

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 2, No. 11

March 17, 1983

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State of Kansas

LEGISLATURE

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

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

Bills Introduced March 3-9:

SB 400, by Committee on Ways and Means: An act concerning scholarships for Kansas osteopathic students; relating to persons eligible to receive such scholarships; amending K.S.A. 1982 Supp. 74-3265 and repealing the existing section.

SB 401, by Committee on Federal and State Affairs: An act concerning bingo; amending K.S.A. 79-4708 and 79-4710 and K.S.A. 1982 Supp. 79-4703 and 79-4706 and repealing the existing sections.

SB 402, by Committee on Federal and State Affairs: An act concerning counties; relating to civic centers; amending K.S.A. 19-15,139, as amended by section 1 of 1983 House Bill No. 2025, and repealing the existing section.

SB 403, by Committee on Federal and State Affairs: An act concerning pit dog fighting; amending K.S.A. 1982 Supp. 21-4315 and repealing the existing section.

SB 404, by Committee on Federal and State Affairs: An act concerning licensure of private clubs; temporary memberships; noncontiguous premises; amending K.S.A. 41-2601 and repealing the existing section.

SB 405, by Committee on Federal and State Affairs: An act concerning licensure of private clubs; military personnel on temporary duty as members; amending K.S.A. 41-2601 and repealing the existing section.

SB 406, by Committee on Ways and Means: An act concerning the state historical society; relating to purchase of property and casualty insurance on certain property; amending K.S.A. 74-4702 and K.S.A. 1982 Supp. 75-4109 and repealing the existing sections.

HB 2539, by Committee on Ways and Means: An act concerning legislative post audit; relating to access to information and material; concerning persons subject to audit; amending K.S.A. 46-1114 and K.S.A. 1982 Supp. 79-3234 and repealing the existing sections.

HB 2540, by Committee on Ways and Means: An act concerning state capital improvements; prescribing procedures for legislative review; changing the name of the joint committee on state building construction; amending K.S.A. 46-1701, as amended by 1983 Senate Bill No. 128, and 46-1702 and K.S.A. 1982 Supp. 75-3717b, 75-5411 and 75-5414 and repealing the existing sections.

HB 2541, by Committee on Federal and State Affairs: An act concerning crimes and punishments; defining and classifying the crime of unlawful promotion of civil disorder.

HB 2542, by Committee on Ways and Means: An act concerning community colleges; relating to out-district tuition; affecting amounts thereof authorized to be charged to and collected from counties; amending K.S.A. 1982 Supp. 71-301 and repealing the existing section.

HB 2543, by Committee on Ways and Means: An act relating to the county and city revenue sharing fund; concerning the use of population figures in the allocation of moneys therefrom; amending K.S.A. 1982 Supp. 79-2965 and repealing the existing section.

HB 2544, by Committee on Ways and Means: An act concerning municipal universities; relating to credit hour state aid; affecting amounts thereof; amending K.S.A. 1982 Supp. 72-6503 and repealing the existing section.

HB 2545, by Committee on Ways and Means: An act concerning community colleges; relating to credit hour state aid; affecting amounts thereof; amending K.S.A. 1982 Supp. 71-602 and repealing the existing section.

HB 2546, by Committee on Ways and Means: An act concerning the Kansas turnpike authority; traffic control penalties for violation of rules and regulations of the authority; amending K.S.A. 68-2004 and repealing the existing section.

HB 2547, by Committee on Ways and Means: An act concerning automatic amusement devices; requiring the registration thereof; fixing a fee for such registration and providing for the disposition of the proceeds thereof; providing authority and duties for certain state officials relating thereto; declaring certain acts to be unlawful and prescribing penalties therefor.

SCR 1623, by Senator Montgomery: A concurrent resolution commending Joe Oswalt on the quality of his restoration of St. Mary's Catholic Church at St. Benedict, Kansas.

HCOR 5031, by Committee on Governmental Organization: A concurrent resolution concerning the department of revenue; modifying K.A.R. 14-3-7 and K.A.R. 1982 Supp. 14-3-38 as adopted by the division of alcoholic beverage control and relating to deliveries of alcoholic liquor by retailer licensees thereof.

HCOR 5032, by Committee on Governmental Organization: A concurrent resolution concerning the department of revenue; relating to retailers of alcoholic liquor; modifying K.A.R. 14-3-8, 14-3-11, 14-3-15 and 14-3-20 and K.A.R. 1982 Supp. 14-8-11 as adopted by the director of the alcoholic beverage control division.

HCOR 5033, by Representative Niles: A concurrent resolution urging the Kansas State High School Activities Association to schedule fewer basketball games.

HCOR 5034, by Representative Shelor: A concurrent resolution urging a moratorium on foreclosures of mortgages and other liens on real estate and the extension of the redemption period.

HCOR 5035, by Committee on Governmental Organization: A concurrent resolution concerning the delivery of alcoholic liquors by licensed manufacturers or distributors thereof; modifying Kansas administrative regulation 14-4-14, as adopted by the director of the alcoholic beverage control division of the department of revenue and filed with the revisor of statutes on December 14, 1982.

SR 1815, by Senator Pomeroy: A resolution congratulating the Topeka High School debate squad for their success at this year's Class 6A State Debate Tournament.

SR 1816, by Senator Karr: A resolution commending and congratulating the Emporia High School "Spartans" wrestling team on winning the Kansas 1983 class 6A state team wrestling championship.

SR 1817, by Senator Ehrlich: A resolution congratulating and commending the Sterling High School football team and its coach, Gary White, on winning the 1982 Class 2A State Football Championship in Kansas.

SR 1818, by Senator Feleciano: A resolution congratulating Travis Ware for winning the statewide 1983 nutrition poster contest for grades 3 and 4.

HR 6020, by Representative Sughrie: A resolution memorializing the Congress of the United States to enact legislation establishing TEACHER DAY USA.

HR 6021, by Representatives Laird, Buehler, Foster, Friedeman, B. Fuller, Green, Harper, King, Meacham, Moomaw, Moore, Polson and Solbach: A resolution memorializing Congress to take appropriate action to secure the return of all prisoners of war and the fullest possible accounting for American servicemen and civilians missing or otherwise unaccounted for as a result of the Vietnam conflict.

HR 6022, by Representative Long: A resolution in memory of Orville W. "Red" Mills.

HR 6023, by Representatives W. Fuller and Luzzati: A resolution commemorating the life of Erma J. Vice.

HR 6024, by Representatives Hoy, Blumenthal, Cloud, Douville, Fox, Hoagland, Kline, Louis, Moore, Patrick, Schweiker and Vancrum: A resolution in memory of Kenith R. Howard, Jr.

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1981 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

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

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



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE ADMINISTRATIVE REGULATIONS PROMULGATED BY THE SECRETARY OF SOCIAL AND REHABILITATION SERVICES**

The Secretary has previously given notice of his intent to hold a public hearing on March 25, 1983 concerning the adoption on a temporary basis of certain proposed administrative regulations. Staff comments concerning such proposals are set forth below:

(1) Transitional General Assistance—Staff is recommending that the pro rata budgeting concept for shared living arrangements be maintained for the TGA program and that the payment standard for such cases not exceed \$100.

Further, staff is recommending that persons who are attending high school on a full time basis be exempted from the policy making TGA unavailable for those persons who have voluntarily rendered themselves unavailable for employment.

(2) Reimbursement for services provided by general hospitals—Staff is recommending that a consumer representative be added to the hospital prospective payment system review committee.

ROBERT C. HARDER
Secretary

Doc. No. 001005

State of Kansas

STATE BOARD OF EDUCATION**NOTICE OF PUBLIC HEARING**

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

You are hereby notified that the Kansas State Board of Education will hold a public hearing in the first floor conference room of the Kansas State Board of Education, Kansas State Education Building, 120 East Tenth Street, Topeka, Kansas 66612, on the 12th day of April, 1983, beginning at 1:30 p.m. of said day to consider in substance the proposed changes in the Kansas Annual Program for compliance with Title VI-B of the *Education of All Handicapped Children Act*, as amended by P.L. 94-142, to become effective upon adoption by the state board and upon approval of the U.S. Commissioner of Education; and also to consider the proposed Fiscal Year 1984 One Year Supplement to the Kansas Plan for Vocational Education for Fiscal Years 1983-1987 and the Kansas Vocational Education Accountability Report for Fiscal Year 1982, both to become effective July 1, 1983, upon approval by the state board of education and the Governor.

The revised Kansas Annual Program State Plan for compliance with Title VI-B relates particularly to:

Adopting said Plan for compliance with Title VI-B

of the *Education of All Handicapped Children Act* as amended by P.L. 94-142 which is necessary for the funding of same for fiscal years 1984-1986, in the amount of approximately \$9,700,000. Priority for awarding said funds shall be the providing of services for handicapped children not presently receiving adequate or appropriate special education services including preschool handicapped children. Said fund is not to be used to supplant local or state monies, but rather to help defray the excess cost of special education. The contents of said Plan include a reaffirmation of the Kansas goal for providing full educational opportunities to all handicapped children and the procedures to be employed by the state board of education in meeting the provisions of P.L. 94-142. These procedures are essentially the same as those described in the current Part B Program Plan.

The 1984 one year supplement to the five-year Kansas State Plan for Vocational Education and the report relates particularly to the following: The Plan contains three goals for vocational education accompanied by appropriate objectives and the proposed activities to achieve the stated goals. It has been developed to meet the vocational needs of Kansas and to provide the basis for compliance with Public Law 94-482 as it pertains to the use of federal funds to support vocational education. The proposed Kansas Vocational Education Accountability Report for Fiscal Year 1982 outlines the activities, accomplishments, and funding allocations and expenditures for fiscal 1982.

Copies of this public hearing notice (along with the state board's public hearing procedures) are being mailed to all chief school administrators in the state and may be reviewed in their offices by interested persons. They are also being mailed to the clerks of local school boards for the attention of school board members. Copies of said Plans and Report may be obtained by contacting the secretary of the state board of education, Kansas State Education Building, 120 E. 10th Street, Topeka, Kansas 66612, prior to March 31, 1983.

On the date of said hearing all interested persons shall be given reasonable opportunity to be heard and to present their views or arguments, orally or in writing, on said Plans and Report. Individuals or organizations that cannot appear at the hearing may, prior to April 7, 1983, submit to the secretary of the state board of education their written reactions in favor of or in opposition to said Plans and Report, and any other matters, suggestions, or proposals that relate thereto, and such reactions will be read into the record and considered by the board. Said hearing shall be conducted in compliance with the public hearing procedures of the state board of education.

KANSAS STATE BOARD OF EDUCATION

By: Dr. Gordon Schultz
Chairman

Certified by: Dr. Merle R. Bolton
Kansas Commissioner of Education

Doc. No. 001006

State of Kansas

ATTORNEY GENERAL

OPINION NO. 83-27

State Departments; Public Officers, Employees—Civil Service—Resignation from Service Upon Filing for Public Office. Representative Marvin W. Barkis, Fifteenth District, Louisburg, March 4, 1983.

Pursuant to K.S.A. 1982 Supp. 75-2953(2), an officer or employee in the state classified service is required to resign from the service upon filing as a candidate for a partisan public office (other than the office of county commissioner). However, as used in this statute, "public office" does not include the office of precinct committeeman or committeewoman, and an officer or employee in the state classified service is not precluded by this statute from being a candidate for such office or being appointed thereto. Cited herein: K.S.A. 1968 Supp. 25-221, K.S.A. 25-3801, 25-3901, 25-3902, K.S.A. 1982 Supp. 75-2953. WRA

OPINION NO. 83-28

Kansas Constitution—Miscellaneous—Homestead Exemption. Senator James L. Francisco, Twenty-Sixth District, Mulvane, March 8, 1983.

An act providing for the forfeiture of a homestead purchased with proceeds derived from an illegal sale of controlled substances would contravene Article 15, Section 9, of the Kansas Constitution. Cited herein: Kan. Const., Art. 15, § 9. RJB

OPINION NO. 83-29

Banks and Banking—State Banking Code—Merger of Bank with General Business Corporation.

Corporations—Formation of Corporations—Application of General Corporation Code to Banking Corporations. Senator Roy M. Ehrlich, Thirty-Fifth District, Hoisington; John A. O'Leary, Jr., State Bank Commissioner, Topeka, March 8, 1983.

The merger of a general business corporation, organized under the laws of Kansas, into a state-chartered bank in Kansas is not subject to special statutory regulation under the State Banking Code or other banking statutes. Hence, pursuant to K.S.A. 17-6001(c), such merger may be accomplished in accordance with the Kansas General Corporation Code, as long as the surviving bank does not acquire any assets or succeed to any business activities which are impermissible for state banks. Cited herein: K.S.A. 9-903, 9-1101, 9-1110, 9-1604, 17-6001, 17-6003, 17-6701. WRA

ROBERT T. STEPHAN
Attorney General

Doc. No. 001000

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, MARCH 28, 1983

#25527

Statewide—AUTOMOTIVE BATTERIES

#53043

University of Kansas, Lawrence—PLAIN PAPER COPIER

#53044

Pittsburg State University, Pittsburg—PHASE I OF REPAIR OF TENNIS COURTS

#53045

Kansas State University, Manhattan—25% RAG BOND—LAID FINISH

#53046

Department of Social and Rehabilitation Services, Topeka—WIRE MAT INSULATORS, for Kansas Industries for the Blind, Kansas City

#53047

Department of Transportation, Topeka—GUARD RAIL POST

#53059

Department of Administration (Division of Printing), Topeka—CHIPBOARD—No. 2 FOR BINDING

#53060

Kansas Technical Institute, Salina—MAIN ROTOR BLADES

#53061

Department of Social and Rehabilitation Services, Topeka—ZIPPERS, for Kansas Industries for the Blind, Kansas City

TUESDAY, MARCH 29, 1983

#25524

Kansas State University, Manhattan—LIQUID HELIUM

#53069

Department of Social and Rehabilitation Services, Topeka—VINYL FILM, for Kansas Industries for the Blind, Kansas City

#53071

Wichita State University, Wichita—1983 COMMENCEMENT PROGRAMS

#53072

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS FORMS—3 PART—2 COLORS, for various locations.

#53073

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

#53074

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

#53075

Wichita State University, Wichita—JANITORIAL EQUIPMENT

#53077

University of Kansas, Lawrence—DRAPERIES AND INSTALLATION

(continued)

#53080
Department of Transportation, Salina—WELDING SUPPLIES

#53081
Department of Transportation, Topeka—FUEL STORAGE TANK

#53082
Department of Transportation, Topeka—GUARD RAIL

#53084
University of Kansas, Lawrence—VALVE AND VALVE REPAIR PARTS

WEDNESDAY, MARCH 30, 1983

#53058
Department of Human Resources, Topeka—AUDIT SERVICES

#53088
University of Kansas, Lawrence—TATTLE TAPE

#53091
Department of Transportation, Hutchinson—ASPHALT PAVER

#53092
University of Kansas, Lawrence—NON-CARBONATED DRINK BASE

#53093
Department of Transportation, Norton—A.I.C. ICE CONTROL AGGREGATE—M.R.A. MAINTENANCE BITUMINOUS REPAIR, for Grainfield, Kansas

#53101
Kansas Correctional Industries, Lansing—VINYL LAMINATED NYLON FABRIC

#53102
University of Kansas, Lawrence—PLASTIC TRASH BAGS

#53112
Kansas State University, Manhattan—LABORATORY OSCILLOSCOPE

#53113
Department of Health and Environment, Topeka—NUCLEAR APPARATUS

#53135
University of Kansas, Lawrence—FUEL OIL, #5 LIGHT

#A-4533 through #A-4538
Department of Transportation—ENERGY IMPROVEMENTS, for six locations in southeast Kansas, District 4

THURSDAY, MARCH 31, 1983

#52597
Kansas Technical Institute, Salina—FIRE ALARM SYSTEM

#53104
Kansas State University, Manhattan—SALE OF USED IBM EQUIPMENT

#53105
Department of Social and Rehabilitation Services, Topeka—SALE OF USED TENNIS EQUIPMENT AND SUPPLIES, for Topeka Blind Workshop

#53107
Department of Health and Environment, Topeka—RADON COUNTER

#53114
University of Kansas Medical Center, Kansas City—LABORATORY CENTRIFUGES

#53115
Winfield State Hospital and Training Center, Winfield—FEEDING FORMULA

#53118
Kansas State University, Manhattan—FEED

#53120
Kansas State University, Manhattan—WINDOWS

#53131
University of Kansas, Lawrence—PARKING CONTROL DECALS

#53134
Department of Revenue, Topeka—REFLECTIVE VALIDATION DECALS, for Center Industries Corporation, Wichita, Kansas

#A-4628
Department of Human Resources, Topeka—CEILING INSULATION, for Job Service Center at Atchison, Kansas

#A-4632
Department of Human Resources, Topeka—CEILING INSULATION, for Job Service Center at Salina, Kansas

FRIDAY, APRIL 1, 1983

#52602A
Emporia State University, Emporia—SALE OF USED ENERGY MANAGEMENT SYSTEM

#53125
University of Kansas, Lawrence—LUMBER AND PLYWOOD

#53126
Department of Transportation, Hutchinson—CALCIUM CHLORIDE, TYPE II, BAGGED, for Winfield, Kansas

#53127
Department of Transportation, Topeka—AB SPECIAL AGGREGATE, for Wabaunsee County

#53128
Department of Transportation, Salina—READY MIX CONCRETE, TYPE I & II, for various locations in McPherson County

#53130
Department of Transportation, Chanute—PLANT MIX, COMMERCIAL GRADE, BITUMINOUS MIXTURE, "FOB VENDORS PLANT" "NOT DELIVERED," for Coffeyville and Columbus

#53132
Department of Transportation, Topeka—PLANT MIX, BITUMINOUS MIXTURE, COMMERCIAL GRADE, for Kansas City Metro Area

#A-4557 through #A-4559
Department of Transportation, Topeka—REROOF THREE BUILDINGS, at Holton, Topeka, and Manhattan

TUESDAY, APRIL 5, 1983

#A-4581
Kansas State Industrial Reformatory, Hutchinson—REPLACE SEWER LINES, in C AND D CELL-HOUSES

WEDNESDAY, APRIL 6, 1983

#53103
Various Agencies—SALE OF USED VEHICLES

#A-4595
Department of Transportation, Ottawa—ENERGY IMPROVEMENTS AND FOUNDATION STABILIZATION, for Shop Building

MONDAY, MAY 2, 1983

#53122
University of Kansas, Lawrence—WORD PROCESSING SYSTEM

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001001

(Published in the KANSAS REGISTER, March 17, 1983.)

**NOTICE OF BOND SALE
(One Issue)**

**\$820,000 Internal Improvement Bonds
of the
CITY OF SALINA, KANSAS
(General Obligations, payable from
unlimited Ad Valorem Taxes)**

Sealed, written bids will be received by the Governing Body of the City of Salina, Kansas, at the Office of the City Clerk, Suite 206, City-County Building, 300 West Ash Street, P.O. Box 746, Salina, Kansas 67401, on Monday, March 28, 1983, at or before 2:00 p.m., C.S.T., for the sale of \$820,000 Internal Improvement Bonds, for cash, at not less than par and accrued interest, at which time the bids will be publicly opened in Room 200 and read aloud. The contract for the sale of the bonds will be awarded by the Board of Commissioners at 4:00 o'clock of said day at the Regular Meeting of the Board of Commissioners.

Security of Bonds

All bonds will constitute general obligations of the City of Salina, Kansas, payable from unlimited ad valorem taxes, and not subject to call for prior payment. All bonds will be negotiable coupon bonds and will be known as Series P-229 of said City.

Details of Bonds

Series P-229, in the amount of \$820,000, will include bonds numbered 1 to 164, inclusive, in denominations of \$5,000. Said series will be dated May 1, 1983 and will mature serially as follows:

May 1, 1984	\$80,000
May 1, 1985	80,000
May 1, 1986	80,000
May 1, 1987	80,000
May 1, 1988	80,000
May 1, 1989	80,000
May 1, 1990	85,000
May 1, 1991	85,000
May 1, 1992	85,000
May 1, 1993	85,000

Interest on Bond Series P-229 will be payable May 1, 1984 and thereafter semiannually on May 1, and November 1, in each year.

Place of Payment

Both principal and interest of said bonds will be payable in lawful money of the United States of America at the Office of the State Treasurer in Topeka, Kansas.

Conditions of Bids

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be a multiple of one-eighth or one-tenth of one percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by The Weekly Bond Buyer, in New York, New York, on Monday preceding the day on which the bonds are sold, plus 2% and the difference between the highest

and lowest interest rate specified in any bid shall not exceed 2%. No supplemental coupons shall be specified. No bid of less than par and accrued interest will be considered. No more than five rates of interest will be considered, (a repeated rate is permitted). Purchasers shall submit their bids in writing, sealed, and marked "Bond Bid."

Basis of Award

All bids must state the average annual interest rate, the total interest cost, the premium, if any, and the net interest cost, all certified by the bidder to be correct, and the City will be entitled to rely on such representations.

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$16,400.00, made payable to the order of the Treasurer of the City of Salina, Kansas. Such check, or the proceeds thereof, will be held by the Treasurer pending payment for and delivery of the Bonds to the successful bidder. In the event the successful bidder shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

Delivery of and Payment of the Bonds

The City will pay for printing and registering the Bonds, expenses of legal service rendered to the city in connection with the issuance of the bonds, and will deliver the bonds properly executed and registered to the successful bidder within 45 days from the date of sale at such bank or trust company located in Kansas or Missouri, as may be specified by the successful bidder, without cost to the successful bidder, or elsewhere at the expense of the successful bidder. Payment for the Bonds shall be made in federal funds or other funds which shall be available to the City on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

Legal Opinion

The bonds will be sold subject to the legal opinion of Stinson, Mag and Fizzell, Kansas City, Missouri, bond counsel, whose unqualified, approving opinion will be furnished and paid for by the City and will be printed on the bonds.

CUSIP Number

At the request of the successful bidder, CUSIP identification numbers will be printed on said bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder thereof to accept delivery of and pay for said bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on said bonds will be paid for by the

(continued)

City. The CUSIP Service Bureau's charge for the assignment of said numbers will be the responsibility of and must be paid for by the successful bidder.

Purpose

Series P-229 is being issued for the purpose of paying the cost of construction of storm sewers, water mains, sanitary sewers and street improvements in the City of Salina, Kansas.

Bid Form

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the forms which may be obtained from the City Clerk. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The right is reserved to waive irregularities and reject any and all bids.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Salina, Kansas, for the year 1982 is as follows:

Equalized assessed valuation of tangible property	\$105,334,772
Estimated tangible valuation of motor vehicles	<u>24,406,686</u>
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$129,741,458

The outstanding bonded indebtedness of the City of Salina, Kansas, as of May 1, 1983, including this issue of bonds in the amount of \$820,000, is in the amount of \$11,454,000. The City also has a Temporary Improvement Note outstanding in the principal amount of \$468,280, which is not included in this issue. The City also has outstanding \$4,389,000 Water and Sewerage Advance Refunding Revenue Bonds.

Bond Ratings

The outstanding general obligation bonds of the City are rated "A-1" by Moody's Investors Service, Inc., and the City has applied for a rating on the Bonds being offered for sale.

Done by order of the Board of Commissioners of the City of Salina, Kansas this 28th day of February, 1983.

D. L. HARRISON
City Clerk

Doc. No. 000993

(Published in the KANSAS REGISTER, March 17, 1983.)

NOTICE OF BOND SALE
\$490,000.00
GENERAL OBLIGATION SEWER
SYSTEM BONDS
SERIES A, 1983
OF THE
CITY OF DERBY, KANSAS

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

TUESDAY, APRIL 5, 1983

for \$490,000.00 par value GENERAL OBLIGATION SEWER SYSTEM BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

All of the bonds will be negotiable coupon Bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated April 1, 1983. The Bonds will mature serially in accordance with the following schedule:

AMOUNT	MATURITY
\$ 45,000	November 1, 1984
45,000	November 1, 1985
50,000	November 1, 1986
50,000	November 1, 1987
50,000	November 1, 1988
50,000	November 1, 1989
50,000	November 1, 1990
50,000	November 1, 1991
50,000	November 1, 1992
50,000	November 1, 1993
<u>\$490,000</u>	

Interest on the Bonds will first be payable on MAY 1, 1984, and thereafter semiannually on the first days of NOVEMBER and MAY in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding Five (5) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent (2-1/2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the Weekly Bond Buyer on Monday, April 4, 1983, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, DERBY, KANSAS 67037,

(continued)

ATTENTION: GENEVA D. MOORE, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF DERBY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before MAY 20, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of making improvements to the wastewater treatment plant and sanitary sewer system in the City of Derby, Kansas.

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

Assessed valuation figures for the City of Derby, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property	\$23,474,577.00
Tangible Valuation of Motor Vehicles	\$ 5,339,510.00
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 303,482.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$29,117,569.00

The total bonded indebtedness of the City of Derby, Kansas, at the date hereof, including this \$490,000.00 proposed issue of Bonds, is in the amount of \$5,934,000.00. The City currently has \$3,517,150.00 Temporary Notes outstanding, of which \$497,250.00 will be retired from the proceeds of the Bonds of this issue.

DATED March 1, 1983.

GENEVA D. MOORE
City Clerk
City of Derby, Kansas

Doc. No. 000998

(Published in the KANSAS REGISTER, March 17, 1983.)

NOTICE OF BOND SALE
\$442,998.86
GENERAL OBLIGATION BONDS
OF
THE CITY OF PLAINS
STATE OF KANSAS
SERIES 1983-A

Sealed bids will be received in the office of the City Clerk, at City Hall, City of Plains, Kansas, until 7:00 o'clock p.m. C.S.T., on April 4, 1983, and will be considered by the Governing Body of the City of Plains, Kansas at its regular place of meeting in the City Council Room in the City Hall, in the City of Plains, Kansas, at 7:00 o'clock p.m. C.S.T. on April 4, 1983, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all, of the \$442,998.86 General Obligation Bonds of Series 1983-A, 1 through 10 year bonds; dated April 1, 1983, and maturing April 1 in the years 1984 through 1993 as set forth below. No oral or auction bonds will be considered.

All of said bonds will be negotiable coupon bonds in the denomination of \$5,000.00 each, except Bond No. 1 which will be in the denomination of \$7,998.86, of the Series 1983-A, and said Bonds will mature as follows:

Number (Inclusive)	Maturity Date	Amount
1-4	April 1, 1984	\$22,998.86
5-9	April 1, 1985	\$25,000.00
10-14	April 1, 1986	\$25,000.00
15-19	April 1, 1987	\$25,000.00
20-26	April 1, 1988	\$35,000.00
27-37	April 1, 1989	\$55,000.00
38-48	April 1, 1990	\$55,000.00
49-61	April 1, 1991	\$65,000.00
62-74	April 1, 1992	\$65,000.00
75-88	April 1, 1993	\$70,000.00

All of the Bonds shall mature without option of prior payment.

(continued)

Interest on all of said Bonds will be payable beginning April 1, 1984, and semi-annually thereafter on October 1 and April 1 in each year until the principal sum is paid. Both principal of and interest on said Bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on Bonds bearing such rate or rates of interest, not exceeding four (4) interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-tenth (1/10th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum rate allowed by Kansas Law; said maximum rate being two percent (2%) above the Bond Buyer's 20 Bond Index published on the Monday next preceding the date on which the Bonds are sold and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the "Official Bid Form" furnished by the City and should be addressed to L. M. Wells, City Clerk, plainly marked "Bond Bid." All bids must state the total interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, payable to the City of Plains, Kansas. The check of the successful bidder will be cashed and the proceeds thereof will be held as security for the performance of his contract to purchase the Bonds. In the event that the successful bidder shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by said City of Plains, Kansas, and the Bonds will be sold subject to the legal opinion of Messrs. Curfman, Harris, Stallings, Grace & Snow, whose unqualified approving opinion will be furnished and paid for by the City and will be printed on the reverse side of each bond. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the Bonds, and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Delivery of the Bonds will be made to the successful bidder on or before May 1, 1983, at any bank in the Cities of Topeka, or Wichita, Kansas, or Kansas City, Missouri, at the expense of the City. Delivery elsewhere will be made at the purchaser's expense. Upon delivery of and payment for the Bonds

the above mentioned proceeds of the bid check will be applied to the purchaser price of the Bonds. The balance of the purchase price of the Bonds shall be paid in Federal Reserve Funds or equivalent thereof.

The Bonds will constitute general obligations of the City, payable as to both principal and interest from special assessments which have been levied but if not so paid then from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City. The proceeds of the Bonds will be used together with other other available funds for the purpose of making street improvements in the City. All of the principal amount of said bonds are issued under authority of K.S.A. 12-601 *et seq.* and 15-736.

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

The assessed valuation of all tangible, taxable property in the City of Plains, Kansas, for the year of 1981, is as follows:

Equalized tangible valuation for computation of bonded indebtedness limitation (includes motor vehicles)	\$2,428,788.00
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The assessed valuation of all tangible, taxable property in the City of Plains, Kansas, for the year 1982 is as follows:

Equalized tangible valuation for computation of bonded indebtedness limitation	\$2,646,007.00
(Valuation of motor vehicles)	<u>624,278.00</u>
	\$3,270,285.00

The total bonded indebtedness of the City of Plains, Kansas, including this issue of Bonds is \$1,516,321.06, but all but \$669,321.06 are exempt from the statutory indebtedness limitation under K.S.A. 12-621 *et seq.*, 12-1664, 12-801-803 and 15-736. The City has outstanding \$125,000.00 in temporary notes, which are also exempt under K.S.A. 12-1664.

Dated this 7th day of March, 1983.

L. M. WELLS
City Clerk

Doc. No. 000999

State of Kansas**STATE CORPORATION COMMISSION****NOTICE PERTAINING TO
MOTOR CARRIER HEARINGS
BEFORE THE****STATE CORPORATION COMMISSION**

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas, 66612, or telephone (913) 296-3352 or 296-2110.

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

**Applications set for April 19, 1983—
TOPEKA, KANSAS****Application to Transfer Certificate of
Convenience and Necessity:**

Duaine Folkerts Trucking,) Docket No. 30,050 M
Inc.) Route 2608
Jetmore, KS 67854)

TO:
John Kline Trucking
Jetmore, KS 67854

Applicant's Attorney: Larry D. Tittel, P.O. Box 636,
Jetmore, KS 67854

Livestock,

Between points & places within Scott County, Lane County, Gove County, Ness County & Finney County, KS, on the one hand.

Also,

Between points & places within Ness County, Hodgeman County, Rush County, Trego County & that part of Pawnee County West of Hwy 156.

Also,

Between points & places within said area on the one hand & points & places in KS on the other.

Also,

Between the community sale at Scott City, KS, on the one hand & the community sale at Quinter, KS, on the other.

**New and used farm machinery, set up and
knocked down,**

Between points & places in Scott County, Lane County, Finney County, Ness County, Hodgeman County, & Trego County, KS, on the one hand, & farms & rural locations in KS west of Hwy 281 on the other.

Also,

Between Ness City, KS, on the one hand & Dighton, KS, on the other.

Also,

Between any town or city in Finney County, Ness County, Hodgeman County, Rush County & that part of Pawnee County west of Hwy 183, on the one hand, & any farm or rural location within such points & places on the other.

Also,

Between Salina or Dodge City, KS, on the one hand, & Ness City, KS, & all farms & rural locations located in Ness County, Lane County, Trego County, Hodgeman County, Rush County, & that part of Pawnee County west of Hwy 183, on the other, when moving in truck load lots of not less than 5,000 pounds.

Also,

Between points & places within Lane County, Trego County, Rush County, Hodgeman County & that part of Pawnee County west of Hwy 183, on the one hand, & farm & rural locations in KS west of Hwy 283 on the other.

Processed feeds,

Between any town in Scott County, Lane County, Gove County, Trego County, Ness County, Hodgeman County, Finney County, Rush County, & that part of Pawnee County west of Hwy 183, on the one hand, & any farm or rural location in said area & the community sales at Scott City & Dighton, KS, on the other.

Also,

Between Garden City, Great Bend, Ellinwood, Wichita, Salina or Fredonia, KS, on the one hand, & all farms or rural locations within Scott County, Lane County, Trego County, Gove County, Finney County, Hodgeman County, Ness County, Rush County, & that part of Pawnee County west of Hwy 183, & the community sale at Scott City, KS, & Dighton, KS on the other.

Processed mill feeds,

Between any town or city within Ness County, Trego County, Hodgeman County, Rush County & that part of Pawnee County west of Hwy 183, on the one hand, & any farm or rural location within said area on the other.

Also,

Between Wichita, Great Bend, & Kansas City, KS, on the one hand, & Ness City, KS, & all farms & rural locations in Ness County, Trego County, Lane County, Hodgeman County, Rush County & that part of Pawnee County west of Hwy 183, on the other, when moving in truck load lots of not less than 5,000 pounds.

Unprocessed feed, hay and grain,

Between points & places in Scott County, Gove County, Trego County, Ness County, & Hodgeman County, & Finney County, when moving from farm to farm, farm to town, or from town to farm.

Also,

Between points & places within Scott County, Lane County, Gove County, Trego County, Ness County, Hodgeman County & Finney County, on the one hand, & farms & rural locations in KS, on the other.

Also,

Between points & places within Ness County, Lane

(continued)

County, Trego County, Rush County, Hodgeman County & that part of Pawnee County west of Hwy 183.

Also,

Between points & places within Trego County, Lane County, Ness County, Hodgeman County, Rush County & that part of Pawnee County west of Hwy 183, on the one hand, & farm & rural locations in KS west of Hwy 183 on the other.

Steel culverts,

Between rural locations in Lane County, KS, on the one hand, & Kansas City, KS, on the other.

Building material,

Between all points & places within Scott County, Gove County, Lane County, Finney County, Hodgeman County, Ness County & Trego County.

Also,

Between Salina, Hutchinson & Wichita, KS, on the one hand, & all points & places within Scott County, Gove County, Lane County, Finney County, Trego County, Ness County, Hodgeman County, on the other.

Emigrant farm movables,

Between points & places in Scott county, Gove County, Lane County, Finney County, Trego County, Ness County & Hodgeman County, when moving from farm to farm, farm to town or town to farm.

Also,

Between points & places within Scott County, Lane County, Gove County, Finney County, Ness County, Trego County & Hodgeman County, on the one hand, & points & places in KS west of Hwy 183, on the other, when moving from town to farm, farm to town, or farm to farm.

Livestock,

From Walnut Hill Feed Lot at a point approximately 2 miles north of Great Bend, KS, to a plant & holding pens of Iowa Beef Processors at or near Emporia, KS.

Also,

From Great Bend Feeding Co., Inc., to a point approximately 3 miles west & 1 mile north of Great Bend, KS, to the plant & holding pens of Iowa Beef Processors at & near Emporia, KS.

Application for Certificate of Convenience and Necessity:

V. L. Livingston, dba) Docket No. 136,698 M
Livingston Transfer)
405 Center)
Carbondale, KS 66414)

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

General commodities except class A and B explosives and household goods as defined by the Commission, restricted against commodities in bulk and those commodities requiring special equipment,

From & between Union Pacific Railroad ramp facilities at Topeka, Manhattan, Junction City, Lawrence, Emporia, & Kansas City, KS.

Application for Certificate of Convenience and Necessity:

Jim Eck Trucking, Inc.) Docket No. 136,696 M
441 S. Socora Dr.)
Wichita, KS 67209)

Applicant's Attorney: W. Boyd Evans, 600 One Twenty Building, 120 S. Market, Wichita, KS 67202

Meat, meat products, meat by-products and articles distributed by meat packing houses,

To, from & between all points & places in the state of KS.

**Applications set for April 20, 1983—
TOPEKA, KANSAS**

Application to Transfer Certificate of Convenience and Necessity:

Laddie H. Jindra, dba) Docket No. 123,697 M
Jindra Tank Service)
17 Fleetwood Dr.)
Winfield, KS 67156) Route No. 16636

TO:

Doug Johnson, dba
Southern Fluid Service
Box 803
Winfield, KS 67156

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

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

Between points & places in Cowley County, KS.

Crude oil in bulk used in and for processing, treating, salvage, construction and maintenance of lease roads, fresh water for drilling purposes and salt water for disposal purposes,

Between points & places in Chautauqua County & the 12 eastern townships of Sumner County, KS.

Application for Extension of Certificate of Convenience and Necessity:

Auto Inn, Inc.) Docket No. 38,048 M
515 E. 21st St.)
Wichita, KS 67202) Route No. 3616

Applicant's Attorney: Ronald K. Badger, Suite 503, Colorado Derby Bldg., 202 W. 1st St., Wichita, KS 67202

Wrecked or disabled motor vehicles and trailers, as well as replacement motor vehicles and trailers, and parts thereof; of all types and of any weight including, but not limited to trucks, automobiles, buses, boats or trailers, tractors, semitrailers, campers and cycles,

Between points & places in the state of KS.

(continued)

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

C & M Cartage, Inc.) Docket No. 136,695 M
#1 Woodswether Rd.)
Kansas City, KS 66118)

Applicant's Attorney: Alex M. Lewandowski, Suite
600 Midland Bldg., 1221 Baltimore Ave., Kansas
City, MO 64105-1961

General commodities (except Classes A and B explosives; household goods as defined by the ICC Commission; commodities in bulk; and commodities (which, because of size and weight require the use of special equipment),

Between Johnson, Wyandotte & Leavenworth Counties, KS, on the one hand, &, on the other, all points & places in KS.

**Applications set for April 21, 1983—
TOPEKA, KANSAS**

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

Lowell E. &) Docket No. 94,909 M
T. D. Baker, dba)
Mike's Wrecker Service)
Manhattan, KS 66502) Route No. 9485

TO:

Raymond E. Murphy, dba
Mike's Wrecker Service
Manhattan, KS 66502

Applicant's Attorney: None

Wrecked and disabled motor vehicles and trailers,

Between all points & places in an area described as follows: Beginning at Onaga, Pottawatomie County, KS thence southeast to Grove, Shawnee County, KS; thence south through Silver Lake, Shawnee County, KS; thence southwest to Keene, Wabaunsee County, KS; thence west to KS Hwy 177; thence northwest to Ogden, Riley County, KS; thence north to junction of U.S. Hwys 77 & 24; thence north to Olsburg, Pottawatomie County, KS; thence east & north to the beginning point of Onaga, Pottawatomie, County, KS.

Also,

Between all points & places in the above described area on one hand, & all points & places in the state of KS, on the other.

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

Tom Sells, dba) Docket No. 136,699 M
Sells Automotive)
RR #3, Box 69)
Pittsburg, KS 66762)

Applicant's Attorney: None

Wrecked and disabled vehicles,

Between points & places in Crawford & Cherokee Counties, KS.

Also,

Between points & places in Crawford & Cherokee Counties, KS, on the one hand, & points & places in KS on the other hand.

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

O. F. Turner, dba) Docket No. 136,511 M
Turn To Turner Towing)
2223 Millwood Dr.)
Atchison, KS 66602) Route No. 20932

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

Wrecked and disabled and replacement vehicles,

Between points & places in Atchison County, KS. Also,

Between points & places in Atchison County, KS, on the one hand & points & places in the state of KS, on the other.

**Application set for April 22, 1983—
TOPEKA, KANSAS**

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

Transport Express, Inc.) Docket No. 118,605 M
P.O. Box 663)
Dodge City, KS 67801) Route No. 16176

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

Propane,

From all refineries, pipeline terminals & supply points in KS to points in KS west of US Hwy 81 & US Interstate Hwy 135.

Fertilizer,

From Lawrence in Douglas County, KS, to points in KS west of KS Hwy 99.

Restricted, however, to transport no traffic to Chautauqua County.

Also,

Between points & places in KS west of KS Hwy 99.

Restricted, however, to transport no traffic to Chautauqua County.

Gasoline and diesel fuel,

From all refineries, pipeline terminals & points of supply in KS to points in KS west of US Hwy 183 & south of KS Hwy 96.

Grain,

Between all points & places in KS west of US Hwy 81 & US Interstate Hwy 135.

Also,

Between all points & places in KS west of US Hwy 81 & US Interstate Hwy 135, on the one hand, & points & places in the state of KS, on the other hand.

(continued)

Applications set for April 26, 1983—
TOPEKA, KANSAS

*Application to Transfer Certificate of
Convenience and Necessity:*

Elkin Oil Company, Inc.) Docket No. 134,318 M
Box 278)
Coffeyville, KS 67337) Route No. 19984
TO:
Oklahoma-Kansas Oil Treating, Inc.
Ottawa, KS 66067

Applicant's Attorney: John L. Richeson, Second &
Main, Box 7, Ottawa, KS 66067

Fresh water and salt water,

To, from & between all points & places in Mont-
gomery, Labette & Chautauqua Counties, KS.

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

Wilbur & Rebecca) Docket No. 118,823 M
Landgraf)
1609 "A" St.)
Garden City, KS 67846) Route No. 14968

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

Liquid feed and liquid feed ingredients,

From points in KS to points in Finney, Scott,
Kearny, Wichita, Hamilton, Haskell, Gray, Seward,
Thomas & Rawlins Counties, KS.

*Application for Certificate of Convenience
and Necessity:*

Lester D. Kubick) Docket No. 136,697 M
Star Route)
Ellsworth, KS 67439)

Applicant's Attorney: None

*Grain, salt, hay, fertilizer (dry), farm machinery, sand
and rock,*

Between all points & places in Ellsworth County,
KS, on the one hand, & all points & places in the state
of KS on the other.

Applications set for April 27, 1983—
TOPEKA, KANSAS

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

Vernon H. Wiliker, dba) Docket No. 78,384 M
Wiliker Motor Co.)
5745 Merriam Drive)
Merriam, KS 66203) Route No. 7267

TO:

Wiliker Motor Company
5800 Grant
Merriam, KS 66203

Applicant's Attorney: Frank W. Hursh, 5920 Nall,
Mission, KS 66202

Wrecked and disabled motor vehicles,

All points & places within the following territory
bounded on the east by the KS-MO line, on the south
by Linn-Bourbon & the Anderson-Allen County lines
to the US Hwy 59, thence, north along US Hwy 59 to
include all of the cities of Garnett, Ottawa, Lawrence,
Oskaloosa, KS, thence, west on KS Hwy 92 to KS Hwy
4 to the junction with KS 192 (including the city of
Valley Falls, KS), thence, east of KS Hwy 192 to US
Hwy 59, thence, north on US Hwy 59 to its junction
with US Hwy 159, thence, north on a connecting road
to US Hwy 159, thence, north on a connecting road to
US Hwy 73, thence, east on US Hwy 73 to the KS-MO
border (including the city of Atchison, KS), thence,
south along KS-MO border to the place of beginning.

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

Suburban Services, Inc.) Docket No. 59,678 M
RR 1)
Pratt, KS 67124) Route No. 5331

Applicant's Attorney: William B. Barker, 641 Harrison
St., P. O. Box 1979, Topeka, KS 66601

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

Between all points & places in the counties of Gra-
ham, Trego, Ellis, Russell, Rush, Barton, Rice,
McPherson, Harvey, Reno, Edwards, Kiowa, Pratt,
Kingman, Sedgwick, Comanche, Barber, Rooks, Staf-
ford.

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

Donald Dautel, dba) Docket No. 56,462 M
Dautel Mobilehome)
Transporting Service)

4634 S. Main)
Wichita, KS 67217) Route No. 5012

TO:

Gary L. Hartman & Ronald Stever,
dba Dautel Mobilehome Transporting
Service

1323 Dry Creek
Derby, KS 67037

Applicant's Attorney: Bob W. Storey, Suite 310, Co-
lumbian Title Bldg., 820 Quincy, Topeka, KS 66612

New and used house trailers by tow car service,

Between all points & places within an area bounded
on the south by the KS-OK line, on the east by U.S.
Hwy 169, on the west by U.S. Hwy 183, on the north
by State Hwy 18 & I-70.

Also,

New and used house trailers by tow car service,

Between all points & places within an area bounded
on the south by the KS-OK line, on the east by U.S.

(continued)

Hwy 169, on the west by U.S. Hwy 183, on the north by State Hwy 18 & I-70, on the one hand & between all points & places in that area & all points & places in the state of KS on the other hand.

**Application set for April 28, 1983—
TOPEKA, KANSAS**

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

Robertson Trucking, Inc.) Docket No. 26,080 M
P.O. Drawer 100)
Elkhart, KS 67950) Route No. 1902

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

Fertilizer,

Between points & places in KS west of KS Hwy 99.
Restricted, however, to transport no traffic to points
in Chautauqua County.

Fertilizer,

Between Lawrence in Douglas County, KS, on the
one hand, & points in KS on & west of KS Hwy 99, on
the other hand.

Restricted, however, to transport no traffic to points
in Chautauqua County.

Propane,

From all refineries, pipeline terminals & supply
points in KS to points in KS west of US Hwy 183.

Grain,

Between all points & places in KS west of US Hwy
81 & US Interstate Hwy 135.

Also,

Between all points & places in KS west of US Hwy
81 & US Interstate Hwy 135, on the one hand & points
& places in the state of KS, on the other hand.

Gasoline and diesel fuel,

From all refineries, pipeline terminals & supply
points in KS to points in KS west of US Hwy 281 &
south of KS Hwy 96.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 001002

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS**

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**DEPARTMENT OF ADMINISTRATION
ADMINISTRATIVE REGULATIONS**

**Article 1.—PURPOSE, ADOPTION AND AMEND-
MENT OF REGULATIONS; PERSONNEL
POLICIES**

1-1-4. Dissemination of regulations. (a) The director shall provide a copy of the regulations to each agency.

(b) Each agency shall make available for inspection a copy of the regulations to its employees. These regulations shall be maintained in an area available to employees at all times, and that location shall be made known to its employees. (Authorized by K.S.A. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1983.)

Article 2.—DEFINITIONS

1-2-46. Length of service. (a) Subject to the provisions of subsection (b), length of service shall mean total time worked in the classified service or unclassified service, excluding temporary or emergency appointments, students employed by board of regents institutions, national guardsmen on state active duty, blind service trainees, resident workers in social and rehabilitation services institutions, and inmates. In crediting employment in an intermittent position, 160 hours in pay status shall be equivalent to one month of service with a maximum accrual of one month per pay period or six months in a 12 month period for positions limited to 1,000 hours or less. For intermittent positions allowing 1,500 hours, the maximum accrual shall be nine months. Time spent on military leave, or on leave while receiving workers compensation benefits for total disability attributable to state employment shall be considered to be time worked in the classified or unclassified service.

(b) In computing an individual's vacation leave credits, sick leave credits and service for compensation purposes, any service performed prior to May 1, 1983, shall be credited on the basis of the individual's service credit on April 30, 1983. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1983.)

(continued)

1-2-51. Pay increase anniversary date. The pay increase anniversary date shall always be on the first day of the pay period. If an employee begins employment on a day other than the first day of a pay period, the pay increase anniversary date shall be the first day of the next pay period. If the employee has had a salary change, the first day of the pay period occurring on or after that change (other than a range change or a change resulting from a general revision of the salary plan) shall be the pay increase anniversary date except as provided in subsection (e) of K.A.R. 1-5-13 and subsection (b) of K.A.R. 1-5-15. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1983.)

1-2-88. Transfer. Transfer means a change by an employee from one position to another position in the same class, or a similar class with a close similarity of duties, essentially the same basic qualifications, and the same salary range. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2944; effective May 1, 1979; amended May 1, 1983.)

1-2-91. Transfer list. Transfer list means a list of employees eligible for, and interested in, transfer to a different position in the same class or, pursuant to policies established by the director, to positions in a similar class with a close similarity of duties, essentially the same basic qualifications, and the same salary range. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 75-2947, K.S.A. 1982 Supp. 75-2944; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983.)

Article 4.—CLASSIFICATION

1-4-8. Effect of position reallocation on incumbent.

(a) If a position that is reallocated is filled on the date of reallocation by an employee with permanent or probationary status, and if the incumbent wishes to remain in the position, the appointing authority shall, within one month of the date of the reallocation, appoint the incumbent to the class to which the position was reallocated.

(b) If the incumbent had permanent status in the former class (the class to which the position was formerly allocated), the appointing authority shall appoint the incumbent to the new class (the class to which the position was reallocated) with permanent status; or, with appropriate written notice to the employee and the approval of the director, with a probationary period. The length of that probationary period shall be the same as provided for promotional appointments in K.A.R. 1-7-4(b). If the reallocation of the position of the permanent employee is to a lower class, the appointing authority shall give the employee a written statement of the reason the employee is being changed to the lower class.

(c) If the incumbent had probationary status in the former class, time served on probation in the former class shall apply towards the probationary period in the new class. However, in instances where the employee had probationary status as a result of a promo-

tional appointment to the former class, the appointing authority may start the employee on a new probationary period that commences on the date of the appointment to the new class the length of which shall be the same as provided for promotional appointments in K.A.R. 1-7-4(b).

(d) If the incumbent does not wish to remain in the position upon its reallocation, the employee shall be separated from the position by resignation, transfer, or other action as appropriate. If the incumbent does not submit to the appointing authority a written request to terminate from the position, the employee shall be presumed to desire to remain in the position as reallocated.

(e) The director may establish different qualifications for the class if necessary to insure compliance with federal laws or regulations. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983.)

Article 5.—COMPENSATION

1-5-7. Recommendation and approval of salary changes; effective date; retroactive increases. (a) Salary changes shall be recommended by the appointing authority in a manner prescribed by the director of personnel services. Before approving the changes, the director shall ascertain that they are in compliance with all applicable personnel regulations and directives approved by the governor.

(b) All salary increases shall be effective on the first day of a payroll period.

(c) Requests for salary changes shall be submitted to the director in advance of the effective date. Salary changes shall not be retroactive, except that:

(1) if the appointing authority certifies that a clerical or other error resulted in a recommendation for a salary increase not being made at the time an employee was eligible, the director may approve a retroactive pay increase. Such retroactive increase is limited to three payroll periods, or in the case of an agency with semi-monthly or biweekly payroll periods, to six payroll periods; or

(2) if a moratorium on the granting of salary merit increases has been imposed by action of the governor or if merit increases have otherwise been postponed by action of the governor, salary merit increases may be granted retroactively to the extent authorized by the governor. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983.)

1-5-13. Salary of employee appointed to a higher class. (a) When an employee is promoted or appointed conditionally to a class with a higher salary range, the appointing authority shall notify the director of any salary increase to be made.

(b) If the promotion or conditional appointment is due to the employee's changing from one position to another, the appointing authority may:

(1) pay the employee at the same step of the range

(continued)

for the new class as the step on which the employee was being paid in the lower class; or

(2) pay the employee at any lower step of the range for the new class which gives the employee an increase in pay, if that step in the new class is at least step A (or step B if the class is a labor or trades class with a shortened salary range). If an employee who has been demoted or reemployed is promoted within one year following the demotion or reemployment, the employee shall not be paid at a higher step of the range than one step above the step at which the employee was being paid immediately prior to the demotion or layoff. The director may waive or modify this requirement if the promotion is to a class with a range lower than the range of the class from which the employee was demoted. If the employee promoted is coming from the unclassified service, the salary upon promotion shall be determined pursuant to K.A.R. 1-5-12.

(c) If the promotional appointment to the higher class is due to reallocation of the position in which the employee was serving at time of reallocation, the salary shall be determined as in subsection (b) above.

(d) Nothing in this regulation authorizes a salary above step H of the range.

(e) If the salary pursuant to this regulation is equal to or greater than the next higher step on the range for the former (lower) class, the first day of the pay period occurring on or after the date of the increase shall be the new pay increase anniversary date for the employee; otherwise, the pay increase anniversary date shall be unchanged. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983.)

1-5-15. Salary of employee upon demotion. (a) An employee who is demoted, in accordance with other sections of these rules, voluntarily or for inefficiency or for disciplinary reasons, shall be paid at the same step of the range for the lower class as the step on which the employee was being paid in the higher class, or at any higher step so long as there is a decrease in rate (dollar amount). Nothing in this regulation shall prevent a demotion being made to a step in the range lower than permitted by this regulation, if agreed upon in writing by the employee and appointing authority. However, a promotional employee who is demoted pursuant to K.A.R. 1-10-8(b), shall be paid no less than the same step of the range for the lower class that the employee was on immediately prior to the promotion.

(b) If the employee upon demotion is paid at the same step or at a lower step than the step of the range that the employee was on in the higher class, the pay increase anniversary date shall be unchanged. If the employee is paid at a higher step, the first day of the pay period occurring on or after the date of the demotion shall be the new pay increase anniversary date.

(c) An employee who takes a voluntary demotion may also receive a merit or longevity increase on the same date if eligible for such an increase and if recommended for such an increase by the appointing authority.

(d) The provisions of K.A.R. 1-5-10, rather than this regulation, shall apply when a former permanent employee who was separated from the service for more than 30 days is reinstated to a class with a lower salary range. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983.)

1-5-19. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; revoked May 1, 1983.)

1-5-19a. Salary merit increases, general rules. (a) No salary merit increase for classified employees shall be made except upon recommendation of the appointing authority. Recommendations for salary merit increases shall be submitted to the director and shall be based upon standards of performance as indicated by performance evaluations and length of service. All merit increases shall be effective on the first day of payroll period.

(b) If an agency gives no merit increase on the date a merit increase is first authorized by regulation, the agency may give all or part of the merit at a later date so long as the employee is still eligible for the merit increase at the later date. All merit increases shall be in steps or multiples of steps. The date a merit increase, or part of it, is given shall be the new pay increase anniversary date. If an employee could be granted a two or more step merit increase but the agency grants fewer steps than the maximum number authorized, the agency shall not grant the remaining step or steps at a later date. A delayed merit increase shall not be given if the employee receives a new pay increase anniversary date prior to the delayed increase being given.

(c) A salary merit increase shall not be recommended or given if the agency lacks the funds to pay for the increase.

(d) All salary increases for classified employees shall be subject to approval of the director pursuant to K.A.R. 1-5-7. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1983.)

1-5-19b. Individual salary merit increases. (a) An employee who is placed on step A of a range, by appointment or by any other type of action, may receive a salary merit increase to step 1 after six full months on step A of the range, if the latest evaluation for the employee in the six-month period is "standard" or better.

(b) An employee who is placed on step 1 of a range, by appointment or by any other type of action, may receive a salary merit increase to step B after six full months on step 1, if the latest evaluation for the employee in the preceding twelve-month period is "standard" or better.

(c) An employee in a labor or trade class assigned to a shortened salary range, who is placed on step B of a range by appointment or by any other type of action, may receive a salary merit increase to step 2 after six

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full months at step B, if the latest evaluation for the employee in the six-month period is "standard" or better.

(d) An employee in a labor or trade class assignment to a shortened salary range, who is placed on step 2 of a range by appointment or by any other type of action, may receive a salary merit increase to step C after six full months at step 2, if the latest evaluation for the employee in the preceding twelve month period is "standard" or better.

(e) An employee on step B or higher step, except as provided for in subsection (c) and (d) in this regulation, shall not be eligible for a salary merit increase until the employee has served a minimum period of one year on that salary step and has a performance evaluation during that period. An employee on step B, 2, C, 3, D or 4 may be recommended for a merit salary increase pursuant to the following guidelines:

(1) If the latest evaluation is "outstanding," the appointing authority may recommend a one-step increase, or a two-step increase, or (except for an employee on step D or step 4) a three-step increase.

(2) If the latest evaluation is "above standard," the appointing authority may recommend a one-step increase, or (except for any employee on step 4) a two-step increase.

(3) If the latest evaluation is "standard," the appointing authority may recommend a one-step increase.

(4) If the latest evaluation is "below standard" or "unsatisfactory," no increase shall be permitted. In cases of "below standard" or "unsatisfactory" evaluations, the appointing authority may consider a salary decrease as authorized by K.A.R. 1-5-20.

(f) An employee on step E may receive a merit increase to step F if the latest evaluation is "outstanding."

(g) An employee on step F may receive a merit increase to step G if the latest evaluation is "outstanding."

(h) An employee on step G may receive a merit increase to step H if the latest evaluation is "outstanding."

(i) Merit longevity increase. An employee with a length of service of at least five years may receive an increase to the first merit longevity step after one year of employment on step "E" in the salary range assigned the employee's class if the latest evaluation is "standard" or better. Subsequent increases to higher merit longevity steps may be granted only if the latest evaluation is "standard" or better and the employee's length of service meets the following requirements:

(1) To qualify for a second merit longevity step the employee's length of service shall be at least ten years;

(2) To qualify for a third merit longevity step the employee's length of service shall be at least fifteen years; and

(3) To qualify for the fourth merit longevity step the employee's length of service shall be at least twenty years.

An employee on a merit longevity step may receive a merit increase to step F, G, or H, whichever step is

the first step above that merit longevity step, if the latest evaluation is "outstanding." If the dollar amount of that increase is less than the dollar amount of the next higher merit longevity increase available, the appointing authority may grant an additional step.

(j) An employee on Step F or G whose latest evaluation is "standard" or "above standard," may receive a merit increase to the merit longevity step that is the first step higher than the employee's salary on step F or G, if the employee has a length of service of at least 5 years. Thereafter, the employee may receive the next merit longevity step, if any, when the employee has a length of service of ten years and if the employee's latest evaluation is "standard." Thereafter, the employee may receive the next merit longevity step, if any, when the employee has a length of service of fifteen years and if the employee's latest evaluation is "standard." (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1983.)

1-5-19c. Effect of range changes on salary. (a) When the governor has assigned a class of positions to a higher salary range, an employee in the class of positions assigned to the higher salary range shall be placed on the step of the higher range that is the same rate (dollar amount) as the employee is currently being paid. If the employee's rate before the range change is not a step of the higher range, an increase to the next higher step shall be required. If the employee is below step A of the range, an increase shall be made to step A. However, if the employee has been employed continuously in the class for at least six months, the increase may be to step 1. (If the class is a labor or trades class with a shortened salary range, and if the employee is below step B of the range, an increase shall be made to step B. However, if the employee has been employed continuously in the class for at least six months, the increase may be to step 2.) In all cases the employee's pay increase anniversary date shall be unchanged.

(b) An employee who receives a salary increase due to assignment of the class to a higher range, or because of a promotion, may also receive a merit or longevity increase on the same date, if eligible, and if recommended for such an increase by the appointing authority. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1983.)

1-5-22. Payment for two or more appointments. (a) An employee shall receive payment of a separate salary from two or more appointments for duties performed in each appointment if the percentage of full time worked on one appointment, plus the percentage of full time worked on the other appointment or appointments, does not exceed 100 percent.

(b) A classified employee may hold one or more additional unclassified positions teaching in a state educational institution or one emergency appointment in an agency without limit on total pay, if the appointing authority in the classified service certifies that the appointment does not detract from the time for which

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the employee is being paid as a classified employee. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended May 1, 1983.)

1-5-23. Partial pay calculation. Whenever an employee paid on a monthly basis is off the payroll for a period of time in a pay period, the employee's gross pay shall be calculated by multiplying the number of hours worked in the pay period by the employee's hourly rate of pay. The hourly rate in this situation shall be determined by dividing the monthly rate by the number of full time work hours in that monthly payroll period, carried to 4 decimal places. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1983.)

1-5-24. Overtime. (a) Except as otherwise provided by the statutes or regulations, employees of the state who are classified as non-exempt by public law 89-601, as amended, shall be compensated for overtime as provided in that act. State employees in agricultural positions shall also be eligible for overtime payment. The rate at which any eligible employee is to be compensated for overtime worked shall be one and a half times the employee's regular salary rate; this rate shall not include a shift differential, premium pay for holidays worked, or other types of premium pay.

(b) Each appointing authority shall be responsible for control of overtime in the agency. Overtime shall be authorized in advance by the responsible supervisor.

(c) Final determination of exempt or non-exempt status of any class or position shall rest with the director of personnel services. The director also may authorize eligibility for overtime for a class or position that is exempt from overtime under this regulation, and the director may exclude from eligibility for overtime a position or class that is non-exempt under this regulation.

(d) Overtime credits shall be reported when and as required by the director of personnel services.

(e) When an employee resigns or is otherwise separated from an agency, the agency shall compensate the employee for any overtime credits.

(f) An employee in a position or class determined to be non-exempt, and thereby eligible for overtime pay, shall have all time in pay status considered as time worked for the purpose of computing overtime within the work week. For the purpose of this regulation, "in pay status" shall be defined as in K.A.R. 1-5-5(c).

(g) In lieu of paying an employee at the time and a half rate for overtime worked, an agency may elect to compensate an employee for overtime worked by granting compensatory time off, at the rate of one and a half hours off for each hour of overtime worked, at some time after the work week in which the overtime was worked. In this case, the agency may grant the compensatory time off at any time within six months from the date the overtime was worked. If the compensatory time off is not taken during the six-month period, the employee's pay for the next payroll period

shall include payment for the overtime hours for which compensatory time off was not granted during the six-month period. That payment shall be at the time and a half rate, based upon the employee's current salary.

(h) An employee who is entitled to be compensated for any overtime worked under the provisions of this regulation, and who works additional time that would result in the employee's receiving overtime compensation, shall not have hours of work reduced to avoid overtime compensation. However, the agency may give the employee equivalent time off, on an hour for hour basis, in the work week in which the additional time is worked if:

(1) the agency notifies the employee of the change in the employee's normal work schedule for that work week at least five calendar days in advance of the day in which the employee's normal work schedule is first changed; or

(2) the agency has furnished the employee a written statement of the circumstances under which the employee may be required to take equivalent time off, on an hour for hour basis, in the work week in which additional time is worked; or

(3) the employee requests or agrees to take equivalent time off during the work week in which additional time was worked, and the agency determines that this arrangement is not detrimental to the operations of the agency.

In any case, the equivalent time off shall be taken at a time agreeable with the agency during the work week in which the additional time is worked. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

1-5-28. Shift differential. (a) Each agency having multi-shift operations shall designate one shift as the normal day shift.

(b) A shift differential shall be paid to classified employees in positions classified as non-exempt pursuant to K.A.R. 1-5-24 (a) and (c), for hours worked on regularly established shifts other than the normal day shift. The shift differential shall not be paid to an employee for any time the employee is off work on any type of leave or holiday. If an employee receiving shift differential works overtime, and is entitled to overtime compensation, the time and a half rate shall not be applied to the amount received as shift differential.

(c) Upon recommendation of the secretary, the amount of the shift differential shall be that amount set by executive directive of the governor. The secretary shall recommend the amount after consideration of salary survey data and other appropriate and relevant factors, which shall be reviewed at least annually.

(d) With regard to particular classes of employees, or particular agencies, or employees located in particular geographic areas of the state, the director of personnel services may recommend to the governor the extension or denial of the shift differential authorized by this regulation. This extension or denial shall be

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effective when the same has been approved by executive directive of the governor.

(e) Nursing personnel at the university of Kansas medical center receiving shift differential pay as provided by the legislature shall be excluded from the provisions of this regulation.

(f) Youth service worker I, II, III, IV and V employees shall be excluded from the provisions of this regulation because a shift differential for employees in these classes who work non-day shifts is built into the class specifications and pay ranges for these classes. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

Article 6.—RECRUITING AND STAFFING

1-6-2. Recruitment. (a) The director shall determine the order in which examinations shall be given. The director shall give public notice of each competitive examination. Announcements shall be distributed to all agency personnel offices when recruitment is conducted on a service-wide basis. Appropriate and reasonable distribution within the agency is the responsibility of the agencies. The director may advertise positions in professional and trade publications and may employ any other methods of publicizing positions which are considered appropriate to attract a sufficient number of qualified persons to meet the needs of the classified service.

(b) Each agency shall provide appropriate and reasonable notice of existing or anticipated vacancies to employees within the agency prior to filling the vacancies. The notice shall not be required for vacancies to be filled by temporary or emergency appointments, by demotion, by promotion of an employee whose position has been reallocated, by appointment from a reemployment list, or where the director of personnel services determines that for good cause such notice is not necessary. The director may require service-wide distribution of information for certain existing or anticipated vacancies. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2943; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983.)

1-6-6. Promotional examinations. (a) Promotional examinations may be competitive or non-competitive, at the option of the appointing authority.

(b) An appointing authority may recommend any employee who meets the qualifications described in K.A.R. 1-6-1 for a non-competitive promotion to fill a vacancy within the agency. Upon presentation of satisfactory evidence of the qualifications of the nominee, the director may approve that employee for appointment to the higher class. The appointment shall be subject to the regular probationary period required of all promotional appointments.

(c) The director or the appointing authority may require an employee nominated for promotion to qualify on written, oral, performance, or other tests that are used to examine applicants for the class. The

director shall establish the qualifying standard for such an examination.

(d) When an employee is nominated for promotion, the director may waive part or all of the supervisory experience requirement for a class for an employee nominated for promotion, if the employee is otherwise qualified and no other employee in the agency is qualified and interested. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2944; effective May 1, 1979; amended May 1, 1983.)

1-6-7. Disqualification of applicants. (a) Upon request of a state agency or upon the director's own initiative, the director may refuse to examine an applicant, or after examination may refuse to place a candidate on the eligible list, or may refuse to certify an eligible, who has been dismissed from employment with the state for delinquency or misconduct, or who fails to furnish a complete application or any information requested by the director, or for any of the reasons stated in K.S.A. 1981 Supp. 75-2940(1).

(b) An agency which has information that would justify the director's refusal to examine an applicant, or refusal to place a candidate on the eligible list, or refusal to certify an eligible, shall transmit that information to the director with the agency's recommendation for action.

(c) Whenever the director refuses to examine an applicant, or refuses to place an applicant on the eligible list, or refuses to certify an eligible, the director shall furnish to that person a statement of the reasons for the refusal. The director shall provide the applicant or eligible an opportunity to respond in writing or to appear before the director within 14 calendar days to provide cause why the action should not be taken.

(d) The applicant or eligible may request in writing, within 30 days from the date of the refusal to examine, or place on the eligible list, or certify, a hearing before the civil service board to determine the reasonableness of the action. The board shall, within a reasonable period, grant the applicant or eligible a hearing. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2940; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983.)

1-6-16. Employment lists. (a) Eligible lists, transfer lists, and promotional lists. The director shall establish and maintain those eligible lists, transfer lists, and promotional lists for the various classes of positions in the classified service that are necessary to meet the needs of the service. Lists may be established on a statewide, area, or departmental basis.

(b) Order of names on lists. The names of eligibles shall be placed on eligible or promotional lists in order of their final ratings in competitive examinations.

(c) Delegation to agency of authority to establish and maintain lists and to certify. The secretary of administration may delegate to an appointing authority the authority to establish or maintain eligible lists, or both, and to certify from the lists for positions in that agency and other specified agencies. The delegation

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shall be in writing and shall specify the class or classes for which the authority is granted, and conditions under which the authority is granted. The delegation statement shall specify whether, and under what conditions, the director has delegated to the appointing authority the authority to refuse to place a candidate on the eligible list or to refuse to certify an eligible. The secretary may modify or withdraw any delegation of authority granted pursuant to this subsection.

(d) Reinstatement list. When a permanent employee is separated from a position in the classified service without fault or delinquency on the employee's part, the employee's name shall be placed on the appropriate reinstatement list, a written request is made to the director within one year after the separation. Each name on a reinstatement list shall be removed one year following the person's separation from the position. However, an agency may request, subject to approval of the director, reinstatement of an individual who has been separated from a position more than one year but less than three years, if the individual was eligible for reinstatement on the date of the separation, and if the employee meets the qualifications for the class to which reinstatement is requested.

(e) Reemployment list. Except as provided in this subsection (e), the provisions of this regulation shall not apply to reemployment lists. When an agency desires to hire any employee to fill a vacancy in a position, other than by an emergency or temporary appointment, the agency shall be required to utilize reemployment lists in accordance with K.A.R. 1-6-23.

(f) Duration of lists. The director shall determine the period for which each eligible list and each promotional list shall remain in effect, but this period shall not be less than one year nor more than three years. However, an eligible list or a promotional list may be canceled in less than one year when the examination for the class has been revised.

(g) Establishment of new eligible or promotional list when lists already exist. A new eligible or promotional list may be combined with existing lists by placing the names of eligibles in order of final ratings. Those persons whose names appeared on the older list and who did not compete on the examination to establish the new list may be placed on the combined list for a period which shall not exceed three years from the date of their original eligibility. On the combined list, the rank of an eligible whose name appears on both lists shall be determined by the higher of the two final ratings. If the higher rating was made in the examination to establish the older list, the name shall remain on the list with the older rating only for the time the older list was established or extended. Thereafter, the new rank will be determined by the final rating on the new examination.

(h) Removal of names from list. The director may remove the name of an eligible from an employment list permanently or temporarily, or may refuse to certify the name of an eligible, for any of the following reasons:

(1) Appointment of the eligible through certifica-

tion from the list to fill a permanent position in the same class;

(2) appointment of the eligible through certification to a permanent position in another class at the same or a higher salary;

(3) receipt of information from the eligible restricting the eligible's availability for appointment to a particular time or location or to positions involving other specified conditions. In such a case the eligible shall be certified only to a position which meets the conditions specified;

(4) declination by the eligible of an appointment under conditions that the eligible has indicated previously be acceptable;

(5) failure of the eligible to be appointed after having been included on three certifications for the same class;

(6) failure of the eligible to respond within seven calendar days to a certification or to an inquiry of the director or the appointing authority, or failure of the eligible to accept within three calendar days an offer of employment in the class;

(7) separation of an employee on a promotional list from the service or from the organizational unit for which the promotional list was established;

(8) failure of the eligible to report for duty after accepting an appointment, unless the eligible has given advance notice to the appointing authority that he or she will not report and unless the eligible furnishes to the appointing authority good and sufficient justification, acceptable to the appointing authority, for the failure to report;

(9) when prior disciplinary action has been taken against the eligible which resulted in the individual being dismissed from employment in a permanent classified job position; or

(10) for any reason stated in subsection (1) of K.S.A. 1981 Supp. 75-2940 and amendments thereto.

(i) Upon request of the director of a penal institution, the director of personnel services may refuse to certify for employment in that institution, or may remove from a certification already made to that institution, the name of a person who is a relative of an inmate of that institution. Such requests shall be submitted and acted upon on an individual basis.

(j) The director shall maintain a list for each class in the classified service of eligible permanent classified employees who have expressed an interest in a transfer. Upon receipt of a written request from an eligible employee, the director shall place the eligible's name on the appropriate list. When a certification is made from the eligible list, the director shall also provide the agency with names appearing on the transfer list for that class. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2942; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1983.)

1-6-21. Certification to permanent positions. (a) When an appointing authority submits a request to the division for a list of eligibles to fill a permanent position by original appointment or promotional ap-

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pointment, the director shall provide the appointing authority with a list of the names of available persons who are highest in order or rank on the appropriate list.

(b) If one vacancy is to be filled by original appointment, the director shall certify as "eligible for appointment" the five available persons on the certification who have the highest earned ratings and have expressed an interest in the position. For more than one vacancy in the same class, the director shall certify as "eligible for appointment" the number of available persons on the certification who have the highest earned ratings and have expressed an interest in the position or positions as follows:

(1) Two to five vacancies: the number of vacancies plus four.

(2) Six or more vacancies: nine times the number of vacancies divided by five.

In each case, the director shall certify as "eligible for appointment" the names of all available and interested persons on the certification, if any, with earned ratings identical to that of the last available person certified under the above formulas.

(c) The director may refuse to certify an eligible for reasons specified in K.S.A. 75-2940(1), K.A.R. 1-6-7, and K.A.R. 1-6-16(h).

(d) No error made in the certification of eligibles from an employment list shall invalidate appointments already made from that list. The director shall determine whether errors in the certification of eligibles shall invalidate a certification from which appointments have not been made.

(e) Appointments made from a certification shall be made from only those persons certified by the director as "eligible for appointment" pursuant to subsection (b) of this regulation.

(f) Each eligible certified as "eligible for appointment" on a certification shall be given an opportunity by the agency to interview for the position. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2942; effective May 1, 1979; amended May 1, 1983.)

1-6-22. Unskilled and semiskilled labor appointments. The director may designate certain classes of positions in the unskilled or semiskilled labor group to which direct appointments may be made by appointing authorities. These direct appointments shall be subject to the same probationary period as appointments made from employment lists. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2935; effective May 1, 1979; amended May 1, 1983.)

1-6-24. Transfer. (a) The director shall be responsible for the preparation, implementation, and maintenance of a program to provide employees with the opportunity to apply for and be considered for transfer to vacancies in agencies and geographic locations other than those in which they are currently employed. That information shall be publicized on official bulletin boards and in appropriate personnel publications and materials.

(b) An appointing authority may transfer an em-

ployee with permanent status in accordance with the following regulations:

(1) No permanent employee shall be transferred from a duty station in one county to a duty station in another county without the consent of the secretary of administration, unless the person being transferred has consented in writing to the transfer prior to being transferred.

(2) An appointing authority may accept by transfer a permanent employee employed in another agency, if the employee is agreeable.

(3) A transfer of a permanent employee may be made from a position in one class to a position in a different class if both positions are allocated to classes which are assigned to the same salary range, have a close similarity of duties, have essentially the same qualifications, and if the employee meets the qualifications for the new class.

(4) A permanent employee who is transferred from one position to another position shall retain permanent status in the new position.

(c) An appointing authority may transfer a probationary employee from one position in a class to another position in the same class in the agency. An appointing authority may accept by transfer a probationary employee employed in another agency, if the transfer is to a position in the same class and if the employee is agreeable. The probationary period of an employee transferred pursuant to this regulation shall be determined in accordance with K.A.R. 1-7-4.

(d) An employee who has been appointed on a conditional basis may be transferred only with the approval of the director of personnel services and only within the employing agency and only between positions in the same class.

(e) Except as provided in subsection (b)(1) above, approval of the employee shall not be required in the case of a transfer within an agency made pursuant to this regulation. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 75-2947; effective May 1, 1979; amended May 1, 1981; amended May 1, 1983.)

1-6-27. Demotion. (a) A permanent employee may be demoted to a position in a lower class if that position is in the same series of classes, or if the qualifications for that position are such that the employee is presumed by the appointing authority to be qualified for the lower class by having obtained permanent status in the class from which the employee is demoted. Any permanent employee demoted pursuant to this regulation shall be granted permanent status in the class to which demoted, effective the date of the demotion.

(b) If a permanent employee voluntarily requests demotion, the request shall be subject to approval of the appointing authority and the director. In the case of a voluntary demotion, the employee shall not be entitled to appeal the demotion to the civil service board.

(c) An appointing authority may demote a permanent employee for inefficient performance of duties for disciplinary reasons, or for other good cause, fol-

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lowing the procedures specified in Article 10 of these regulations.

(d) With regard to an employee with probationary status as a result of an original appointment, an appointing authority may demote the employee to a class in a lower salary range within its agency if the employee meets the qualifications for the lower class, the appointing authority feels the employee can satisfactorily perform the duties of the lower class, and the employee provides consent. An employee so demoted shall start a new probationary period and that period shall be no less than six months in length, except that the employee shall have no probationary period if the employee previously has permanent status in the class to which demoted. The provisions of this subsection shall not apply to the demotion of a probationer in a class designated as a direct entry class, pursuant to subsection (3) of K.S.A. 1981 Supp. 75-2935. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2948, 75-2949; effective May 1, 1978; amended May 1, 1983.)

1-6-29. Acting assignments. When a classified position is vacant and requires the temporary assignment of an employee with permanent status in another position, the appointing authority may, with the approval of the director, proceed based on the following principles:

(a) The appointing authority shall initiate action to fill the position on a permanent basis, if the incumbent has permanently vacated the position.

(b) An acting assignment may be used only when there are no other viable alternatives.

(c) The assignee shall meet the qualifications for the class of positions.

(d) Acting assignments shall not be used to generate a series of acting assignments for an employee.

(e) Except as noted in subsection (f), an acting assignment shall not exceed one year in length unless approved by the director. Use of the acting assignment procedure shall not be made in case of a short duration temporary assignment of an employee for less than 30 days.

(f) When a position is vacant due to a leave of absence, the acting assignment may be authorized for the duration of the leave of absence, except that continuation of an acting assignment beyond 12 months shall require approval of the director of personnel services.

(g) Documentation of the acting assignment shall be placed in the employee's permanent record.

(h) If an employee is acting in a position assigned to a salary range higher than that of the employee's normal position, the employee shall continue to be paid at the normal position's salary rate, unless the appointing authority recommends to the director a higher step. Such an increase shall not exceed the highest step possible if the employee were being promoted to the position. For the duration of an acting assignment, the employee may receive salary merit increases in accordance with applicable salary merit increase regulations. When the acting assignment is terminated, the employee's salary shall revert to

whatever rate (dollar amount) it would have been had the employee not received the acting assignment.

(i) If an employee is acting in a position assigned to the same salary range as, or to a salary range lower than, that of the employee's normal position, the employee shall be paid at the normal salary rate. For the duration of an acting assignment, the employee may receive salary merit increases in accordance with applicable salary merit increase regulations.

(j) Filling an acting assignment shall not affect the employee's pay increase anniversary date or the employee's status in the normal position.

(k) Any employee promoted to a position in which the employee has served in an acting assignment may have such time served in that assignment credited towards the promotional probationary period. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2938; effective May 1, 1979; amended May 1, 1983.)

1-6-30. Reinstatement. An agency may appoint or promote to a position in the classified service any person eligible to be on a reinstatement list as set forth in K.A.R. 1-6-16(d). (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 75-2947; effective May 1, 1983.)

Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

1-7-1. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2946; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; revoked May 1, 1983.)

1-7-2. (Authorized by and implementing K.S.A. 1980 Supp. 75-2943; effective May 1, 1979; amended May 1, 1981; revoked May 1, 1983.)

1-7-3. Probationary period. (a) The probationary period shall be considered as a working test of the appointee's ability to perform adequately in the position to which he or she is appointed. In order to aid the agency in developing efficient employees, the supervisor shall give instruction and training that may be required throughout the probationary period. Agencies shall establish procedures so that problems with probationary employees will be brought to the attention of the agency management for appropriate action prior to the end of the probationary period.

(b) Prior to the end of the probationary period, the appointing authority shall file with the director a performance evaluation for the employee. If the performance evaluation given a probationary employee prior to the end of the probationary period is "below standard" or "unsatisfactory," the employee shall not be granted permanent status.

(c) All original, promotional, and reinstatement appointments shall be tentative and subject to a probationary period as authorized by K.A.R. 1-7-4. If the probationary period of an employee is to be extended as authorized by K.A.R. 1-7-4, the appointing authority or the authority's representative, prior to the end of the probationary period, shall furnish the employee

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with a copy of the performance evaluation which states that probation is extended. A copy of the evaluation shall be sent to the director. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-4. Duration of probationary period. (a) Original appointments. All original appointments shall be subject to a probationary period of six months. This probationary period may be extended by the appointing authority for up to six additional months if action to extend the probationary period is taken prior to the end of the original probationary period.

(b) Promotional appointments. All promotional appointments shall be subject to a probationary period of not less than three months nor more than six months as determined by the appointing authority, except that a probationary period of up to twelve months may be established by the appointing authority when specific training or certification requirements for a position cannot be completed within six months.

(c) Reemployment list appointments. Any person appointed from a reemployment list shall have permanent status effective on the date of reemployment.

(d) Reinstatement appointments. All appointments by reinstatement shall be subject to a probationary period of not less than three months or more than six months as determined by the appointing authority.

(e) Transferred permanent employees. A permanent employee who is transferred from one agency to another, or transferred within the same agency, shall continue to have permanent status.

(f) Transferred probationary employees.

(1) Transfers within an agency. When a probationary employee is transferred from one position in a class to another position in the same class in the same agency, the transfer shall have no effect on the employee's probationary period.

(2) Transfers between agencies.

(A) Except as provided in (B) of this subsection (2), when a probationary employee is transferred from one agency to another agency pursuant to regulation 1-6-24, the transfer shall not affect the employee's probationary period unless the appointing authority, prior to the effective date of the transfer, notifies the employee and the director in writing that the employee's probationary period is being extended. Such an extension shall not exceed six months.

(B) When an employee on a probationary period arising from an original appointment is transferred to another agency and the original probationary period is not extended pursuant to clause (A), the appointing authority may extend the original probationary period up to six additional months by giving written notice of the extension to the employee and director prior to the expiration of the original six-month probationary period.

(g) Temporary, emergency and conditional appointments. There is no probationary period for persons serving in emergency appointments or temporary appointments. In the case of a person receiving a conditional appointment who thereafter successfully passes the applicable examination, the probationary

period shall be determined in accordance with K.A.R. 1-7-5. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-5. Conditional appointments. A conditional employee who takes and passes the examination for the class in which the employee has been working may be retained in the position and shall be subject to a probationary period under the following conditions:

(a) The division of personnel services shall certify the employee to the agency in which the person is employed.

(b) The agency shall take positive action either to appoint from the certification or to terminate the employee.

(c) Each month of service, other than on a temporary or emergency appointment, in the class in the agency up to a maximum of six months, immediately prior to the certification, shall count as one of the six months of the required probationary period.

(d) If the employee has six months or more of such service, the appointing authority may consider the employee as having completed the probationary period, or the appointing authority may extend the probationary period for a maximum of six months following date of certification.

(e) The employee shall have a performance evaluation rating, made within the past year, of at least "standard" on file in the division of personnel services or a rating of at least "standard" shall accompany the appointment following certification. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-6. Notices relating to probationary periods and extensions. Prior to the expiration of an employee's original or extended probationary period, the appointing authority shall notify the employee and the director that the employee has been dismissed or demoted (if applicable), or that the probationary period is being extended (if extension is possible under the regulations), or that the employee is being given permanent status. If the employee is being given permanent status or if probation is being extended, a performance evaluation shall be made. If the appointing authority or the authority's representative has not notified the employee as required by this regulation by the end of an original or extended probationary period, the employee shall be deemed to have received permanent status and the evaluation shall be "standard" or above as of the date the probationary period was scheduled to end. In case of dispute as to whether the employee was notified, the director of personnel services shall determine whether the notice was given. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-7. Removal of probationary employee by director. The director may remove an employee during the employee's probationary period, after giving the employee notice and an opportunity to be heard, if the

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director finds that the employee was appointed as a result of violation of the provisions of the act or these regulations. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2946; effective May 1, 1983.)

1-7-8, 1-7-9. Reserved.

1-7-10. Performance evaluation ratings. (a) Performance evaluation ratings shall be considered in determining salary increases and decreases within the limits established in the pay plan; as a factor in civil service promotional tests; as a factor in determining the order of layoff and in establishing the order in which names are to be placed on reemployment lists; and as a means of discovering employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

(b) The appointing authority shall have performance evaluation ratings made for each employee under the authority's jurisdiction in the classified service. The ratings shall be made, at least annually, in the manner required, and on the forms prescribed by the director. The appointing authority may have a special evaluation made for an employee at any time.

(c) The actual rating of each employee shall be made by the employee's immediate supervisor, or by another qualified person or persons designated by the appointing authority. A qualified person is one who is familiar with the duties and responsibilities of the employee's position and with the job performance of the employee.

(d) The employee and the supervisor shall develop a list of major duties and responsibilities of the employee's position, and the performance standards for each of these duties and responsibilities. The employee shall be given a copy of the list and the standards. When the employee is evaluated, the employee shall be rated as to how well he or she meets the standards for each of the major duties and responsibilities, and shall be assigned a final adjective rating. In making the evaluation the rater shall include one or more pertinent statements relative to the employee's performance of each listed major responsibility. The employee shall be given a copy of the evaluation.

(e) The employee shall be given the opportunity to sign the evaluation as evidence that the employee has been informed of the evaluation; that signature shall not abridge the employee's right of appeal if the employee disagrees with the evaluation. Failure of the employee to sign an evaluation shall not invalidate the evaluation. Employees entitled to appeal an evaluation may do so within seven calendar days after being informed of the rating.

(f) After the seven calendar day period for filing appeals has expired, if no appeal has been filed, the appointing authority or the authority's designated agent shall review the rating, shall make any changes deemed necessary, shall sign the rating form, and shall have copies transmitted to the employee, the division of personnel services, to the rater or raters and reviewer or reviewers as the appointing authority deems necessary. If the appointing authority makes any change in the rating, or adds any comment on the

rating form, the form shall be returned to the employee to be signed again, and the employee, if eligible to appeal the rating, shall again have seven calendar days to file an appeal to the appointing authority. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2943; effective May 1, 1983.)

1-7-11. Employees entitled to appeal performance evaluations. (a) Any classified employee with permanent status may appeal a performance evaluation rating.

(b) Persons serving under conditional, emergency or temporary appointments shall not have the right to appeal an evaluation. Except as authorized by subsection (c), a probationary employee shall not have the right to appeal an evaluation.

(c) An employee serving a probationary period on a promotional appointment or a reinstatement, shall have the same right to appeal the evaluation as an employee with permanent status, if the employee had permanent status in the class in which the employee most recently served prior to promotion or reinstatement. An employee with permanent status whose position is reallocated, and who is appointed to the reallocated position with probationary status, shall have the same right to appeal the evaluation as an employee with permanent status. When action concerning the end of probation is dependent upon the evaluation, the appeal committee may make a recommendation to the appointing authority concerning whether or not to grant permanent status to the employee. However, the appointing authority, subject to whatever limitations are imposed by the adjective rating of the evaluation prepared by the appeal committee, shall have the right to make the determination as to whether or not to grant permanent status. If the time required to handle an appeal results in the employee having no final evaluation by the end of the probationary period, the appointing authority, with the approval of the director of personnel services, may extend the probationary period for a limited period as is necessary for the appeal committee to prepare the final evaluation. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2943; effective May 1, 1983.)

1-7-12. Evaluation appeal procedure. (a) If an employee with permanent status believes that he or she has been unfairly rated, the employee may, within seven calendar days after the employee has been informed of the rating, address an appeal in writing to the appointing authority. The appointing authority, within seven calendar days following receipt of the employee's written notice of appeal, shall appoint a committee of three or more persons to hear the appeal. The appointing authority shall appoint persons to the appeal committee who, in the authority's judgment, will be fair and impartial in discharging their responsibilities. Before appointing the appeal committee, the appointing authority shall give the employee a reasonable opportunity for consultation on the matter of appointment of the appeal committee. The appeal

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committee shall not include the initial rater or raters. Members of the appeal committee shall be officers or employees of the agency, except that the appointing authority may select one or more members of the committee from one or more other state agencies if the appointing authority determines that the objective of a fair and impartial hearing can best be served by doing so.

(b) As soon as the committee has been appointed, the appointing authority shall notify the employee of the names of the members of the committee. The appeal committee shall consider any relevant evidence that may be offered by the employee and the rater, and shall make available to the employee any evidence it may secure on its own initiative. The employee and rater shall have an opportunity to question any person offering evidence to the appeal committee. The appeal committee may limit the offering of evidence it deems to be repetitious. Within 14 calendar days of the date the members of the committee were appointed, the committee shall prepare and sign a rating for the employee. That rating shall be final and not subject to further appeal. The appeal committee shall give the rating to the appointing authority, who, within five calendar days, shall transmit copies to the employee, the person or persons who originally rated the employee, and the division of personnel services. If the appointing authority cannot appoint an appeal committee in the prescribed seven calendar days, or if the appeal committee cannot make its rating within 14 calendar days of the date of its appointment, the appointing authority may extend these time limits. However such an extension shall not result in the appeal committee making its rating more than 30 calendar days from the date the appeal was filed, except with the approval of the director of personnel services. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2943; effective May 1, 1983.)

1-7-13. Utilization of evaluation ratings. (a) When recommending a salary merit increase for an employee, the appointing authority shall consider the performance evaluation record of the employee.

(b) A current performance evaluation rating of "unsatisfactory" may be considered by the appointing authority as sufficient reason for recommending a decrease in salary within the authorized salary range and in accordance with the provisions of K.A.R. 1-5-20.

(c) Subject to the provisions of K.S.A. 1981 Supp. 75-2949e, two consecutive evaluations less than "standard" which are made more than 30 days apart may be utilized as a basis for demotion or suspension. If both evaluations are "unsatisfactory," the evaluation may be utilized as a basis for dismissal of the employee. Nothing in this subsection shall be construed as limiting the authorization of an appointing authority to take any disciplinary action authorized by K.S.A. 1981 Supp. 75-2949e and 75-2949f.

(d) If the performance evaluation assigned a probationary employee at the end of the employee's probationary period is "below standard" or "unsatisfactory," the employee shall not be granted permanent status.

(e) For promotional examination purposes, the performance evaluation ratings of each employee shall be combined with a rating of the employee's length of service in related employment by the state, to give a factor which shall constitute one part of each promotional examination. An employee whose latest performance evaluation rating was "unsatisfactory" or "below standard" shall not be admitted to a promotional examination and shall not be promoted. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2943, 75-2944, 75-2949e; effective May 1, 1983.)

Article 8.—TRAINING AND CAREER DEVELOPMENT

1-8-6. Supervisory training programs. (a) The director shall develop and maintain a program to provide supervisory training for all persons appointed to supervisory positions and persons currently working in supervisory positions in all agencies. Agencies may develop their own supervisory training programs or may develop programs supplementary to the programs conducted by the director. Training provided by the agency or by other means shall be submitted by the agency for approval of the director. The director shall develop guidelines and issue approval for such programs prior to an employee's receiving credit for having attended the program.

(b) By September 1, 1983 all agencies shall submit a plan for training all supervisors. The plan shall be consistent with the guidelines developed by the director. Agencies that have their own supervisory training program shall submit a copy of the program to the director for approval. Agencies that do not have a supervisory training program may request a copy of the director's program.

(c) Supervisors who have been appointed, transferred, or promoted from a non-supervisory position and who have not participated in an approved supervisory training program shall complete a supervisory training program developed or approved by the director by December 31, 1984.

(d) From and after December 31, 1984, no employee shall be granted permanent status in a supervisory position to which appointed or promoted until the employee has successfully completed a supervisory training program developed or approved by the division of personnel services. Persons appointed or promoted into a supervisory position after December 31, 1984 shall complete the prescribed program within six months of the date of their appointment or promotion. If a person has received prior supervisory training, the courses shall be approved by the director prior to exemption from the required training course.

(e) For purposes of this regulation, a supervisor shall be defined as an individual performing different work from his or her subordinates, having authority, in the interest of the employer, to hire, transfer, suspend, promote, discharge, assign, reward, or discipline other employees, responsibility to direct them, or to adjust their grievances, or effectively recommend a majority of such actions. The exercise of this authority and

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responsibility shall not be of a merely routine or clerical nature, but shall require the use of independent judgment. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended May 1, 1983.)

1-8-7. Trainee programs. The director shall be responsible for assisting agency heads in determining the need for, and developing programs to provide, a reservoir of required skills for anticipated agency needs. This shall include programs for:

- (a) Entry level management, administrative, and professional personnel;
- (b) Apprentices and other technical and craft type personnel;
- (c) Cooperative workstudy and college level training for technical, scientific, professional, and administrative personnel;
- (d) Student trainees;
- (e) Female, minority, and handicapped individuals, and members of other protected groups.

The director shall be responsible for determining that the training and development provided for these employees are appropriate, well planned, and effectively executed. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended May 1, 1983.)

Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS

1-9-4. Vacations. (a) Each permanent, probationary, and conditional employee in the classified service, excluding those who are on temporary or emergency appointments, shall be entitled to vacation with pay which shall be earned and accumulated in accordance with this regulation. The maximum vacation credits earned each payroll period and the maximum amount of vacation credits that may be accumulated are as follows:

Length of Service	Maximum Monthly Vacation Credits	Maximum Accumulation
Less than 5 years	8 hrs. per payroll period*	144 hours (18 working days)
5 years and less than 10 years	10 hrs. per payroll period*	176 hours (22 working days)
10 years and less than 15 years	12 hrs. per payroll period*	208 hours (26 working days)
15 years and over	14 hrs. per payroll period*	240 hours (30 working days)

* An employee paid semi-monthly shall earn ½ the time indicated in the above table for employees paid monthly. An employee working a fraction of full time (for example, half-time) shall receive proportional credit. Overtime worked is not counted in determining vacation leave earned.

Length of Service	Maximum Biweekly Vacation Credits	Maximum Accumulation
Less than 5 years	3.7 hrs. per payroll period.*	144 hours (18 working days)
5 years and less than 10 years	4.7 hrs. per payroll period.*	176 hours (22 working days)

10 years and less than 15 years	5.6 hrs. per payroll period.*	208 hours (26 working days)
15 years and over	6.5 hrs. per payroll period.*	240 hours (30 working days)

* An employee working less than full time shall receive proportional credit and shall have a proportional maximum accumulation limit. Overtime worked shall not be counted in determining vacation leave earned. An agency may prepare, subject to approval of Division of Personnel Services, a table showing proportional credit given employees working less than full time.

(1) The maximum accumulations of vacation leave shown in tables A and B shall be enforced on one day of each year, the last day of the last payroll period that starts in December.

(2) An employee who reaches or exceeds the maximum accumulation of vacation leave which the employee is permitted, at some date prior to the end of the last day of the last payroll period that starts in December, shall have until the end of the last payroll period that starts in December to use vacation leave credits that are in excess of the employee's maximum accumulation permitted. On the last day of the last payroll period that starts in December, any employee with more than the maximum accumulation of vacation leave to which the employee is permitted shall forfeit the excess vacation leave credits.

(3) However, these forfeited excess vacation leave credits may be restored by the appointing authority upon written request of the employee, if the employee had received, on or before December 1, written approval by the agency to use the excess vacation leave credits by the last day of the last payroll period that starts in December, but was prevented from using the leave because of unavoidable circumstances, such as illness or operational demands of the agency. If the appointing authority approves restoration of the excess vacation leave credits, it shall be with the written understanding between the appointing authority and the employee that the restored credits shall be used by the end of the last day of the last payroll period that starts in April. If the vacation credits are not so used, the restored credits shall be permanently forfeited.

(4) If an employee terminates from the service, and if at time of termination, the employee has more than the maximum accumulation of vacation leave to which the employee is permitted in tables A or B, the employee shall not be paid for any vacation leave in excess of the maximum accumulation which the employee is permitted in tables A and B.

(b) Increased rates of vacation leave earnings based on length of service shall not be retroactive but shall begin on the effective date of this regulation. Length of service shall be calculated in accordance with K.A.R. 1-2-46.

(c) An employee shall request approval to use vacation leave, as required by K.A.R. 1-9-3(a). The appointing authority shall not be arbitrary in approving or rejecting vacation leave requests. The appointing authority shall not unreasonably defer the taking of vacations so that for all practical purposes the employee is deprived of vacation rights.

(d) An employee wishing to use vacation leave anytime after accrual shall request its use in the form and at the time prescribed by the appointing authority.

(e) Vacation leave credit earned by an employee during a pay period shall be accredited to the em-

(continued)

ployee on the first day of the following pay period. When an employee is not in pay status for an entire payroll period, Tables C and D will be utilized to compute the number of hours of vacation leave to be credited for each payroll period.

TABLE C
Vacation Leave Earnings Schedule
for Monthly and Semi-Monthly Paid Employees

Hours Worked Per Pay Period*	Hours Earned Per Pay Period Based on Length of Service			
	0-5 yrs.	5-10 yrs.	10-15 yrs.	over 15
0- 19	0.00	0.00	0.00	0.00
20- 39	1.00	1.25	1.50	1.7
40- 59	2.00	2.50	3.00	3.50
60- 79	3.00	3.75	4.50	5.25
80- 99	4.00	5.00	6.00	7.00
100-119	5.00	6.25	7.50	8.75
120-139	6.00	7.50	9.00	10.50
140-159	7.00	8.75	10.50	12.25
160-	8.00	10.00	12.00	14.00

* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining vacation leave earned.

TABLE D
Vacation Leave Earning Schedule
for Biweekly Paid Employees

Hours Worked Per Pay Period	Hours Earned Per Pay Period Based on Length of Service			
	0-5 yrs.	5-10 yrs.	10-15 yrs.	15 +
0- 7	0.0	0.0	0.0	0.0
8-15	0.4	0.5	0.6	0.7
16-23	0.8	1.0	1.2	1.4
24-31	1.2	1.5	1.8	2.1
32-39	1.6	2.0	2.4	2.8
40-47	2.0	2.5	3.0	3.5
48-55	2.4	3.0	3.6	4.2
56-63	2.8	3.5	4.2	4.9
64-71	3.2	4.0	4.8	5.6
72-79	3.6	4.5	5.4	6.3
80	3.7	4.7	5.6	6.5
Annual Limit	96	120	144	168

* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining vacation leave earned.

If the employee resigns or is otherwise separated from the service during the pay period, the vacation leave credit earned in that pay period shall be credited to the employee and payment made to the employee for that leave as provided in K.A.R. 1-9-13.

(f) Holidays on which state offices are closed, occurring within the period of an employee's vacation, shall not be charged against the employee's vacation credits.

(g) Vacation leave for school employees. A classified employee in a school institution having scheduled vacation periods at stated times, such as Thanksgiving or Christmas, when school is not in session, and who does not work during the scheduled vacation periods because the employee's services are not required, shall have as many working days charged to his or her vacation leave, already accrued, or to be accrued during the school term for which he or she is employed, as the employee is on leave during such vacation periods. Any classified employee at a school institution that is separated from the service before the end of the school term for which the employee is employed shall be charged on the final pay voucher for any days of vacation leave used in excess of days accrued. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983.)

1-9-5. Sick leave. (a) Each permanent, probationary, and conditional employee in the classified service, excluding those who are on temporary or emergency appointments, shall be credited and accumulate sick leave as provided in this section.

(b) The maximum sick leave credit an employee is entitled to for any payroll period shall be as follows:

- (1) Eight hours for employees paid monthly;
- (2) Four hours for employees paid semi-monthly;
- (3) Three and seven-tenths hours for employees paid bi-weekly.

An employee working a fraction of full time shall be credited sick leave in accordance with Tables A or B.

TABLE A
Sick Leave Earning Schedule
for Monthly and Semi-Monthly Paid Employees

Hours Worked Per Pay Period*	Hours Earned Per Pay Period
0- 19	0.00
20- 39	1.00
40- 59	2.00
60- 79	3.00
80- 99	4.00
100-119	5.00
120-139	6.00
140-159	7.00
160-	8.00

* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

TABLE B
Sick Leave Earning Schedule
for Biweekly Paid Employees

Hours Worked Per Pay Period*	Hours Earned Per Pay Period
0- 7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80	3.7

* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

(c) On the first day following each payroll period, the sick leave accrued during the previous payroll period shall be credited to employees. In no case shall overtime worked be counted in determining sick leave credited. For monthly and semi-monthly paid employees, each eligible employee shall be credited sick leave credits at the rate of one hour for each 20 hours worked (excluding overtime worked) or in pay status, up to the maximum set forth in subsection (b).

(d) An employee wishing to use sick leave shall request its use in the form and at such time as prescribed by the appointing authority, as required by K.A.R. 1-9-3(a). The appointing authority or the director of personnel services may require such evidence as he or she deems necessary to establish that the employee is entitled to use sick leave credits under the circumstances of the request. If the employee fails to provide such evidence, the appointing authority or director may deny the use of sick leave requested. The appointing authority, with the director's approval, may require a physical examination of an employee by a

(continued)

physician designated by the agency at the agency's expense.

(e) Sick leave with pay shall be granted only for the following reasons:

(1) Illness or disability of the employee;

(2) Pregnancy, childbirth, miscarriage, abortion, and recovery therefrom;

(3) The employee's personal appointments with a physician, dentist, or other recognized health practitioner; or

(4) Legal quarantine of the employee.

(f) If an appointing authority has evidence that an employee cannot perform the employee's duties because of illness or disability, and if the employee has accumulated sick leave, and if the employee refuses or fails to apply for sick leave, the appointing authority may require the employee to use sick leave and, upon exhaustion of the employee's sick leave, may require use of any accumulated vacation leave or compensatory credits. If the employee has exhausted all sick leave, accumulated vacation leave, or compensatory credit, the appointing authority may grant the employee leave without pay as provided in K.A.R. 1-9-6(c).

(g) If an employee taking vacation leave becomes ill and, for all intents and purposes, is deprived of all or a significant portion of the vacation, the appointing authority, upon request of the employee, may charge to sick leave some or all of the time the employee was ill while on vacation.

(h) Employees who are injured on the job and awarded workers' compensation shall be granted use of accumulated leave if the compensation for accumulated leave used each payroll period shall be that amount which, together with workers' compensation pay, equals the regular salary for the employee. Unless the employee requests otherwise, vacation leave credits and compensatory time credits shall be used only after sick leave credits have been exhausted. Workers' compensation days credited back to the employee shall be in multiples of half days only.

(i) A former employee who had unused sick leave at time of separation, and who returns to the service to a permanent position within a year, shall have his or her unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from the state service.

(j) Persons retiring from the classified or unclassified service who have completed eight or more years of service and who have accumulated 800 hours or more of sick leave shall be compensated for a portion of the accumulation pursuant to the provisions of K.S.A. 1981 Supp. 75-5517. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983.)

1-9-6. Leave without pay. (a) Requests for leave without pay shall be made to the appointing authority in such form and at such time as prescribed by the appointing authority. The appointing authority shall determine whether approval of each request is for the good of the service, and shall approve or disapprove the request. The appointing authority may require use of accumulated vacation leave and compensatory time

credits, and, if appropriate, accumulated sick leave, before approval of leave without pay.

(b) A probationary or conditional employee, excluding those on temporary or emergency appointments, may be granted leave without pay for a period not to exceed 60 calendar days for childbearing, illness, temporary disabilities, or other good and sufficient reason, when the appointing authority deems leave to be in the best interest of the service. When an appointing authority determines that granting a longer leave of absence without pay than prescribed in this subsection is in the best interest of the service, the appointing authority may request the director of personnel services to approve a longer leave, or an extension of a leave, provided the total duration of the leave shall not exceed six months. Any leave granted under this subsection that exceeds 30 calendar days shall be reported to the director of personnel services.

(c) A permanent employee may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year, for childbearing, illness, temporary disabilities, or other good and sufficient reason, when the appointing authority deems such leave to be in the best interest of the service. Any leave that exceeds 30 calendar days shall be reported to the director of personnel services.

(d) A permanent employee may be granted leave of absence without pay from the employee's classified position to enable the employee to take an appointive position in the unclassified service, if the granting of this leave is considered by the appointing authority to be in the best interest of the service. Leave for this purpose shall not exceed one year, but the appointing authority may grant extensions of up to one year, and the appointing authority may determine the number of extensions. Any leave, or extension, that exceeds 30 days shall be reported to the director of personnel services.

(e) Desire of an employee to accept employment not in the state service shall be considered by the appointing authority as insufficient reason for approval of a leave of absence without pay, except under unusual circumstances.

(f) If the interests of the service make it necessary, the appointing authority may terminate a leave of absence without pay by giving written notice to the employee at least two weeks prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.

(g) When an employee returns at the expiration of an approved leave without pay or upon notice by the appointing authority that a leave without pay has been terminated, the employee shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same salary range for which the employee meets the qualifications.

(h) Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated,

(continued)

shall be deemed a resignation. Such resignation shall be reported by the appointing authority to the director of personnel services in the manner provided by the director. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee, and a summary of the steps taken to try to contact the employee shall be submitted to the director of personnel services with the resignation.

(i) An employee currently serving a probationary period from a promotional certification or reinstatement may be granted leave without pay under the same conditions as a permanent employee, provided the employee had permanent status in the class in which the employee was employed prior to the employee's promotional appointment or reinstatement. The employee's probationary period shall be continued effective with the employee's return from leave until the total probation time actually served equals the time required under K.A.R. 1-7-4. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2947; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983.)

1-9-8. Jury duty; other required appearance before a court or other public body. (a) A permanent, probationary, or conditional employee in the classified service, excluding employees appointed on a temporary or emergency basis, shall be granted leave of absence with pay by their appointing authority for required jury duty. These employees shall also be granted leave of absence with pay for a required appearance before, and at the direction of, the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court, in a case in which the state of Kansas or a state agency is charged with discrimination in employment.

(b) Leave with pay may be granted to a permanent, probationary, or conditional employee for a required appearance before a court, a legislative committee, or other public body, if the appointing authority considers the granting of leave with pay to be in the best interest of the state.

(c) When any employee travels for a required appearance before a court, or a legislative committee, or other public body, in a state vehicle, the employee shall turn over to the state any mileage expense payments received. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-3746; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983.)

Article 10.—GUIDANCE AND DISCIPLINE

1-10-8. Dismissal or demotion of a probationary employee. (a) Subject to the provisions of subsection (b), the appointing authority may dismiss a probationary employee at any time during the probationary period. The employee shall be notified in writing, on or before the date of dismissal, of the reason for the dismissal and the effective date thereof. The notice shall give the employee an opportunity at a stated

time, or within a time limit specified, to appear before the appointing authority or the appointing authority's representative or to respond in writing. A copy of the dismissal notice shall immediately be sent to the director. The opportunity given the employee to appear or to respond in writing to a notice of dismissal while on probation shall not be construed as a limitation on the authority of the appointing authority to dismiss a probationer.

(b) Demotion of promotional employee while on probation.

(1) An employee with permanent status who is promoted with probationary status to a higher position and whom the appointing authority wishes to terminate from the higher position for a cause other than misconduct or delinquency during the probationary period or at the conclusion thereof shall, in lieu of dismissal, be demoted with permanent status to a position in the class from which the employee was promoted, or to a position in another class in the same salary range as the class from which the employee was promoted, or in a class in the next lower salary range.

(2) If the employee was promoted from one agency to another agency, the demotion shall be to a position in the agency to which the employee was promoted, unless the agency from which the employee was promoted agrees to the demotion of the employee to that agency.

(3) If the employee was dismissed for misconduct or delinquency from the position to which the employee was promoted and for that reason is not entitled to be demoted to a lower position, the employee shall have a right to appeal the dismissal to the state civil service board. If an employee who is entitled to demotion pursuant to this subsection (b) is not given the opportunity to be demoted, but is dismissed, the employee shall have a right to appeal the dismissal to the state civil service board.

(4) The right to demotion provided in this subsection (b) shall not apply if the promotional employee terminated from the position on which the employee had permanent status more than 30 days prior to promotion.

(5) Nothing in this subsection (b) shall prevent an agency from giving an employee referred to in paragraph (1) of this subsection a promotion on probation to some other class for which the employee is qualified under the regulations pertaining to promotions. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2944, 75-2946; effective, E-82-14, July 1, 1982; effective May 1, 1982; amended May 1, 1983.)

Article 13.—RECORDS, REPORTS, RESEARCH AND EVALUATION OF PERSONNEL SYSTEM

1-13-1. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked May 1, 1983.)

1-13-1a. Content and disclosure of information in employees' official personnel records. (a) The official personnel file of state employees shall include the following:

(continued)

(1) Documents showing employees' appointments, transfers, promotions, demotions, separations, changes of salary rates, leaves of absence or other changes in employment status;

(2) performance evaluations, letters of reprimand and letters of rebuttal thereto, and letters of commendation;

(3) applications for employment and examination scores;

(4) such other information as the director of personnel services deems appropriate; and

(5) letters of proposed disciplinary action.

(b) Except as otherwise provided in this regulation, information contained in each state employee's official personnel file shall not be open to public inspection.

(c) Upon inquiry of any individual, the division of personnel services, or personnel in the state agency where an employee is employed, may disclose the following information concerning an employee:

(1) Confirmation that an individual is employed by the state;

(2) name of employing state agency;

(3) current title and job position;

(4) current or prior rates of pay;

(5) length of employment with the state;

(6) length of time the employee has served in the employee's current job position; and

(7) letters of commendation.

(d) When individuals from the following agencies, in carrying forth their official duties, establish a need for information contained in employees' official personnel files, access to the information shall be permitted to personnel from the following agencies:

(1) The Kansas department of administration;

(2) the Kansas attorney general's office, including the Kansas bureau of investigation;

(3) the federal equal employment opportunity commission and Kansas commission on civil rights;

(4) the Kansas civil service board;

(5) legislative post audit; and

(6) an employee's employing state agency.

(e) Any employee, or an individual or firm designated by the employee, when authorized in writing by the employee, may review the employee's official personnel file maintained in a state agency or in the division of personnel services upon request to the appointing authority or the director, respectively. The review shall be made consistent with the conditions established by the appointing authority or the director, respectively, and at a time and place mutually convenient to the parties.

(f) The head of any state agency or a designee, having a proper interest and an established need to review an employee's personnel file, may review an employee's official personnel file maintained in a state agency or in the division of personnel services upon request to the appointing authority or the director, respectively.

(g) The official personnel file of any specifically named employee shall also be made available for inspection in connection with litigation pursuant to the terms of an order entered by a judge of any federal,

state or municipal court properly having jurisdiction over such litigation. (Authorized by K.S.A. 1982 Supp. 75-3747; implementing K.S.A. 1982 Supp. 75-2950, 75-3746; effective May 1, 1983.)

Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), an employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency is entitled to reimbursement for use of a privately-owned conveyance at the following rates:

(1) ten cents (10¢) per mile for the use of a privately-owned motorcycle;

(2) twenty-two cents (22¢) per mile for the use of a privately-owned automobile;

(3) thirty-four cents (34¢) per mile for the use of a privately-owned airplane; or

(4) thirty four cents (34¢) per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

(1) parking fees at commercial transportation terminals when on an extended trip;

(2) toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fares charged in travel: (1) between the official station or domicile and the airport in the city in which the official station or domicile is located, and;

(2) between the airport at destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) are as follows: (1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of such other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (c) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel. (Authorized by and implementing K.S.A. 1981 Supp. 75-3203, 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983.)

Article 27.—CANTEENS AND BENEFIT FUNDS

1-27-3. Accounting records and reporting. (a) Each canteen fund shall maintain the following accounting records:

(continued)

- (1) sales journal;
- (2) purchases journal;
- (3) cash receipts journal;
- (4) cash disbursements journal;
- (5) general journal; and
- (6) general ledger.

Accounts included in the general ledger shall include, but not be limited to, cash on hand, cash in bank, accounts receivable, inventory, equipment, accumulated depreciation, accounts payable, unused coupon books, retained earnings, capital, sales, cost of sales, depreciation, miscellaneous, rent, repairs and maintenance, and supplies. Other accounts shall be added as required by generally accepted accounting principles. The accounting requirements of this regulation may be modified for a particular institution by written approval of the director of accounts and reports.

(b) The custodian of each canteen fund shall be responsible for the preparation of an income statement and balance sheet on each fund or operation for the periods ending March 31, June 30, September 30 and December 31 of each year. A copy of these financial statements shall be forwarded to the director of accounts and reports within one (1) month after the end of each reporting period.

(c) Each benefit fund shall maintain the following accounting records: (1) cash receipts journal; and (2) cash disbursements journal.

(d) The custodian of each benefit fund shall be responsible for the preparation of a change in fund balance statement on each fund or operation for the periods ending March 31, June 30, September 30 and December 31 of each year. A copy of this financial statement shall be forwarded to the director of accounts and reports within one (1) month after the end of each reporting period. The first report due pursuant to this subsection shall be for the period ending September 30, 1983. (Authorized by K.S.A. 75-3728h; implementing K.S.A. 75-3728f; effective May 1, 1981; amended May 1, 1983.)

Article 29.—EMPLOYEE AWARDS

1-29-3. Authorization for purchase of employee recognition awards. When an agency wishes to recognize an employee's service dedication or meritorious accomplishment, including recognition upon retirement, through a certificate, plaque or other award, and when that award has a value of more than \$50.00, written approval of the award by the state employee awards committee shall be required prior to purchase of the award. If the value of the certificate, plaque, medal, or other award is \$50.00 or less, the approval of the committee shall not be required and the agency head may authorize the purchase of such an award. Any cash award shall require the prior approval of the state employees award committee. (Authorized by and implementing K.S.A. 1982 Supp. 75-2956; effective May 1, 1983.)

Article 50.—MUNICIPAL ACCOUNTING SECTION FEES

1-50-1. (Authorized by and implementing K.S.A. 1981 Supp. 75-3910; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked, T-83-19, July 1, 1982; revoked May 1, 1983.)

1-50-2. Fees. The following fees and charges are authorized to be made by the municipal accounting section of the division of accounts and reports:

<i>Description</i>	<i>Amount</i>
Data Processing Services:	
Set-up fees (all subsystems)	\$20.00 per hour, plus data processing costs
General ledger:	
Run fees	\$.12 per line/ keypunch card
Report fee—reports by fund including: balance sheet; budget register; general journal entry register; cash receipts journal; cash disbursement journal; check register; statement of estimated, realized and unrealized revenues by specific source; statement of expenditures compared with appropriation.	\$25.00 each period
Payroll:	
Run fees	\$.50 per employee
Additions	\$ 1.00 each
Changes	\$.25 each
Report fee—including: employee master file; list of all deductions and net pay; list of gross pay by fund and account; monthly and annual OASDHI report; quarterly KPERS report; quarterly unemployment insurance report	\$20.00 each period
Utility run fees:	
Per bill charge	\$.50 plus postage
New accounts	\$ 1.00 each
Changes	\$.25 each
Report fee—including: city master file (rates and charges); customer master file; consumption report; billing register; bills; turnaround document (to record meter readings and adjustments)	\$25.00 each period

(Authorized by and implementing L. 1982, ch. 31, sec. 5; effective, T-83-19, July 1, 1982; effective May 1, 1983.)

Article 61.—ALLOTMENT SYSTEM

1-61-1. Required findings and notice of implementation of allotment system. (a) Findings. (1) Whenever the secretary of administration, on the advice of the director of the budget, finds that the resources of the state general fund or any special revenue fund are likely to be insufficient to finance appropriations against the state general fund or such special revenue fund, the secretary of administration shall instruct the director of the budget to implement an allotment system.

(2) Whenever the secretary of administration, on the advice of the director of the budget, finds that the use of an allotment system for application to a particular executive branch state agency will be beneficial to the state in order to assure that the affected state agency will be able to operate for an entire fiscal year within the fiscal constraints of appropriations made to the affected state agency, the secretary of administration

(continued)

may instruct the director of the budget to implement an allotment system for the affected state agency.

The secretary of administration shall inform the director of the budget of the secretary's decisions as to the amount of money to be made available to each affected state agency to which the allotment system is to be applied and of any limitation thereon.

(b) Notice. After the director of the budget has received notice from the secretary of administration of the secretary's allotment decision or decisions, the director of the budget shall provide written notice of the allotment decision to each state agency that is affected by the allotment system. The notice shall be given to a state agency at least 30 days before the beginning of the time period in which that state agency is subject to the allotment system. The 30 day notice shall be deemed to have been timely given if the notice is personally delivered to the affected state agency or placed in the U.S. mail, addressed to the affected state agency, at least 30 days prior to the time period in which the state agency is subject to the allotment system. The notice shall:

(1) specify the amount of money that the secretary of administration has allotted to the state agency, and the limitations and time period or periods applicable to the allotment;

(2) specify the type and form of fiscal information that is to be submitted by the state agency to the director of the budget and time schedules therefor; and

(3) inform the agency of the right to seek review of the secretary's allotment decisions pursuant to K.A.R. 1-61-3. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

1-61-2. Monitoring and reporting on allotment system. (a) The director of the budget shall provide the director of accounts and reports information showing the allotment decisions of the secretary of administration and any modification thereto which have been approved by the governor.

(b) The director of accounts and reports or the director of the budget may require agencies subject to the allotment system to submit specific or general information that either director deems necessary to assure that any agency is operating within the funds allotted and limitations applicable thereto.

(c) In cases where there is a dispute, the secretary of administration shall make determinations as to whether an agency is operating within the funds allotted to an agency and complying with limitations placed on those funds after first giving the agency an opportunity to supply relevant information. In cases where an agency head is aggrieved by the secretary's decision, the matter shall be referred to the Governor, whose decision shall be final. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

1-61-3. Review of allotment decisions. A state agency may request that the Governor review an allotment decision of the secretary of administration. The request shall be made in writing and delivered to

the Governor within 10 days after the personal delivery or postmark date of the notice of the agency's allotment and shall include:

(a) any proposed alternative methods the agency recommends to reduce expenditures to the level that would be realized if the secretary of administration's allotment decision is not altered; and

(b) other information that the requesting state agency believes is necessary for the Governor to undertake an appropriate review of the allotment decision of the secretary of administration. (Authorized by and implementing K.S.A. 75-3722; effective, T-83-42, Nov. 23, 1982; effective May 1, 1983.)

PATRICK J. HURLEY
Secretary of Administration

Doc. No. 000982

(Published in the KANSAS REGISTER, March 17, 1983.)

SENATE BILL No. 85

AN ACT concerning certain institutions of postsecondary education; providing for certain payments from the local ad valorem tax reduction fund; amending K.S.A. 1982 Supp. 79-2959, as amended by 1983 Senate Bill No. 24, and 79-2961 and repealing the existing sections.

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

Section 1. K.S.A. 1982 Supp. 79-2959, as amended by 1983 Senate Bill No. 24, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 4½% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund.

(c) The state treasurer shall apportion and pay the amounts so transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties as reported in the last preceding annual enumeration of the state board of agriculture certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) Thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

(d) On June 1, 1983, the director of accounts and reports shall transfer from the state general fund to the local ad valorem tax reduction fund the amount certified by the state board of education as the total of all amounts received by community colleges and municipal universities under K.S.A. 79-2961 and amendments thereto from the payments made from the local ad valorem tax reduction fund on January 15, 1983. On June 1, 1983, the state treasurer shall apportion and pay the amount transferred under this subsection to the county treasurers of those counties which distributed money to one or more community colleges or municipal universities, or both, under K.S.A. 79-2961 and amendments thereto from the payments made from the local ad valorem tax reduction fund on January 15, 1983. The amount paid on June 1, 1983, to each such county from the local ad valorem tax reduction fund under this subsection shall bear the same proportion to the total amount paid to all such counties on June 1, 1983, that the total amount received by community colleges and municipal universities in such county under K.S.A. 79-2961 and amendments thereto from the pay-

(continued)

ment made to such county on January 15, 1983, bears to the total amount received by community colleges and municipal universities in all such counties under such statute from such payment.

Sec. 2. K.S.A. 1982 Supp. 79-2961 is hereby amended to read as follows: 79-2961. (a) The county clerk shall certify to the county treasurer when budgets are made pursuant to K.S.A. 79-2960; and amendments thereto and tax levies are filed with the county clerk. Prior to crediting the proper amounts under subsection (c) of this section and except as provided in subsection (d), the county treasurer shall divide the amount paid by the state treasurer to the county treasurer among the county and all other taxing subdivisions of the county except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, which comply with the requirements of this act, in the proportion that the product of the last preceding total tangible tax rate of each subdivision, times its equalized tangible assessed valuation for the preceding year, is to the sum of such products of all the tangible tax-levying political subdivisions, except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, exclusive of the levy by the county for any deficiency for state purposes.

(b) No political subdivision shall be entitled to participate in the distribution of any money appropriated to carry out K.S.A. 79-2960; and amendments thereto and this section; unless and until such political subdivision has adopted and certified a budget for the ensuing year which shows as a separate item the amount of the distribution to one or more tax levy funds of general application within such subdivision except bond and interest funds and has certified a tax levy for each such fund that will produce a sum of money less than the amount which a maximum levy would produce for each such fund, in an amount equal to or in excess of the amount of such distribution. The budget of each political subdivision also shall show that the aggregate levies made by such tangible property tax-levying political subdivisions will produce a sum less than the amount which the aggregate levy would produce in an amount equal to or in excess of the aggregate amount of the budget items of such distribution shown in the aggregate levy.

(c) In crediting the amount that has been divided pursuant to subsection (a) of this section or subsection (d), the county treasurer shall proceed as follows: Upon receipt of the payment from the state treasurer each year, credit the appropriate fund or funds of each political subdivision complying with the provisions of this act with its proportionate share of such payment and the county treasurer shall notify such political subdivision of the amounts so credited. This section and K.S.A. 79-2960; and amendments thereto shall not apply to school districts.

(d) In computing a county government's share of the local ad valorem tax reduction fund under this section, the levy for the county school foundation fund shall not be used, and no distribution shall be made to such fund. The amount paid by the state treasurer to the county treasurer of each county under subsection (d) of K.S.A. 79-2959 and amendments thereto, shall be divided only among the one or more community colleges or municipal universities, or both, which received amounts under this section from the payment made from the local ad valorem tax reduction fund on January 15, 1983. The amount received by each such community college or municipal university under this subsection shall bear the same proportion to the total amount paid to such county under subsection (d) of K.S.A. 79-2959 and amendments thereto, as the amount received by such community college or municipal university under this section from the payment made to such county from the local ad valorem tax reduction fund on January 15, 1983, bears to the total amount received by all such community colleges and municipal universities under this section from such payment.

Sec. 3. K.S.A. 1982 Supp. 79-2959, as amended by 1983 Senate Bill No. 24, and 79-2961 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 3, 1983.

SENATE concurred in HOUSE amendments March 7, 1983.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 3, 1983.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED March 14, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of March, 1983.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER March 17, 1983.)

HOUSE BILL No. 2039

AN ACT continuing the wards' account administered by the secretary of social and rehabilitation services in existence as the wards' trust fund; providing for the management and audit thereof.

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

Section 1. (a) As used in this section, "ward" means any child committed to or in the custody of the secretary of social and rehabilitation services.

(b) There is hereby established the wards' trust fund. The secretary of social and rehabilitation services shall designate one or more employees to manage and be in charge of the wards' trust fund and subsidiary accounts thereof. All moneys in the possession of the secretary belonging to wards shall be within the wards' trust fund. The persons in charge of the wards' trust fund shall maintain a separate subsidiary account for each ward having any money in the wards' trust fund.

(c) All moneys received that are within the wards' trust fund shall be deposited in a bank account in a bank designated by the pooled money investment board. The persons in charge of the wards' trust fund shall be the persons authorized to write checks on such bank account.

(d) The persons in charge of the wards' trust fund may withdraw money from such bank account and deposit amounts in savings accounts of a bank or savings and loan association which is insured by the federal government or agency thereof and designated by the pooled money investment board for this purpose. Interest earned on money deposited in savings accounts under this subsection shall be distributed proportionately to each subsidiary account of the wards' trust fund.

(e) Moneys in the wards' trust fund and in all subsidiary accounts thereof shall not be in or a part of the state treasury but shall be subject to post audit under the legislative post audit act.

(f) The wards' account established by former K.S.A. 38-828a is hereby continued in existence as the wards' trust fund established by this section. The use and management of the wards' account and subsidiary accounts thereof in the manner prescribed by former K.S.A. 38-828a during the period from January 1, 1983, until the effective date of this act is hereby ratified but shall be subject to post audit under the legislative post audit act. Whenever the wards' account established by former K.S.A. 38-828a or any subsidiary account thereof is mentioned by statute, contract or other document, the reference shall be deemed to

(continued)

apply to the wards' trust fund or the appropriate subsidiary account thereof, respectively.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 15, 1983.

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

Passed the SENATE March 2, 1983.

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

APPROVED March 9, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 10th day of March, 1983.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER March 17, 1983.)

SENATE BILL No. 61

AN ACT amending and supplementing the state water plan storage act; concerning rates, charges and contract provisions for the sale of water; providing authorities and duties for the Kansas water authority and the director of the Kansas water office; amending K.S.A. 82a-1301, 82a-1303 to 82a-1306, inclusive, 82a-1309, 82a-1312, 82a-1314 and 82a-1316 to 82a-1319, inclusive, and K.S.A. 1982 Supp. 82a-1307 and repealing the existing sections; also repealing K.S.A. 82a-1308, 82a-1310, 82a-1311 and 82a-1315.

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

Section 1. K.S.A. 82a-1301 is hereby amended to read as follows: 82a-1301. As used in this act, unless the context otherwise requires:

(a) "Executive director" means the executive director of the state water resources board "Director" means the director of the Kansas water office.

(b) "Chief engineer" means the chief engineer of the division of water resources of the state board of agriculture.

(c) "Board" means the state water resources board or any successor thereto "Authority" means the Kansas water authority.

(d) "Person" means and includes a natural person, partnership, organization, association, private corporation, public corporation, any taxing district or political subdivision of the state, and any department or agency of the state government.

(e) "Public corporation" means a body that has for its object the government of a political subdivision of this state and includes any county, township, city, district, authority, or other municipal corporation or political subdivision of this state.

(f) "Federal government" means the United States of America or any department or agency thereof.

(g) "Point of diversion for a reservoir" means the point where the longitudinal axis of the dam of a reservoir crosses the center of the streambed.

(h) "Point of redirection" means the point where released water is taken for beneficial use from the watercourse by which it is transported.

(i) "Point of withdrawal from the reservoir" means the point at which water is taken from the reservoir by pump, siphon, canal

or any other device or released through a dam by gates, conduits, or any other means.

(j) "Capital cost" means the total cost incurred by the state in the construction or acquisition of conservation storage water supply capacity in the reservoir system from which water may be contracted for sale.

Section 2. K.S.A. 82a-1303 is hereby amended to read as follows: 82a-1303. (a) Notwithstanding any other provisions in the statutes of this state, the board director, in the manner provided in K.S.A. 82a-1304, and amendments thereto, shall be authorized, subject to approval of the authority, to acquire on behalf of the state the right to divert and store the waters of all streams flowing into the conservation storage water supply capacity of the reservoirs named in the state water plan sufficient to insure a yield of water from the reservoir for beneficial use through a drought having a two percent (2%) 2% chance of occurrence in any one year with the reservoir in operation. The rights of the state under this section and which are acquired under K.S.A. 82a-1304, and amendments thereto, known as "water reservation rights," shall be subject to all vested rights, appropriation rights, approved applications for permits to appropriate water and other vested property interests acquired prior to the state's acquisition, but not to those acquired thereafter.

(b) Whenever the authority shall determine that it is in the public's interest to acquire, reserve or purchase water located in another state for this state's conservation storage water supply capacity, it shall authorize the director to enter into contract negotiations to acquire, reserve or purchase such water. Any such contract shall be subject to final approval of the authority.

Sec. 3. K.S.A. 82a-1304 is hereby amended to read as follows: 82a-1304. The board director, on behalf of the state, shall acquire a water reservation right by filing with the chief engineer a written notice which shall include the following:

(a) The name of the stream on which the reservoir is located;

(b) the reservoir on which a water reservation right is sought;

(c) the legal description of the point of diversion for the reservoir;

(d) the storage space in the reservoir described in terms of elevation and design capacity;

(e) hydrologic calculations for a drought having a two percent (2%) 2% chance of occurrence in any one year with the reservoir in operation specifying the rate of flow of streams into the reservoir and the volume of waters impounded in the reservoir that will be necessary to insure a yield of water from the reservoir for beneficial use; and

(f) such other information which the chief engineer may request in carrying out provisions of this act.

Upon receiving any such filing, the chief engineer shall transmit to the board his or her director and the chairperson of the authority written acceptance thereof, or inform the board director in writing that the notice does not comply with the above requirements in one or more ways, all of which shall be specified. Thereupon, the board director shall modify the written notice as may be appropriate and return the notice to the chief engineer. When the written notice complies with the requirements of this section the chief engineer shall transmit to the board his or her director and the chairperson of the authority written acceptance thereof. Upon receipt of the written acceptance of the chief engineer as provided in this section, the board director shall file, as other instruments affecting real estate, copies of the accepted written notice in the office of the register of deeds of the county or counties wherein the point of diversion for the reservoir is located; and such water reservation right shall thereby be perfected as of the date of original filing.

Nothing in this section shall require the board director to acquire an appropriation right, or approval of the chief engineer, under article 7 of chapter 82a of Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 82a-1305 is hereby amended to read as follows: 82a-1305. Whenever the board authority finds that a proposed withdrawal and use of water is in the interest of the

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people of the state of Kansas and will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, it may enter shall authorize the director to enter into negotiations for the purpose of entering into written contracts with any persons for withdrawal and use within or without the state of waters from conservation water supply capacity committed to the state. Every such contract shall comply with the provisions of this act. The board director shall not contract for withdrawals of water from a particular reservoir which in the board's the director's opinion are in excess of the yield capability from such reservoir of conservation water supply committed to the state computed to provide water through a drought having a two percent (2%) chance of occurrence in any one year with the reservoir in operation. All contracts under this section shall have terms of not less than ten (10) years and not more than forty (40) years unless desired by the applicant. Whenever a contract expires the board director shall give the persons with whom it the director contracted therein, the opportunity to first refuse any new offering of substantially the same contractual terms the water before offering the same to applicants under the provisions of K.S.A. 82a-1311 section 11. Whenever the board authority finds that it is in the public's interest and will advance the purposes set forth in this act and in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, the board authority may shall authorize the director to dispose of waters from the conservation water supply capacity committed to the state not required to meet contract requirements under this section if the board it has found such waters to be surplus waters. Any arrangement for the disposition of any such surplus waters shall not be subject to the provisions of K.S.A. 82a-1306 to 82a-1308, inclusive, 82a-1307 and section 7, and amendments thereto, relating to long-term contracts, but no such arrangement may be made for a period of time in excess of one year nor may any such arrangement dispose of water from the conservation water supply capacity in excess of ten percent (10%) 10% of the yield capability as computed pursuant to this section unless the governor has declared that an emergency exists which affects the public health, safety or welfare. Whenever the disposition of any such surplus waters is for any purpose other than for streamflow maintenance or reservoir pool management, a charge shall be levied thereon at a rate set by rule and regulation adopted pursuant to this act.

Sec. 5. K.S.A. 82a-1306 is hereby amended to read as follows: 82a-1306. (a) Every contract made under authority of K.S.A. 82a-1305, and amendments thereto, shall include the following:

(a) (1) Provision for charges, which shall be set by the director, subject to approval by the board authority, at a rate which the board the director shall fix of not less than five cents (5¢) per one thousand (1,000) 1,000 gallons of water at the point of withdrawal from the reservoir and not greater than ten cents (10¢) per one thousand (1,000) gallons of water at the point of withdrawal from the reservoir as provided in section 7;

(b) provisions for a minimum charge to be paid in equal annual installments during the term of the contract, the sum of which shall be fifty percent (50%) of the total amount of water contracted for during the term of the contract multiplied by the rate fixed under paragraph (a), and that such minimum charge is to be paid each calendar year whether or not such amount of water is withdrawn during the calendar year;

(c) provisions that the board shall adjust the rate provided under paragraph (a) on the tenth anniversary of the execution of the contract and each tenth anniversary thereafter, to reflect any change in experience by substituting the adjusted rate for the rate then stated in the contract;

(2) except as provided in subsection (b), provisions for a minimum charge to be paid in either equal annual or monthly installments during the term of the contract, whether or not water is withdrawn during the calendar year. The minimum charge shall be the sum of 50% of the total amount of water contracted for during the term of the contract multiplied by the rate fixed under paragraph (1), plus, on the remaining 50% of the water reserved under contract, an amount as interest computed at a rate per annum equal to the average rate of interest

earned the past 12 months on investments by the pooled money investment board on the net amount of moneys advanced from state funds for costs incurred and associated with that portion of the state's conservation water supply capacity;

(3) provisions that the director shall review and may adjust the rate provided in paragraph (1) on July 15 of each year effective January 1 of the following year to reflect any change in experience by substituting the adjusted rate for the rate then stated in the contract;

(4) provisions that the director may adjust the total amount, of water contracted for as provided under paragraph (2) on the sixth anniversary of the execution of the contract and each annual anniversary thereafter, if the contractor does not begin full payment for the water under contract and another water user is ready, willing and able to contract for such water;

(d) (5) provisions that water may be withdrawn in any calendar year up to the quantity used to compute the minimum annual charge under paragraph (b) (2) without additional charge;

(e) provisions that water may be withdrawn in any calendar year in excess of the quantity used to compute the minimum annual charge under paragraph (b), but not to exceed the full amount specified in the contract for such year, upon payment of a charge therefor which shall be computed at the rate fixed under paragraph (a);

(6) provisions that water may be withdrawn in any calendar year in excess of the quantity used to compute the minimum annual charge under paragraph (2) but not to exceed the full amount specified in the contract for each year, upon payment of a charge therefor which shall be computed at the rate fixed under paragraph (1) for all water actually withdrawn. In addition, an amount shall be paid, on the unused balance of the water reserved under contract, as interest computed as a rate per annum equal to the average of interest earned the past 12 months on investments by the pooled money investment board on the net amount of moneys advanced from state funds for costs incurred and associated with that portion of the state's conservation water supply capacity;

(f) (7) provisions that if the total amount of waters contracted for withdrawal from any reservoir in any year is greater than the supply available from that reservoir, the board director, subject to approval by the authority, will apportion the available waters among the persons having contracts therefor as may best provide for the health, safety and general welfare of the people of this state as determined by the board authority, and neither the state nor the board authority shall be responsible or have any legal liability for any insufficiency of water or apportionment thereof;

(g) (8) additional provisions that the board director finds reasonable and necessary to protect the public's interest and to achieve the purpose set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto; and

(h) (9) additional provisions, within the purview of this act, that the board director finds reasonable and necessary to protect the health, safety and general welfare of the people of this state.

(b) Every contract entered into under the authority of K.S.A. 82a-1305, and amendments thereto, may provide, if the parties agree, that the beginning of the payment period be deferred for a maximum of three years, or until actual use of the water commences, whichever occurs first, whenever, in order to use such water, bonds are required to be issued or the construction of transmission or treatment facilities is required.

Sec. 6. K.S.A. 1982 Supp. 82a-1307 is hereby amended to read as follows: 82a-1307. (a) The term of any contract under K.S.A. 82a-1305 may begin on the date of execution of the contract or upon any date not later than two years after the date of execution as agreed upon by the parties and stated in the contract document. Except as provided in paragraph subsection (b), on the first or before the 30th calendar day of each regular legislative session, the Kansas water office director shall transmit to the house of representatives and the senate of this state, and to the secretary of state, copies of each contract made and executed under K.S.A. 82a-1305, and amendments thereto, since the 30th day preceding the first day of the regular legislative session occurring most recently prior to such transmission. Such contract

copies transmitted to the secretary of state shall be and remain filed in the office of the secretary of state from the date transmitted until the end of the fifth year following the end of the term thereof, and during such time shall be available for public inspection during regular business hours. At any time during the first 60 calendar days after the 30th calendar day of the regular legislative session when a contract is transmitted as provided in this section, the legislature may disapprove and revoke such contract by adoption of a concurrent resolution so providing. No contract under K.S.A. 82a-1305, and amendments thereto, shall be subject to revocation by the legislature after the 60th 90th calendar day of such regular legislative session, except as provided in paragraph subsection (b). Any annual installment or other amount due prior to the January 1 immediately preceding the legislative session when a contract is revoked legislative revocation shall be a valid obligation and shall be paid, but no annual installment or other amount due on or after such January 1 after legislative revocation shall be valid.

(b) At any time not later than five days after the effective date of this act, the Kansas water office director shall transmit to the house of representatives and to the senate, and to the secretary of state, copies of each contract made and executed after the convening of the 1982 regular session of the Kansas legislature effective date of this act. Notwithstanding any provisions to the contrary in paragraph subsection (a), the 1982 1983 regular session of the legislature may within 20 30 days after the effective date of this act disapprove and revoke any contract filed by the Kansas water office after the effective date of this act by adoption of a concurrent resolution so providing. Except as provided in this paragraph (b) subsection, the provisions of paragraph subsection (a) and the act of which it is a part shall apply to any contract filed under this paragraph subsection.

New Sec. 7. (a) On July 15 of each year, effective January 1 of the following year, the director, subject to the approval of the authority, shall fix the rate provided for in subsection (a) of K.S.A. 82a-1306, and amendments thereto. The rate fixed shall be equal to the sum of the following components computed as provided in this section:

(1) An amount necessary to repay the amortized capital costs, including interest payable thereon, associated with the state's conservation water supply capacity;

(2) an amount as interest computed at a rate per annum equal to the average rate of interest earned the past 12 months on investments by the pooled money investment board on the net amount of moneys advanced from the state general fund for payment of the amortized capital costs incurred and associated with the state's conservation water supply capacity divided by the greater of: (A) Fifty percent of the total amount of water under contract from the state's conservation storage water supply capacity in the preceding year; or (B) the total amount of water withdrawn from the state's conservation storage water supply capacity in the preceding year;

(3) the amount necessary to reimburse the state for the administration and enforcement of this act based on the actual costs of administration and enforcement in the preceding year divided by the greater of: (A) Fifty percent of the total amount of water under contract from the state's conservation storage water supply capacity in the preceding year; or (B) the total amount of water withdrawn from the state's conservation storage water supply capacity in the preceding year;

(4) the amount necessary to repay the operation, maintenance and repair costs associated with the state's conservation water supply capacity based on the actual costs of operation, maintenance and repair of the state's conservation water supply capacity in the preceding year divided by the greater of: (A) Fifty percent of the total amount of water under contract from the state's conservation storage water supply capacity in the preceding year; or (B) the total amount of water withdrawn from the state's conservation storage water supply capacity in the preceding year; and

(5) An amount equal to \$.025 as a depreciation reserve cost to be dedicated for the purposes provided for in section 14.

(b) In computing such rates, the authority shall consider the state's conservation water supply capacity from all sources as

though impounded in one single reservoir. No water supply capacity of a reservoir shall be considered to be in such capacity until the year in which the state incurs contract obligations for the project. The rate so fixed for each year shall be the same for each contract under K.S.A. 82a-1305, and amendments thereto, for withdrawal from every reservoir. The rate so fixed for each twelve-month period from January 1 to December 31 shall be the same for every contract under K.S.A. 82a-1305, and amendments thereto.

Sec. 8. K.S.A. 82a-1309 is hereby amended to read as follows: 82a-1309. The executive director may require any person withdrawing water pursuant to a contract under K.S.A. 82a-1305, and amendments thereto, to install meters, gauges or other measuring devices in accordance with specifications of the executive director. The executive director or his or her the director's agents may read any such device at any time, and he or she may require any such person to report the readings of any such device at reasonable intervals. The executive director may test any such device at any time or require any such person to test his or her the device as such director specifies and make a report thereof to the executive director. All such devices shall be maintained in good order. The executive director may require any such person to make specified repairs or maintenance to his or her the device or replace the same as may be reasonable.

New Sec. 9. (a) Any person desiring to enter into a contract under K.S.A. 82a-1305, and amendments thereto, shall file an application therefor with the director. Such application shall be in such form and contain such information as the director requires.

(b) Upon request of the chairperson of the authority, the director shall transmit all available information necessary to determine whether or not to approve a contract to purchase water from the state's conservation water supply capacity or to use surplus waters for minimum streamflow requirements, unless an emergency exists.

New Sec. 10. (a) The date of receipt of each application submitted pursuant to section 9 shall be stamped thereon and authenticated as directed by the director. Applicants shall notify the director in writing that they wish to commence negotiations for a contract to withdraw and use water. Within 10 days after the completion of negotiations for a contract to withdraw and use water, the director shall transmit to the chairperson of the authority a copy of the proposed contract.

(b) In order to determine whether a proposed contract for the sale of water from the state's conservation water supply capacity is in the interest of the people of the state of Kansas and whether the benefits to the state for approving the contract outweigh the benefits to the state for not approving the contract, the authority shall consider all matters pertaining to such questions, including:

(1) The present and future water supply needs of the applicant;

(2) any current beneficial uses being made of the noncontracted water proposed to be diverted;

(3) any reasonably foreseeable future beneficial uses of the water;

(4) the economic, environmental, public health and welfare and other benefits or adverse impact of approving the contract;

(5) alternative sources of water available to the applicant;

(6) the preliminary plan of design, construction and operation of any works or facilities used in conjunction with carrying the water to its point of use;

(7) whether the proposed purchase is consistent with the state water plan approved by the legislature;

(8) the date of receipt of the application to contract for withdrawal and use of water; and

(9) minimum streamflow requirements.

(c) The authority may approve or reject the proposed contract and may recommend purchase of water from an alternative source. The authority may approve a contract for a smaller amount of water than requested and may approve a contract upon such terms, conditions and limitations as it deems necessary for the protection of the public interest of the state as a whole.

(continued)

Sec. 11. K.S.A. 82a-1312 is hereby amended to read as follows: 82a-1312. A copy of every contract entered into under K.S.A. 82a-1305, and amendments thereto, shall be filed with the chief engineer by the person who is to receive water under the contract. A copy of every contract shall be filed by the person, as other instruments affecting real estate, with the register of deeds of the county or counties in which is located the point of diversion for the reservoir.

Sec. 12. K.S.A. 82a-1314 is hereby amended to read as follows: 82a-1314. Whenever a person, who has a contract under K.S.A. 82a-1305, and amendments thereto, wishes to make a withdrawal of water, he or she such person shall so advise the executive director. Whenever the bed of a watercourse is to be used to carry waters so released, the executive director shall inform the chief engineer. In accordance with such advice, and at a time agreed upon by the executive director and the chief engineer within two (2) days of such request, the executive director shall request the authorities in charge of the operation of the reservoir to make an appropriate release of water. The person for whom waters are released may conduct such waters into and along any watercourse and may withdraw or divert the same at points specified in his or her such person's contract, without regard to holders of water rights to the waters of the watercourse, due allowance being made for seepage and evaporation. The provisions of K.S.A. 82a-706b to 82a-706e, inclusive, shall apply to water so released. In addition to such authority and duties, the chief engineer shall protect and shall have authority to enter into agreements necessary to protect any release of water.

New Sec. 13. Amounts charged pursuant to contracts entered into pursuant to K.S.A. 82a-1305, and amendments thereto, and all other amounts charged pursuant to this act shall be paid to the director. Upon receipt thereof, the director shall remit the entire amount thereof to the state treasurer and the state treasurer, except as provided in section 14, shall deposit the same in the state treasury to the credit of the state general fund.

New Sec. 14. (a) The director, subject to approval of the authority, shall acquire or develop conservation storage water supply capacity in impoundments named in the state water plan. All such water supply capacity shall be subject to the provisions of the state water plan storage act.

(b) That portion of all moneys received by the state treasurer pursuant to section 13 which is not attributable to (1) the annual repayment on water storage costs in federal reservoirs as computed under subsection (a)(1) of section 7; (2) the operation, maintenance and repair costs associated with the state's conservation water supply capacity; and (3) the costs in enforcing the provisions of this act, shall be deposited in the state treasury to the credit of the state conservation storage water supply fund which is hereby established. The director shall provide the treasurer with an accounting of each such remittance. All expenditures from the state conservation storage water supply fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office or by a person or persons designated by the director.

Sec. 15. K.S.A. 82a-1316 is hereby amended to read as follows: 82a-1316. No assignment, sale, conveyance or transfer of all or any part of a contract under K.S.A. 82a-1305, and amendments thereto, or of interest thereunder, or of interest therein shall be valid unless and until the same is approved by the board authority under such reasonable terms and conditions as the board it may impose. Any contract under K.S.A. 82a-1305, and amendments thereto, may be amended or nullified by written agreement of the parties thereto made and recorded as provided in this act for original contracts under K.S.A. 82a-1305, and amendments thereto, but no such amendment shall change any rate specified in the original contract in accordance with either paragraphs (a) (1) or (b) (2) of subsection (a) of K.S.A. 82a-1306, and amendments thereto.

Every such contract amendment shall be transmitted as provided in K.S.A. 82a-1307, and amendments thereto for original contracts, and shall be subject to revocation as provided in K.S.A. 82a-1307, and amendments thereto. Whenever a contract

amendment is so revoked, the contract to which the amendment applied shall remain valid and unchanged, as though such amendment had never been agreed upon.

Sec. 16. K.S.A. 82a-1317 is hereby amended to read as follows: 82a-1317. If any person financially obligated under a contract made under K.S.A. 82a-1305, and amendments thereto, should fail to make any of the payments when due, then the overdue payments shall bear interest compounded annually at the rate of eight percent (8%) per annum equal to the average rate of interest per annum earned in the next preceding 12 months on investments of the pooled money investment board until paid. This provision shall not be construed as giving the person an option of either making payments when due or paying interest nor shall it be construed as waiving any of the rights of the board authority or the state of Kansas that might result from any default by the person.

Sec. 17. K.S.A. 82a-1318 is hereby amended to read as follows: 82a-1318. The board authority may sue in its own name, or may authorize suit to be brought by an authorized representative in the name of the board authority, to enforce any claim or right arising out of any contract under K.S.A. 82a-1305, and amendments thereto, any provision of this act or any rule and regulation adopted under this act. The board authority may be sued and may defend any action brought against the board it arising out of any contract under K.S.A. 82a-1305, and amendments thereto. Nothing in this section shall be deemed to authorize any suit against the board authority or any member thereof, or any officer or employee of the state or of the board authority, on an implied contract, or for negligence or any other tort. The attorney general, or any attorney designated by him or her the attorney general, shall represent the board authority in all litigation.

Sec. 18. K.S.A. 82a-1319 is hereby amended to read as follows: 82a-1319. The state water resources board director may adopt, subject to approval of the authority, rules and regulations for the administration and carrying out the purposes of this act.

Sec. 19. K.S.A. 82a-1301, 82a-1303 to 82a-1306, inclusive, 82a-1308 to 82a-1312, inclusive, and 82a-1314 to 82a-1319, inclusive, and K.S.A. 1982 Supp. 82a-1307 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 16, 1983.

SENATE concurred in HOUSE amendments March 14, 1983.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 8, 1983.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED March 15, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 16th day of March, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

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Topeka, Kansas 66612

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