all relevant and material facts which might be used to support both the facility's case against the inmate and the inmate's defense. When the officer is uncertain of a fact, the officer shall state that with respect to the fact. The charging officer may either adopt or defer under oath to any official neutral fact investigation report which might be conducted by another person or may submit the charging officer's own statement in addition to the investigation report. Confidential inmate testimony may be deleted from the statement in lieu of testimony and reported separately. The hearing officer shall receive any confidential inmate testimony in accordance with K.A.R. 44-13-403(n).

(e) If an alleged violation is based upon uncertain facts, an appropriate investigation shall be initiated within 24 hours of the time the allegation is made and shall be completed without unreasonable delay. The investigation shall determine whether a disciplinary action should be initiated or continue by determining whether the allegation is soundly based on reasonably reliable facts. The investigator shall be a staff member, and, where practical, shall be a staff member other than the person making the allegation. If an inmate is

making the allegation, the officer receiving the allegation, and in a position to write the report, may also be the investigator.

(f) The investigation report may be adopted by the charging officer both as the charge itself, and as the officer's sworn statement in lieu of testimony in any case where appropriate and in accordance with the regulations. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-1, Jan. 5, 1983; amended May 1, 1984; amended April 20, 1992.)

44-13-405. (Authorized by and implementing K.S.A. 1982 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; revoked April 20, 1992.)

44-13-405a. Calling witnesses. (a) In determining whether to allow the inmate to call a witness from the prison population or from among prison employees, the hearing officer shall balance the inmate's interest in avoiding loss of good time and assessment of a fine or placement in disciplinary segregation against the needs of the prison. These needs of the prison include:

- (1) The need to keep the hearing within reasonable time limits;
- (2) the need to prevent the creation of a risk of retaliation and reprisal;
- (3) the need to prevent the undermining of authority;
- (4) the need to limit, to a reasonable level, access to other inmates for the purpose of collecting statements or compiling documentary evidence;
- (5) the need to prevent disruption;
- (6) the need to administer swift punishment;
- (7) the need to avoid irrelevant, immaterial, or unnecessary testimony or evidence;
- (8) the need to reduce or prevent security hazards that may be presented in individual cases;
- (9) the need to use the disciplinary process as a rehabilitative tool and to modify inmate behavior;
- (10) the need to prevent the creation of undue risk to personal or institutional safety;
- (11) the need to reduce the chances of seriously inflaming tension, frustration, resentment and antagonism in the relationship between inmates and institution personnel;
- (12) the need to correct the behavior of inmates and develop in them a value system in order to foster their eventual return to the community; and
- (13) the prompt, efficient and effective resolution of the disciplinary case with accurate and complete fact finding consistent with the level of process required by law for prison disciplinary cases.

(b) The hearing officer shall have broad discretion in permitting or denying the witness request. In exercising the discretion, the hearing officer shall balance the inmate's requests and wishes against the needs of the prison. The goal of the hearing officer shall be to conduct the fact-finding process in a manner leading to the discovery of the truth.

(c) The hearing officer shall not abuse the discretion entrusted to him nor interfere with the level of process which is reasonably necessary to find the truth.

(d) With the charged inmate's consent, the hearing officer may admit the affidavit of a witness in lieu of an appearance by the witness. If a witness is denied or cannot attend in a timely manner, the hearing officer may also admit the affidavit of such witness.

(e) If the requested witness is not an employee or inmate at the institution, the hearing officer may deny the request to call the witness unless critical to determining elemental facts.

(f) The state shall not compel a witness who is neither a prison employee nor an inmate to attend, nor pay expenses for such a witness to attend.

(g) When a request to call a witness is denied, a written explanation shall be made on the record unless it would endanger some person. In such a case, a written explanation shall be made to the principal administrator with a copy to the secretary of corrections for confidential review. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1984; amended May 1, 1987; amended April 20, 1992.)

44-13-406. Disposition. (a) The disposition shall be rendered by the hearing officer in an official session with the inmate present unless otherwise provided by law or regulation. The disposition shall be made without unreasonable delay following the hearing, preferably at the conclusion of the hearing.

(b) The disciplinary hearing officer may:

- (1) Designate the minimum and maximum penalty;
- (2) impose a sentence of a specific number of days, within the limits set in the disciplinary code; or
- (3) designate only the minimum within the limits set out in the disciplinary code, in which case the maximum shall be that shown in the code. If the penalty is not a sentence of a specific number of days, the case shall be reviewed, after the minimum penalty has been served, by the principal administrator or the principal administrator's designee; and

(4) may order the sentences for two or more rule violations to be served on a concurrent or consecutive basis. If the hearing officer makes no specific order in this regard, the sentences shall be computed on a concurrent basis.

(c) The hearing officer may suspend all or part of the sentence imposed.

(d) The hearing officer may make a recommendation regarding classification, housing or assignment to the unit team on a separate form or in a separate space on the disposition form as designated for such purpose.

(e) The hearing officer may make a recommendation, regarding disposition of personal property which has been found to be the subject of a violation of one or more disciplinary rules in accordance with K.A.R. 44-5-111 to the principal administrator on a separate form or in a separate space on the disposition form as designated for such purposes.

(f) The charging officer shall be notified promptly of the disposition. (Authorized by and implementing

(continued)

K.S.A. 1991 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-86-4, March 22, 1985; amended May 1, 1986; amended May 1, 1987; amended April 20, 1992.)

44-13-407. (Authorized by and implementing K.S.A. 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; amended May 1, 1986; revoked April 20, 1992.)

44-13-408. Representation by counsel or counsel substitute. (a) If the hearing officer finds that the charged inmate is incapable of representing himself or herself at any stage of the disciplinary hearing, the hearing officer shall appoint a staff member from an approved list to act as counsel substitute to represent the inmate at the disciplinary hearing and to question relevant witnesses. The principal administrator shall make available to the hearing officer a list of staff members available to assist the inmate as counsel substitute.

(b) Representation by Legal Services for Prisoners, Inc., or its designee shall be permitted only in class I offense cases. Representation in other cases shall be limited to counsel substitute, and shall be permitted only when the hearing officer finds that the inmate is not capable of effectively collecting and presenting evidence on the inmate's own behalf. If Legal Services for Prisoners, Inc., is not available, representation by a counsel substitute shall be permitted in class I offense cases. If the inmate does not wish to be represented by a counsel substitute when Legal Services for Prisoners, Inc., is not available, the hearing may proceed without legal counsel or counsel substitute unless the hearing officer finds the inmate incapable of proceeding on the inmate's own behalf.

(c) Counsel shall be considered not available in cases in which counsel fails or is not expected to appear within three days, excluding Saturdays, Sundays, holidays, and authorized continuances.

(d) Counsel substitute shall mean a correctional staff member. Counsel substitute shall also include Legal Services for Prisoners, Inc., in any case where the hearing officer determines that the inmate is incapable of proceeding on the inmate's own behalf, and Legal Services for Prisoners, Inc., is available and willing to represent the inmate.

(e) Legal Services for Prisoners, Inc., may designate the University of Kansas law school defender project or Washburn university legal clinic by general designation for all members and participants of such programs on a continuing basis. When a bona fide conflict of interest exists, Legal Services for Prisoners, Inc., may designate a private attorney, on a case by case basis, with prior written approval by the secretary of corrections.

(f) In a class I case, if the inmate is represented by legal counsel, the officer also shall be permitted to have representation by legal counsel. The counsel shall be provided by the staff attorney of the facility if one is on staff, or by a department staff attorney, if available. (Authorized by and implementing K.S.A. 1991 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, 1986; amended April 20, 1992.)

44-13-501. Preservation of all reports (see also K.A.R. 44-13-508 and 509). No disciplinary reports or summary judgment citations shall be destroyed for any reason. If written in error, or incorrectly written, the report or citation with case number shall be marked "void" and placed in the disciplinary chronological file at the institution. If the charge was dismissed or a finding of not guilty was made by the disciplinary hearing officer, then the report shall be marked accordingly and placed in the disciplinary chronological file at the institution. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984; amended April 20, 1992.)

44-13-502. (Authorized by K.S.A. 1979 Supp. 75-5210, 75-5210(f); effective May 1, 1980; revoked April 20, 1992.)

44-13-502a. Hearing Record. (See also K.A.R. 44-13-101a, 44-13-403, 44-13-406, and 44-13-506.) (a) A complete written record shall be made of each stage of the disciplinary hearing by the hearing officer who conducted the hearing. The written record shall include the following:

(1) a summary of stage A of the disciplinary hearing showing compliance with the provisions of K.A.R. 44-13-403(b)-(i);

(2) a summary of compliance with the provisions of K.A.R. 44-13-101a and 44-13-403 if the inmate pleads guilty or no contest, including attachment of the required waiver form and acceptance of the plea by the hearing officer;

(3) a complete summary of all the evidence and arguments relied on to find the inmate guilty of the charge at the conclusion of stage B of the hearing, including a summary of the testimony or sworn statement of the reporting officer, subject to K.A.R. 44-13-403(n), a summary of the testimony or sworn statements of all other witnesses, any investigative reports, a list of all physical evidence, a list of any witnesses whose testimony was requested and denied and the reasons for that denial, the reasons for the denial of confrontation and cross-examination of any witness by the inmate, the reasons for the denial of any request for representation by the inmate at any stage of the hearing; and

(4) the disposition of the case provided for in K.A.R. 44-13-406, including a summary of the evidence and arguments heard and the reasons for the penalties imposed in stage C of the hearing. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective April 20, 1992.)

44-13-503. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; revoked April 20, 1992.)

44-13-504. (Authorized by K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986; revoked April 20, 1992.)

44-13-506. Preparation of the record in seven days. The principal administrator or designee shall cause to be prepared and served on the inmate the record of the disciplinary hearing within seven days, excluding Saturdays, Sundays, and holidays, after the rendering of the disposition by the hearing officer, unless extenuating circumstances arise, in which case the record shall be prepared as soon as possible and the reason for the delay attached in writing and delivered to the inmate upon completion of preparation. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-13-507. Docket. A docket of disciplinary cases shall be maintained, showing the case number, the inmate name, inmate number, the cell house, work assignment, offense, title, classification of offense, and the name and title of the reporting officer. Space shall be left on each line on the docket to enter the plea of the inmate, the findings of the hearing officer and the sentence imposed. A copy of such docket shall be maintained in the institution. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; April 20, 1992.)

44-13-601. Serving sentence. An inmate shall begin serving the sentence immediately upon imposition of sentence by the hearing officer, except if the principal administrator determines that space in the disciplinary segregation area is not immediately available or that immediate placement of the inmate in segregation is not otherwise feasible. If such a determination is made, the sentence shall be served when the space is available or as soon as placement of the inmate in segregation becomes feasible. (Authorized by and implementing K.S.A. 1991 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; amended May 1, 1987; amended April 20, 1992.)

44-13-603. Absence from institution. (a) If the inmate is sentenced to disciplinary segregation, restriction to cell, restriction from privileges or extra work, and the inmate is then transferred to the diagnostic unit of the Topeka correctional facility, out-to-court or to a mental hospital prior to commencing or completing the sentence, that time spent outside the facility shall not be credited against the service of the sentence. Upon return to the facility, the inmate shall serve the remainder of the sentence, unless the principal administrator determines the best interests of the inmate or facility warrant that the sentence be suspended.

(b) In the event that the inmate is paroled or conditionally released prior to completion of serving the sentence, the inmate shall not be required to complete serving the sentence upon the inmate's subsequent return to the institution. (Authorized by and imple-

menting K.S.A. 1991 Supp. 75-4210; effective May 1, 1986; amended April 20, 1992.)

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.

(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. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1984; amended May 1, 1985; amended April 20, 1992.)

44-13-701. Appeal on the record to secretary of corrections in class I and II offense cases only. (a) In class I and II cases the inmate shall have the right to appeal on the record to the secretary of corrections from a final decision made by the disciplinary hearing officer, after review of the decision by the principal administrator. The inmate shall be notified of that right of appeal before or immediately following the principal administrator's review.

(b) The appeal shall be initiated by the unit team, upon request by the inmate. The inmate may, on forms provided by the unit team and with their assistance, prepare the inmate's own appeal. The unit team shall assure that the proper forms are included before it is forwarded.

(c) The inmate shall appeal within 15 days of the date of receiving the inmate's copy of the final action.

(d) If the inmate pleads guilty or no contest at the hearing, an appeal of the penalty imposed may be brought, but no appeal of the finding of guilt shall be permitted unless the inmate alleges and shows that:

(1) the inmate was under duress at the time of the plea;

(2) fraud or substantial error was involved in the inmate's plea of guilty or no contest; or

(3) the inmate was not advised of the nature of the hearing and the rights the inmate would waive by that plea.

(e) (1) In appeals, each side may submit a written argument and shall serve a copy of the argument on the opposing side.

(2) The inmate shall serve a copy of the argument on the unit team, with the appeal papers, and the argument shall be made part of the appeal record. Within two working days, the unit team shall forward

(continued)

a copy to the institution's disciplinary administrator so that a responsive argument may be made.

(3) Within two working days of receipt of the inmate's appeal papers and argument, if any, the disciplinary administrator shall forward a copy to the institution's or facility's administrative legal advisor, or if none, to the deputy director for programs. If a responsive argument is then prepared, it shall be delivered to the facility's disciplinary administrator within five working days of receipt of the inmate's appeal papers and argument, if any, by the facility's administrative legal advisor or deputy director for programs. A copy of the responsive argument shall be served upon the inmate, or the inmate's attorney, within two working days after receipt by the facility's disciplinary administrator. The responsive argument shall be made a part of the record and forwarded to the secretary of corrections along with the appeal within 15 working days of the inmate's notice of appeal. In any case in which no responsive argument is submitted by the facility, the secretary of corrections may request that such argument be prepared, submitted, and served on the inmate within five calendar days of the request. Such request shall not delay the time limits established in K.A.R. 44-13-702 for the secretary of corrections' review on appeal.

(4) All arguments shall identify, on their face, the disciplinary case and number to which they are to be attached. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 20, 1992.)

44-13-702. Secretary of corrections final review on appeal. The secretary of corrections shall, within 10 days of receiving an appeal, excluding Saturdays, Sundays, and holidays, review all cases appealed to the secretary. The secretary may approve the decision as rendered, revoke it entirely, reduce the penalty, or order a new hearing. The date of receipt shall not be counted. The secretary's decision shall be final. A copy of the written appeal decision shall be given to the inmate within 15 days following the secretary's decision. If the appeal is denied, the reason for that decision shall be included in the written appeal decision. The purpose of the secretary's review shall be to determine whether there was substantial compliance with departmental and facility standards and procedures, whether the hearing officer's decision was based on some evidence, and whether, under the circumstances, the penalty imposed was appropriate and proportionate to the offense. (Authorized by and implementing K.S.A. 1990 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 April 20, 1992.)

44-13-703. Appeal on the record to the principal administrator of the institution or facility in class III offense cases. (a) In class III offense cases, the inmate shall have a right of appeal to the principal adminis-

trator 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.

(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. 1990 Supp. 75-5210, effective May 1, 1980; amended May 1, 1985; amended May 1, 1987; amended April 20, 1992.)

44-13-704. Administrative review. (a) In class I and II offense cases, within seven 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, amend the charge in accordance with the provisions of K.A.R. 44-13-202 and remand to the hearing officer, disapprove the decision and dismiss the case, reduce the penalty, provide for disposition of personal property which has been found to be the subject of a violation of one or more disciplinary rules in accordance with K.A.R. 44-5-111, or remand the case to the 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 seven days after receipt of the record, excluding Saturdays, Sundays and holidays. The date of receipt shall not be counted.

(c) In class III cases, where possible, the reviewer shall not be the principal administrator. The principal administrator shall designate an impartial employee of suitable rank and experience to do the review. No person who was 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. 1991 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; amended May 1, 1988; amended April 20, 1992.)

44-13-705. Failure to meet deadlines, possible dismissal of case. Failure to meet deadlines required in the review and appeal process may result in the dismissal of the appeal at the discretion of the reviewing authority. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-13-706. Administrative review board to review and make recommendations. The administrative segregation review board established under article 44-14 of these regulations may review the inmates held in disciplinary segregation and may, at any time, recommend to the disciplinary hearing officer that the disciplinary segregation sentence of an inmate be modified to suspend the remaining segregation time based on a finding of the administrative disciplinary segregation review board that the inmate has maintained

exceptionally good behavior while in segregation. The disciplinary hearing officer may, acting on the recommendation of the administrative segregation review board, suspend the remaining segregation time of the inmate's sentence. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992.)

44-13-707. Harmless error; plain error. (a) An error in either the admission or exclusion of evidence, an error or defect in any ruling or order, an error in anything done or omitted by the hearing officer or by any of the facility officials in processing the disciplinary case, or an error by the inmate in processing the inmate's defense of the case, shall not be grounds for granting a new hearing, for setting aside a finding, or for vacating, modifying or otherwise disturbing a disposition or order, unless refusal to take that action appears to the hearing officer or the reviewing authority inconsistent with substantial justice. At every stage of the hearing, the hearing officer or the reviewing authority shall disregard any error or defect in the proceeding which does not affect the substantial rights of the inmate or the state. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210; effective, T-83-23, Aug. 11, 1982; effective, T-84-6, May 1, 1983; effective May 1, 1984; amended April 20, 1992.)

Article 15.—GRIEVANCE PROCEDURE FOR INMATES

44-15-101. Inmate or parolee grievance procedure; informal resolution; formal levels. (a) Throughout this series of regulations comprising the grievance procedure, all references to inmates shall include parolees unless the meaning is clearly to the contrary. References to the principal administrator shall include the parole director. The unit team equivalent shall be the parole officer.

(b) Prior to utilizing the grievance procedure, the inmate shall be responsible for attempting to reach an informal resolution of the matter with the personnel who work with the inmate on a direct or daily basis. An inmate in a facility or parole setting shall contact the unit team members for the attempt at informal resolution. That attempt shall be documented. The facility's inmate request forms may be used to document this process. If this informal resolution attempt fails, the grievance system may then be used. If an emergency exists and a resolution could not be obtained by going to the unit team, the inmate may go directly into the grievance process.

(c) At each stage all grievances shall be answered in as short a time as possible to insure that delay will not impose additional hardship upon the inmate or unnecessarily prolong a misunderstanding. Grievances of inmates who have since been transferred, paroled, or discharged shall be answered to the extent possible.

(d) The grievance procedure shall incorporate several levels of problem solving to assure solution at the lowest administrative level possible.

(1) Level 1. Inmates in the prison facilities shall first submit the grievance report form to the principal ad-

ministrator of the facility. Parolees shall first submit the form to the regional parole director.

(2) Level 2. If not resolved, the grievance may be next submitted to the office of the secretary of corrections. The secretary of corrections shall respond to the grievance or refer the matter to a deputy secretary of corrections for additional investigation, if necessary, and response to the inmate. Grievances of inmates in the prison facilities may be referred by the secretary to the deputy secretary of corrections for facility management. Grievances of parolees may be referred by the secretary to the deputy secretary of corrections for community and field services management.

(e) Inmate grievance report forms and appeal forms shall be made available to all inmates. Grievance forms and appeals forms shall be provided in containers in each inmate living unit and on each segregation wing or tier. The unit team shall assist the inmate in obtaining copies of supporting material necessary to complete the grievance if the number of photocopies requested by the inmate is reasonable.

(f) No staff member shall refuse to sign, date and return an inmate request form, an inmate grievance form, or a grievance receipt slip showing that the inmate came to that person for assistance.

(g) Each inmate shall be entitled to invoke the grievance procedure. The facility shall insure that the procedure is accessible to mentally impaired and physically handicapped inmates. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987; amended April 20, 1992.)

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

(1) Each inmate shall first seek information, advice, or help on any matter from the inmate's unit team, or from a member of the team. If unable to solve the problem, the unit team shall refer the inmate to the proper office or department. The unit team shall assist those inmates who are unable to complete the form themselves.

(2) If an inmate does not receive a response from the unit team within 10 calendar days, a grievance report may be sent to the principal administrator without the unit team signature or signatures. Each 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 any 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:

(continued)

(A) A specific complaint that states 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, that may be 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 each 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 a grievance is determined to challenge policies or practices of the institution or department, including the grievance procedure itself, 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) Each answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions and the action taken by the principal administrator. Each answer shall inform the inmate that the inmate may appeal by submitting 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) Each institution or facility shall maintain a file on grievance reports indexed by inmate name and sub-

ject matter. Grievance report forms shall not be placed in the inmate's institution file.

(F) Any 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, any grievance may be sent by an inmate 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 form shall be accepted by the secretary.

(5) Each answer by the secretary of corrections shall be in the same form as that by the principal administrator. The secretary may designate an appropriate deputy secretary to prepare the answer. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210, K.S.A. 75-5251; effective May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1988; amended April 20, 1992.)

44-15-105a. Annual Review. The records regarding the filing and disposition of grievances shall be reviewed annually by the secretary of corrections to determine the effectiveness and credibility of the grievance process. The review shall include an analysis of the types of grievances received, the types and levels of disposition, and any complaints that have been received about the grievance procedure itself. The review shall also include solicitation and consideration of employee and inmate comments on the effectiveness and credibility of the grievance procedure. The secretary of corrections may designate an appropriate deputy secretary of corrections to conduct the review. (Authorized by and implementing K.S.A. 1991 Supp. 75-5210, 75-5251; effective April 20, 1992.)

44-16-104. Claims for or reports of lost or damaged property or for personal injury. (a) Claims for property loss or damage or personal injury may be submitted to the institution and secretary of corrections. If the loss is greater than \$500.00, the claim may be filed with the joint legislative committee on claims against the state.

(b) The inmate shall obtain a claim form from the unit team, fill it out and return it. The unit team shall provide the inmate with a receipt or a copy of the form indicating on it who received it, from whom and the date received. The unit team shall submit the claim to the principal administrator for investigation within 48 hours of receipt, excluding Saturdays, Sundays and holidays.

(c) Each department of corrections institution shall maintain information and forms necessary for filing a claim to the joint committee on special claims against the state.

(d) The principal administrator shall assure that the unit team assists the inmate in submitting a claim by providing information and any necessary claims forms.

(e) All claims filed by inmates for lost or damaged property or personal injury shall be under oath. (Authorized by K.S.A. 1990 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 1990 Supp. 46-920, 75-5254, 75-5257; effective May 1, 1980; amended May 1, 1984; amended, Jan. 2, 1989; amended April 20, 1992.)

Gary Stotts
Secretary of Corrections

Doc. No. 011630

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-81	Revoked	V. 11, p. 278
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-2	Amended	V. 11, p. 278
1-6-29	Amended	V. 10, p. 1689
1-6-32	Amended	V. 11, p. 278
1-9-4	Amended	V. 10, p. 1690
1-9-5	Amended	V. 10, p. 1691
1-9-7a	Amended	V. 10, p. 382, 760
1-9-19a	Amended	V. 11, p. 279
1-9-21	Amended	V. 10, p. 1692
1-16-18	Amended	V. 10, p. 1470, 1497
1-17-1	Amended	V. 10, p. 1471
1-17-2	Amended	V. 10, p. 1471
1-17-2a	Amended	V. 10, p. 1471
1-45-16	Amended	V. 10, p. 1692
1-49-1	Amended	V. 10, p. 1472

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319
4-7-530	New	V. 10, p. 1319
4-7-531	New	V. 10, p. 1319
4-7-532	New	V. 10, p. 1319
4-7-533	New	V. 10, p. 1320
4-7-716	Amended	V. 10, p. 1320
4-7-717	Amended	V. 10, p. 1320
4-7-719	Amended	V. 11, p. 63
4-7-722	Amended	V. 10, p. 1320
8-14	Revoked	V. 10, p. 1320
4-8-14a	New	V. 10, p. 1320
4-8-27	Amended	V. 11, p. 63
4-8-30	Amended	V. 10, p. 1321
4-8-39	Amended	V. 10, p. 1321

4-8-40	Amended	V. 10, p. 1321
4-13-28	New	V. 10, p. 1321
4-33-1	Amended	V. 10, p. 1315, 1321
4-33-2	New	V. 10, p. 1315, 1321

AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977
5-40-1	Amended	V. 11, p. 15, 40
5-42-1	Amended	V. 11, p. 40
5-44-1		
5-44-6	New	V. 11, p. 15-17, 40-42
5-45-1		
5-45-4	Amended	V. 11, p. 42-44
5-45-6	Amended	V. 11, p. 44
5-45-7	Amended	V. 11, p. 44
5-45-12	Amended	V. 11, p. 44
5-45-13	Amended	V. 11, p. 45
5-45-14		
5-45-17	New	V. 11, p. 45

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-13-1		
9-13-3	Revoked	V. 10, p. 1821, 1822
9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1822
9-19-1		
9-19-11	New	V. 10, p. 1822-1827
9-20-1	New	V. 10, p. 1827
9-20-2	New	V. 10, p. 1828
9-20-3	New	V. 10, p. 1828
9-21-1	New	V. 10, p. 1828
9-21-2	New	V. 10, p. 1829
9-21-3	New	V. 10, p. 1829
9-22-1	New	V. 10, p. 1829
9-22-2	New	V. 10, p. 1830
9-22-3	New	V. 10, p. 1830
9-23-1	New	V. 10, p. 1830
9-23-2	New	V. 10, p. 1831
9-23-3	New	V. 10, p. 1831
9-24-1	New	V. 10, p. 1831
9-24-2	New	V. 10, p. 1832
9-24-3	New	V. 10, p. 1832

AGENCY 14: DEPARTMENT OF REVENUE— DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-19-24	Amended	V. 10, p. 689
14-19-36	Amended	V. 10, p. 689
14-20-25	Amended	V. 10, p. 689
14-20-26	Amended	V. 10, p. 690
14-21-9	Amended	V. 10, p. 690
14-22-6	Amended	V. 10, p. 690
14-22-9	Amended	V. 10, p. 691
14-23-4	Amended	V. 10, p. 691

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-17	Amended	V. 10, p. 1768
17-11-18	Amended	V. 10, p. 1768
17-11-21	Amended	V. 10, p. 1768
17-12-1	Amended	V. 10, p. 1768
17-12-2	Amended	V. 10, p. 1769
17-14-1	Amended	V. 10, p. 1769
17-15-1	Amended	V. 10, p. 1769
17-16-1	Amended	V. 10, p. 1772
17-16-2	Amended	V. 10, p. 1772
17-16-3	Amended	V. 10, p. 1772
17-16-5	Amended	V. 10, p. 1773
17-16-6	Amended	V. 10, p. 1773
17-16-8	Amended	V. 10, p. 1773
17-16-9	Amended	V. 10, p. 1773
17-18-4	Amended	V. 10, p. 1773
17-20-1	New	V. 10, p. 1773

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
23-12-1	Revoked	V. 10, p. 916
23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917
23-21-1		
23-21-14	Revoked	V. 10, p. 1441

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1		
26-8-14	New	V. 10, p. 1285-1287

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-405	Amended	V. 10, p. 257
28-4-530	New	V. 10, p. 1246

(continued)

28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-36-30	Amended	V. 10, p. 1655
28-39-77	Amended	V. 10, p. 1655
28-53-1 through		
28-53-5	New	V. 10, p. 199
28-59-1 through		
28-59-8	New	V. 10, p. 111-113

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 10, p. 1353
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 1648
30-4-63	Amended	V. 10, p. 1353
30-4-64	Amended	V. 10, p. 1355
30-4-90	Amended	V. 10, p. 1356
30-4-101	Amended	V. 10, p. 1357
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 1648
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-5-58	Amended	V. 11, p. 199
30-5-70	Amended	V. 10, p. 1363
30-5-77	Amended	V. 10, p. 1291
30-5-78	New	V. 10, p. 1364
30-5-79	New	V. 10, p. 1364
30-5-81	Amended	V. 10, p. 699
30-5-86	Amended	V. 10, p. 699
30-5-88	Amended	V. 10, p. 700
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 11, p. 205
30-5-101	Amended	V. 10, p. 1365
30-5-103	Amended	V. 10, p. 1365
30-5-104	Amended	V. 10, p. 701
30-5-110	Amended	V. 10, p. 1365
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 1365
30-5-115	Amended	V. 10, p. 963
30-5-116	Amended	V. 10, p. 1496, 1649
30-5-116a	Amended	V. 10, p. 1496, 1649
30-5-151	Amended	V. 10, p. 963
30-5-152	Amended	V. 10, p. 963
30-5-154	Amended	V. 10, p. 963
30-5-156	Amended	V. 10, p. 963
30-5-157	Amended	V. 10, p. 964
30-5-159	Amended	V. 10, p. 964
30-5-160	Amended	V. 10, p. 964
30-5-161	Amended	V. 10, p. 964
30-5-162	Amended	V. 10, p. 964
30-5-163	Amended	V. 10, p. 964
30-5-164	Amended	V. 10, p. 964
30-5-166	Amended	V. 10, p. 964
30-5-167	Amended	V. 10, p. 964
30-5-168	Amended	V. 10, p. 964
30-5-169	Amended	V. 10, p. 964
30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-53	Amended	V. 10, p. 1366
30-6-65	Amended	V. 10, p. 1650
30-6-74	Revoked	V. 10, p. 1366
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
30-6-94	New	V. 10, p. 1651
30-6-103	Amended	V. 10, p. 1651
30-6-106	Amended	V. 10, p. 1651
30-6-107	Amended	V. 10, p. 705
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 1653
30-6-113	Amended	V. 10, p. 706

30-7-65	Amended	V. 10, p. 707
30-7-75	Amended	V. 10, p. 708
30-7-76	Amended	V. 10, p. 1654
30-7-77	Amended	V. 10, p. 1655
30-7-78	Amended	V. 10, p. 1655
30-10-1a	Amended	V. 11, p. 205
30-10-7	Amended	V. 10, p. 354
30-10-11	Amended	V. 10, p. 1371
30-10-15a	Amended	V. 10, p. 708
30-10-15b	Amended	V. 10, p. 1372
30-10-16	Revoked	V. 10, p. 709
30-10-17	Amended	V. 10, p. 1373
30-10-18	Amended	V. 10, p. 1374
30-10-19	Amended	V. 10, p. 1376
30-10-23a	Amended	V. 10, p. 1376
30-10-24	Amended	V. 10, p. 1377
30-10-25	Amended	V. 10, p. 1378
30-10-27	Amended	V. 10, p. 1379
30-10-29	Amended	V. 10, p. 1379
30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 11, p. 207
30-10-207	Amended	V. 10, p. 1200
30-10-208	Amended	V. 10, p. 1200
30-10-210 through		
30-10-226	New	V. 10, p. 48-57
30-10-210	Amended	V. 11, p. 209
30-10-211	Amended	V. 10, p. 1203
30-10-212	Amended	V. 11, p. 210
30-10-213	Amended	V. 10, p. 1204
30-10-214	Amended	V. 10, p. 1230
30-10-215	Amended	V. 10, p. 1206
30-10-217	Amended	V. 11, p. 210
30-10-218	Amended	V. 10, p. 1207
30-10-219	Amended	V. 11, p. 211
30-10-220	Amended	V. 10, p. 1208
30-10-221	Amended	V. 10, p. 1208
30-10-226	Revoked	V. 10, p. 1209
30-22-1	Amended	V. 10, p. 1380
30-22-2	Amended	V. 10, p. 1380
30-22-5	Amended	V. 10, p. 1381
30-22-6	Amended	V. 10, p. 1381
30-22-11 through		
30-22-28	Revoked	V. 10, p. 1381
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-7i	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711
30-46-13	Amended	V. 10, p. 1381
30-46-14	Revoked	V. 10, p. 1381
30-46-15	Amended	V. 10, p. 1381
30-60-1	New	V. 10, p. 1381
30-60-2	New	V. 10, p. 1381
30-60-5	New	V. 10, p. 1382
30-60-6	New	V. 10, p. 1382
30-60-7	New	V. 10, p. 1383
30-60-10	New	V. 10, p. 1383
30-60-11	New	V. 10, p. 1383
30-60-12	New	V. 10, p. 1384
30-60-17	New	V. 10, p. 1384
30-60-18	New	V. 10, p. 1384
30-60-19	New	V. 10, p. 1384
30-60-25	New	V. 10, p. 1385
30-60-26	New	V. 10, p. 1385
30-60-27	New	V. 10, p. 1385
30-60-28	New	V. 10, p. 1386
30-60-40	New	V. 10, p. 1386
30-60-41	New	V. 10, p. 1386
30-60-45	New	V. 10, p. 1386
30-60-46	New	V. 10, p. 1386
30-60-47	New	V. 10, p. 1386
30-60-50	New	V. 10, p. 1387
30-60-55	New	V. 10, p. 1387
30-60-60	New	V. 10, p. 1388
30-60-61	New	V. 10, p. 1389
30-60-62	New	V. 10, p. 1389
30-60-70	New	V. 10, p. 1389
30-60-71	New	V. 10, p. 1390
30-60-72	New	V. 10, p. 1390
30-60-73	New	V. 10, p. 1390
30-60-74	New	V. 10, p. 1390
30-60-75	New	V. 10, p. 1390
30-60-76	New	V. 10, p. 1390
30-61-1	New	V. 10, p. 1391
30-61-2	New	V. 10, p. 1391

30-61-5	New	V. 10, p. 1391
30-61-6	New	V. 10, p. 1391
30-61-10	New	V. 10, p. 1391
30-61-15	New	V. 10, p. 1391
30-61-16	New	V. 10, p. 1392

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Amended	V. 10, p. 88
36-1-28 through		
36-1-34	New	V. 10, p. 88-91

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 10, p. 1582
40-1-38	New	V. 10, p. 1693
40-2-15	Amended	V. 10, p. 1693
40-2-20	New	V. 10, p. 259, 383
40-2-21	New	V. 10, p. 1583
40-3-22	Amended	V. 10, p. 1693
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-3-48	New	V. 10, p. 1584
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 10, p. 1695

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 11, p. 231
44-6-142	Amended	V. 10, p. 1198

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-4-101	Amended	V. 11, p. 83
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 11, p. 83
60-9-106	New	V. 10, p. 1041
60-9-107	New	V. 11, p. 83
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 11, p. 84
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042
60-11-113	New	V. 10, p. 1042, 1497
60-11-114	New	V. 11, p. 85
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 11, p. 85
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044

60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-113	New	V. 11, p. 85
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700
63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122
82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123

82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1 through 91-35-4	New	V. 10, p. 909, 910
91-37-1 through 91-37-4	New	V. 10, p. 910, 911

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-55-2a	New	V. 10, p. 531, 587

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1 through 99-32-6	Revoked	V. 10, p. 1323

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 10, p. 653

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-7	Amended	V. 10, p. 1789
109-5-1	Amended	V. 10, p. 1789
109-5-4	New	V. 10, p. 1790

109-7-1	Amended	V. 10, p. 1790
109-8-1	Amended	V. 10, p. 1791
109-9-1	Amended	V. 10, p. 1791
109-9-4	Amended	V. 10, p. 1791
109-9-5	New	V. 11, p. 133
109-11-2	Amended	V. 10, p. 1792
109-11-6	Amended	V. 10, p. 1792
109-11-9	New	V. 10, p. 1792

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	New	V. 10, p. 881
111-2-19	New	V. 10, p. 882
111-2-20	New	V. 11, p. 199
111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 10, p. 1014
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1410
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213 through 111-4-220	Revoked	V. 10, p. 1213

(continued)

111-4-217	Amended	V. 9, p. 986
111-4-221 through 111-4-224	Revoked	V. 10, p. 1585
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237 through 111-4-240	New	V. 9, p. 1678, 1679
111-4-241 through 111-4-244	New	V. 9, p. 1812
111-4-245 through 111-4-248	New	V. 10, p. 200
111-4-249 through 111-4-252	New	V. 9, p. 1813
111-4-253 through 111-4-256	New	V. 10, p. 530
111-4-257 through 111-4-280	New	V. 10, p. 755-759
111-4-257	Amended	V. 10, p. 1014
111-4-261	Amended	V. 10, p. 1014
111-4-262	Amended	V. 10, p. 1014
111-4-282 through 111-4-286	New	V. 10, p. 759
111-4-287 through 111-4-300	New	V. 10, p. 883-886
111-4-301 through 111-4-307	New	V. 10, p. 1015, 1016
111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 10, p. 1472
111-4-311	Amended	V. 10, p. 1472
111-4-312	Amended	V. 10, p. 1472
111-4-322 through 111-4-331	New	V. 10, p. 1411-1413
111-4-332 through 111-4-335	New	V. 10, p. 1473
111-4-336 through 111-4-345	New	V. 10, p. 1526-1528
111-4-346 through 111-4-361	New	V. 10, p. 1586-1589
111-4-362 through 111-4-365	New	V. 10, p. 1723
111-4-362	Amended	V. 11, p. 13
111-4-366 through 111-4-379	New	V. 11, p. 136-139
111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212

111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 1474
111-6-3	Amended	V. 9, p. 200
111-6-4	Amended	V. 10, p. 1413
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 10, p. 1474
111-6-9	Amended	V. 10, p. 1217
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	Revoked	V. 10, p. 1475
111-7-1 through 111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 10, p. 1475
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 10, p. 1475
111-7-12 through 111-7-32	New	V. 7, p. 1194-1196
111-7-33 through 111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44 through 111-7-54	New	V. 9, p. 1367-1370
111-7-46	Amended	V. 10, p. 1476
111-7-54	Amended	V. 10, p. 1476
111-7-55 through 111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64 through 111-7-75	New	V. 11, p. 13, 14
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5 through 111-8-13	New	V. 7, p. 1634
111-9-1 through 111-9-12	New	V. 7, p. 1714-1716
111-9-1 through 111-9-6	Revoked	V. 9, p. 1680
111-9-13 through 111-9-18	Revoked	V. 9, p. 1680
111-9-25 through 111-9-30	New	V. 9, p. 699, 700
111-9-31 through 111-9-36	New	V. 10, p. 262
111-9-37 through 111-9-48	New	V. 10, p. 1439, 1440
111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 11, p. 36, 86
112-4-4	Amended	V. 11, p. 165

112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-6-1 through 112-6-8	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-41	Revoked	V. 11, p. 134
112-9-41a	New	V. 11, p. 134
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-10-36	Revoked	V. 11, p. 165
112-10-36a	New	V. 11, p. 37, 135
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1 through 112-16-14	New	V. 10, p. 1316-1318

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 10, p. 1818
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-7-1	Amended	V. 10, p. 1820
115-8-9	Amended	V. 10, p. 1820
115-12-3	New	V. 10, p. 1821
115-13-1 through 115-13-5	New	V. 10, p. 917-919
115-14-1 through 115-14-10	New	V. 10, p. 1441-1443
115-17-13	New	V. 10, p. 461, 462
115-20-3	Amended	V. 10, p. 1821
115-20-4	New	V. 10, p. 1821

AGENCY 117: REAL ESTATE APPRAISAL BOARD

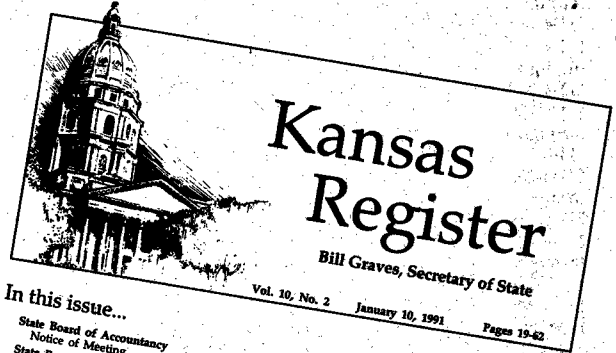
Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952
117-2-4	New	V. 10, p. 912, 952
117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
117-3-3	New	V. 10, p. 913, 953
117-3-4	New	V. 10, p. 913, 953
117-4-1 through 117-4-4	New	V. 10, p. 913, 914, 954
117-6-1	Amended	V. 10, p. 914, 954
117-6-2	Amended	V. 10, p. 915, 955
117-6-3	Amended	V. 10, p. 915, 955
117-7-1	Amended	V. 10, p. 916, 956
117-8-1	New	V. 10, p. 916, 956
117-9-1	New	V. 10, p. 916, 956

AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
119-1-1	New	V. 10, p. 263
119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

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Notice of Leadership Council Meeting	20
Kansas Water Authority	
Notice of Meeting	20
Kansas Sentencing Commission	
Notice of Meeting	20
Executive Appointments	
Kansas Apprenticeship Committee	
Notice of Meeting	21
Notice to Bidders for State Purchases	21
Notice of Bond Sale	22
City of Hillsboro	23

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