

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

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March 13, 1986

Pages 361-408

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State of Kansas
**OFFICE OF THE SECURITIES
COMMISSIONER**

NOTICE OF HEARING

A public hearing will be conducted at 1 p.m. Thursday, March 20, in the Board of Agriculture's conference room A, 109 W. 9th, Topeka. Possible amendments to the Kansas Securities Act permitting registered investment advisers to charge performance-based fees to their clients will be considered.

JOHN R. WURTH
Securities Commissioner

Doc. No. 003994

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
KANSAS COMMISSION FOR THE DEAF
AND HEARING IMPAIRED**

NOTICE OF MEETING

The Kansas Commission for the Deaf and Hearing Impaired will meet at 10 a.m. Friday, March 21, in Perry Annex, SRS Staff Development Training Center, Room B, 2700 W. 6th, Topeka.

The public is invited to attend. Sign language and voice interpreting will be provided. For additional information, contact the Kansas Commission for the Deaf and Hearing Impaired, Biddle Bldg., 1st Floor, 2700 W. 6th, Topeka 66606, (913) 296-2874—(Voice or TDD).

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 004008

State of Kansas
**SECRETARY OF STATE
EXECUTIVE APPOINTMENTS**

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

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed February 28 through March 4:

Graham County Attorney

William B. Elliott, 414 W. Elm, Hill City 67642. Effective February 28, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Steven E. Worcester, resigned.

Decatur County Clerk

Marilyn Horn, Route 3, Box 34A, Oberlin 67749. Effective March 4, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Charlotte Meints, resigned.

Elk County Clerk

Irma Crisp, Howard 67349. Effective February 28, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Betty Robertson, deceased.

District Judge, 18th Judicial District

M. Kay Royse, 3327 E. Osie, Wichita 67218. Effective March 4, 1986. Expires when a successor is elected and qualifies according to law. Succeeds James J. Noone, retired.

JACK H. BRIER
Secretary of State

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PUBLISHED BY
JACK H. BRIER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced February 27—March 5:

- SB 721**, by Committee on Ways and Means: An act concerning unified school district No. 512, Johnson county, Kansas; relating to the procedure for closing school buildings thereof; amending K.S.A. 72-8136e, and repealing the existing section.
- SB 722**, by Committee on Ways and Means: An act relating to the acquisition of land by the Kansas fish and game commission; requiring legislative review thereof; amending K.S.A. 32-214 and repealing the existing section.
- SB 723**, by Committee on Ways and Means: An act concerning the employment security act; relating to the definition of employment; amending K.S.A. 1985 Supp. 44-703 and repealing the existing section.
- SB 724**, by Committee on Federal and State Affairs: An act concerning clove cigarettes; prohibiting sale or offering for sale and providing penalties for violations; amending K.S.A. 79-3321 and repealing the existing section.
- SB 725**, by Committee on Federal and State Affairs: An act concerning improvement districts; relating to the organization thereof; amending K.S.A. 19-2757 and repealing the existing section.
- SB 726**, by Committee on Ways and Means: An act concerning the Kansas public broadcasting commission; relating to the allocation of state funds; amending K.S.A. 1985 Supp. 75-4907 and repealing the existing section.
- SB 727**, by Committee on Ways and Means: An act concerning the Kansas meat and poultry inspection act; establishing certain annual fees; amending K.S.A. 65-6a26 and 65-6a34 and repealing the existing sections.
- HB 3097**, by Committee on Ways and Means: An act relating to banks and banking; allowing trust services at detached auxiliary banking services facilities; amending K.S.A. 1985 Supp. 9-1111 and repealing the existing section.
- HB 3098**, by Committee on Ways and Means: An act concerning solid waste disposal fee funds; relating to interest earned thereon; amending K.S.A. 65-3410 and repealing the existing section.
- HB 3099**, by Committee on Ways and Means: An act relating to fish and game; concerning fees charged by county clerks for sale or issuance of licenses and permits; amending K.S.A. 1985 Supp. 32-104a and repealing the existing section.
- HB 3100**, by Committee on Ways and Means: An act concerning special education services for certain institutions under the secretary of social and rehabilitation services; relating to entitlements of school districts for provision of such services; amending K.S.A. 72-978 and repealing the existing section.
- HB 3101**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the department on aging; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SCR 1638**, by Senators Steineger, Mulich and Strick: A concurrent resolution congratulating Kansas City, Kansas, on its Centennial anniversary.
- SCR 1639**, by Committee on Ways and Means: A concurrent resolution concerning the inspection fee for commercial fertilizers; requesting the modification of K.A.R. 4-4-2, as adopted by the state board of agriculture and filed with the revisor of statutes on November 14, 1985.
- SR 1883**, by Senator Karr: A resolution congratulating and commending the Emporia State University men's basketball team and its coach, Ron Slaymaker, on winning the 1986 CSCC Basketball Championship.
- SR 1884**, by Senator Montgomery: A resolution commending the Delta Kappa Gamma Society International on its 50 years of organization in the State of Kansas.
- HCR 5046**, by Representatives Hensley and Reardon: A proposition to amend section 1 of article 10 of the constitution of the state of Kansas, relating to reapportionment of senatorial and representative districts.
- HCR 5047**, by Representatives Hayden, Braden, Acheson, Apt, Aylward, Baker, Barr, Bideau, Brown, Bryant, Buehler, Bunten, C. Campbell, Clout, Crowell, Crumbaker, Dyck, Erne, Foster, Fox, Freeman, Friedeman, Fuller, Goossen, Gnaeber, Harper, Hassler, Hoy, Jenkins, King, Kline, Knopp, Littlejohn, Long, Louis, Lowther, R. D. Miller, Mollenkamp, Nichols, O'Neal, P. Ott, K. Ott, Patrick, Polson, Pottorff, Ramirez, Reardon, Roe, Rolfs, Runnels, Sand, Sifers, Smith, Snowbarger, Solbach, Sughrie, Vancrum, Wagnon, Walker, Whiteman, Williams and Wunsch: A proposition to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, relating to the exemption of property for economic development purposes.
- HCR 5048**, by Representatives Kline, Douville, Fox, Blumenthal, Brown, Cloud, Hoy, Louis, Mayfield, D. Miller, Patrick, Sifers, Snowbarger and Vancrum: A concurrent resolution memorializing the Kansas Water Office to initiate negotiations for a Kansas City Metropolitan Stormwater Management Compact.
- HCR 5049**, by Committee on Public Health and Welfare: A concurrent resolution concerning the scope of physician services in the Kansas medicare/medicaid program; requesting the modification of K.A.R. 30-5-88, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 13, 1985.
- HR 6203**, by Representative K. Campbell: A resolution congratulating and commending the Concordia High School debate squad for winning the Class 4A State Debate Tournament.
- HR 6204**, by Representative Patterson: A resolution congratulating and commending the Independence Community College cheerleading squad for finishing first in the National Junior College Cheerleading Contest.
- HR 6205**, by Representatives Fuller, Pottorff and Williams: A resolution commemorating the life of Kathryn B. Forest.
- HR 6206**, by Representative Sughrie: A resolution memorializing the Congress of the United States to enact legislation establishing TEACHER DAY USA.
- HR 6207**, by Representative Nichols: A resolution congratulating and commending Alice Wolf of Ottawa, Kansas, on being named the 1986 Kansas Teacher of the Year.
- HR 6208**, by Representatives Bowden and Francisco: A resolution congratulating the State Bank of Colwich on its 100th anniversary.
- HR 6209**, by Representatives Wisdom, Dillon, Johnson, Justice, Love, Peterson, Ramirez, Reardon, Rosenau and Sutter: A resolution congratulating Kansas City, Kansas, on its Centennial anniversary.
- HR 6210**, by Representative Polson: A resolution commending the Delta Kappa Gamma Society International on its 50 years of organization in the State of Kansas.

Doc. No. 003999

State of Kansas

BOARD OF REGENTS
KANSAS STATE UNIVERSITYNOTICE OF HEARING ON
PROPOSED TRAFFIC REGULATIONS

The State Board of Regents will conduct a public hearing at 3:30 p.m. Tuesday, April 1, in the Student Union Building, Big 8 Room, Kansas State University, Manhattan. Regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University will be considered for adoption.

The following is a summary of the substance of the rules and proposed changes:

Introduction. An introduction has been added to clarify the authority of the regulations and to inform the public of the reasons for some of the changes.

1. General. The current regulations give definitions of terms, specify the general requirements for parking permits and the location where permits, applications and related information may be obtained. The proposed addition states that the University assumes no liability for parking or operating vehicles on property owned, leased or otherwise controlled by the University.

2. Parking Permits. The current regulations specify who is required to have permits, what type is required, the cost, and the period each permit is valid. The proposed additions indicate the cost and necessity of the special permit for lots C1 and C2, encourages community groups to contact the campus police for special parking arrangements, and adds provisions to have violation notices for visitors without valid parking permits excused.

3. Parking Hours. The current regulations specify when parking permits are required in specific areas. No changes are proposed.

4. Parking Areas. The current regulations specify where vehicles, motorcycles and bicycles may be parked. The proposed amendment does not allow bicycles in buildings.

5. Driving Regulations. The current regulations specify the conduct of vehicles, pedestrians and bicyclists. No changes are proposed.

6. Enforcement/Misuse Fees/Penalties/Appeals. The current regulations designate the types of violations, misuse fees, the responsibilities of the owners and operators, the authority of the campus patrol officers, where misuse fees can be paid, the penalties for non-payment, and appeal procedures. The proposed changes allow violation notices for visitors or guests of the University to be excused and defines "headed into parking stall."

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

(continued)

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to John P. Lambert, Director of Public Safety, Ward Hall, Kansas State University, Manhattan 66506.

JEAN S. SAGAN
Associate General Counsel
Board of Regents

Doc. No. 004003

State of Kansas

**BOARD OF REGENTS
UNIVERSITY OF KANSAS**

**NOTICE OF HEARING ON
PROPOSED TRAFFIC REGULATIONS**

The State Board of Regents will conduct a public hearing at 3 p.m. Monday, April 7, in the Kansas Union Building, Council Room, University of Kansas, Lawrence. Regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas will be considered for adoption.

The following is a summary of the substance of the rules and proposed changes. While certain sections of the regulations have been renumbered and reorganized, the only substantive changes in the regulations are noted as follows:

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

2. Definitions. The current regulations specify, for the purpose of these regulations, the definitions of student, faculty, staff, visitors, residence hall visitor, handicap permit, moped parking and motorcycle. The proposed amendment would allow students to be seen by the physician of their choice for medical parking authorization. Also, "2.6 handicap permit" is changed to "2.6 handicap parking." Residence hall visitor parking will be modified.

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

4. Parking Permits. The current regulations establish procedures pertaining to parking permits and the types of parking permits available. The proposed amendments include the elimination of Handicap, West Campus, Daisy Field, North College, Joseph R. Pearson, Oliver and Jayhawk Towers permits. The latter five permits will be combined to an "All Dormitory" permit. The proposed amendments also provide that service permits will be issued to persons

"conducting University business or services" and eliminates the rest of the paragraph.

5. Student, faculty and staff parking. The current regulations establish procedures by which parking permits for vehicles may be obtained and appealed, and procedures for new employees. No amendments are proposed.

6. Permit fees. The current regulations specify the fees charged for parking permits. The proposed amendment would increase special events parking by \$.50 in all categories.

7. Control of parking lots and zones. The current regulations specify times and locations for parking restrictions at the University of Kansas. No amendments are proposed.

8. Violations. The current regulations specify the penalties for misuse of parking areas. "Unauthorized Storage" will include vehicles parked with no current registration plates on them.

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

10. Appeal of violation notices. The current regulations establish the procedure for appeals from a charge of misuse of parking area. No amendments are proposed.

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

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to Edwyna Gilbert, Associate Dean, College Office, University of Kansas, Strong Hall, Room 206, Lawrence 66045.

JEAN S. SAGAN
Associate General Counsel
Board of Regents

Doc. No. 004002

**State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services to provide a comprehensive parking and engineering study for the University of Kansas Medical Center. The scope of the work for services to be provided is available.

Any questions or expressions of interest should be directed to Tom Orzulak, Director of Parking, University of Kansas Medical Center, B320 BE, 39th and Rainbow Blvd., Kansas City 66103, (913) 588-5171, by March 28, 1986.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 004006

**State of Kansas
DEPARTMENT OF REVENUE
DIVISION OF PROPERTY VALUATION**

**PROPERTY VALUATION GUIDES
AND MODIFICATIONS**

For the 1986 tax year, the Division of Property Valuation has adopted for use in estimating market value of personal property the following guides:

- I. P.V.D. produced guides**
 - 1. Construction Equipment Guide
 - 2. Special Purpose Property Guide
 - 3. Highway Vehicle Guide
 - 4. Motor Vehicle Reference Guide
 - 5. Oil and Gas Guide
 - 6. Helicopter Guide
- II. Copyrighted guides which are prescribed**
 - 1. Truck Blue Book, January 1986 Edition
 - 2. Abos Marine Blue Book, 1986 Edition—Set of nine books
 - 3. N.A.D.A. Recreation Vehicle Appraisal Guide, January-April 1986 Edition
 - 4. Farm Machinery and Equipment
No guides on farm machinery and equipment will be issued or prescribed for 1986. Valuations of such items will be done by use of trending factors.
 - 5. Directory of Aircraft Prices, January 1, 1986 Tax Assessor Edition
 - 6. N.A.D.A. Used Car Guide, January 1986 Midwest Edition
 - 7. N.A.D.A. Motorcycle Guide, January 1986 Edition
 - 8. N.A.D.A. Older Vehicle Guide, January-April 1986 Edition

Pursuant to K.S.A. 1985 Supp. 79-1412a, following is

a notice of modifications to be observed by county or district appraisers in utilizing the foregoing guides to value property:

1. Oil Property

The following schedule shall be used in place of the crude oil price schedule issued January 7, 1986.

For leases subject to the Kansas severance tax (K.S.A. 79-4217), use column designated "Severance." For leases exempted from the severance tax, use column designated "Exempt."

**All Producers and Royalty Owners
Tiers One, Two and Three**

Gravity	Severance	Exempt
40+	\$17.20	\$17.98
39-39.99	17.06	17.83
38-38.99	16.91	17.68
37-37.99	16.77	17.53
36-36.99	16.63	17.38
35-35.99	16.48	17.23
34-34.99	16.34	17.08
33-33.99	16.20	16.93
32-32.99	16.05	16.78
31-31.99	15.91	16.63
30-30.99	15.77	16.48
29-29.99	15.62	16.33
28-28.99	15.48	16.18
27-27.99	15.34	16.03
26-26.99	15.19	15.88
25-25.99	15.05	15.73
24-24.99	14.91	15.58
23-23.99	14.76	15.43
22-22.99	14.62	15.28
21-21.99	14.47	15.13
Below 21	14.33	14.98

2. Jet Ski/Wet Bike Vehicles

Replacement cost new for the subject vehicles for 1986 is:

CC	Value
300	\$1,710
550	\$2,540

Estimated economic life is five years. During or at the end of that period, it is common to repair or replace components as necessary, sometimes fairly extensively. In view of this, the value for the fifth year is recommended for any subsequent years if there are no unusual circumstances. Use the following percent good scale.

% Good	1.00	.75	.55	.40	.30	.25
Year	1986	1985	1984	1983	1982	1981

3. Computer Equipment

The 1986 Special Purpose Properties Guide (page 16) instructs counties to value data processing hardware by applying the percent good factors provided to the current replacement cost new for such equipment.

(continued)

It has been pointed out that in many cases, due to rapid technological changes, it is difficult, if not impossible, to ascertain the replacement cost new of a given piece of equipment.

For the above reasons, data processing hardware will be assigned a five year economic life and the appropriate trending factor applied to original cost.

Please make this change on page 16 of your Special Purpose Properties Guide.

4. Conversion Vans Under Chapter 79, Article 51 of Kansas Statutes Annotated

K.S.A. 79-5103 provides that the value of all motor vehicles, the model year of which is 1981 or thereafter, is to be determined as of the time they are first offered for sale as new motor vehicles.

Pursuant to K.S.A. 79-5103, the Division of Property Valuation promulgates schedules (VRF) for determining the value of all motor vehicles; however, these schedules do not provide an adequate basis for valuing for classification purposes specially constructed motor vehicles, including converted vans.

Therefore, pursuant to K.S.A. 79-5103 and K.A.R. 92-55-2, specially constructed motor vehicles including conversion vans will be valued for classification purposes as of the time a make and model is first offered for sale as a new motor vehicle.

Such motor vehicles will not be valued for classification purposes as of the time particular vehicles of a given make and model are offered for sale following post-production conversion.

The basis for valuation will be the first dealer cost specified by the manufacturer or distributor plus the inland freight charge to Kansas.

The definition of a van conversion is stated in the 1986 Motor Vehicle Reference Guide as:

A completed van chassis modified esthetically or decoratively in appearance by the RV manufacturer for transportation and recreational purposes. These changes may include windows, carpeting, paneling, seats, sofas, and accessories.

These guides and the modifications thereto are available for public inspection during regular office hours at the Division of Property Valuation, 5th floor, State Office Building, Topeka.

VIC MILLER
Director, Division of
Property Valuation

Doc. No. 004009

State of Kansas SOCIAL AND REHABILITATION SERVICES

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, April 1, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes a public hearing concerning proposed temporary administrative regulations. A summary of the proposed regulations is set forth below. The proposed regulations are scheduled to become effective on May 1, 1986.

A. General

1. 30-2-16. Permanency planning goals for title IV-E of the federal social security act. This regulation is being amended to change the date of the federal fiscal year permanency planning goals from October 1, 1984 to October 1, 1985.

B. Public Assistance Program

1. 30-4-85a. Eligibility factors specific to the EA program. This regulation is being amended to reinstate the emergency assistance provisions for evictions and potential evictions.

2. 30-4-122a. Special allowances for EA. This regulation is being amended to reinstate the special emergency assistance allowances for the prevention of eviction.

C. Medicaid/Medicaid Program—Provider Participation, Scope of Services, Reimbursement

1. 30-5-101. Scope of chiropractic services. This regulation is being amended to:

(a) Add that office visits for diagnosis and treatment of EPSDT program participants shall be covered up to 24 per calendar year;

(b) Add that office visits for diagnosis and treatment of non-EPSDT program participants shall be covered up to 12 per calendar year;

(c) Add that a recipient shall be limited to one practitioner's care for a given diagnosis;

(d) Add that spinal manipulations shall be limited to neuromuscular skeletal conditions; and

(e) Add that a progress report shall be submitted to the agency after the first 60 days after the date of the first visit, every 60 days thereafter, and that the report shall contain the history of the present illness, the diagnosis, the type or mode of treatment, the treatment program, and the prognosis.

2. 30-5-101a. Reimbursement for chiropractic services. This regulation is being amended to add that reimbursement for chiropractic services shall be made on the basis of reasonable charges, except no fee shall be paid in excess of the range maximum, and the range of charges shall provide the base for computations.

3. 30-5-102. Scope of optometric and optical services. This regulation is being amended to:

(a) Add that optometric and optical services shall be covered for medicaid recipients, and that covered services include optometric examinations, grinding and

edging lenses, assembling and dispensing eyeglasses, and optical materials; and

(b) Add that optometric examinations and materials shall be limited as specified by the Secretary.

4. 30-5-103. **Scope of podiatric services.** This regulation is being amended to:

(a) Add that podiatric services shall be covered for medicaid recipients, and that covered services include diagnosis; manual, medical, surgical or pharmaceutical treatment of those parts of the body below the ankle; and diagnosis and treatment of tendons and muscles of the lower leg as they relate to conditions of the foot;

(b) Add that surgery shall be limited to that performed on an outpatient basis; and

(c) Add that routine foot care shall not be covered.

5. 30-5-104. **Scope of psychological services.** This regulation is being amended to:

(a) Add that psychological services for non-EPSDT participants shall be covered up to 24 hours per calendar year;

(b) Add that special psychological office visits for EPSDT program participants shall be rendered pursuant to a plan approved by the agency and subject to a reimbursement limit established by the Secretary;

(c) Add that visits to intermediate care facilities for mental retardation shall be limited to psychological testing and evaluation;

(d) Add that visits to intermediate care facilities for mental health shall be limited to psychological testing, evaluation, consultation and therapy; and

(e) Make technical changes.

6. 30-5-105. **Scope of hearing services.** This regulation is being amended to:

(a) Add that hearing services shall be covered for medicaid recipients;

(b) Add that a medical diagnosis shall be made by an ear specialist or by a general practitioner when an ear specialist is not easily available;

(c) Add that audiological testing shall be performed by a physician, audiologist or hearing aid dealer;

(d) Add that fitting, dispensing and follow-up shall be performed by a hearing aid dealer; and

(e) Add that a hearing aid shall not be covered if the physician states that the medical condition contraindicates the effectiveness of an aid.

7. 30-5-160. **Scope of chiropractic services for adult medikan program recipients.** This regulation is being amended to add that chiropractic services for adult medikan recipients shall be covered up to 12 office visits per calendar year.

8. 30-5-161. **Scope of podiatric services for adult medikan program recipients.** This regulation is being amended to add that podiatric services for adult medikan recipients shall be covered up to 12 office visits per calendar year and for nonelective surgery which is performed on an outpatient basis.

9. 30-5-162. **Scope of psychological services for adult medikan program recipients.** This regulation is being amended to add that the same scope of services for adult medicaid program recipients shall be covered for adult medikan program recipients, except that

psychological testing and evaluation shall be limited to six hours per three consecutive calendar years.

D. Medicaid/Medikan Program—Client Eligibility

1. 30-6-65. **Automatic eligibles.** This regulation is being amended to delete the provision that provides automatic eligibility for medical assistance to persons who are ineligible for ADC due to the provisions of K.A.R. 30-4-62, 30-4-71, or 30-4-75.

2. 30-6-74. **Persons whose needs are to be considered with the needs of the ADC child.** This regulation is being amended to reinstate caretaker relatives as eligible for participation in the medical assistance program.

E. Medicaid/Medikan Program—Adult Care Homes

1. 30-10-29. **Reimbursement for 24-hour nursing care.** This regulation was previously adopted by the Secretary on a temporary basis effective December 18, 1985 and will expire April 30, 1986. The Secretary is readopting the same regulation on a temporary basis to be effective May 1, 1986 and to expire April 30, 1987.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to April 1 by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka 66612.

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

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

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 004001

(Published in the KANSAS REGISTER, March 13, 1986.)

SENATE BILL No. 411

AN ACT amending the transient merchant licensing act; relating to exemptions from the application thereof; amending K.S.A. 1985 Supp. 19-2233 and 19-2235 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 19-2233 is hereby amended to read as follows: 19-2233. (a) The provisions of this act shall not apply to:

(a) (1) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

(b) ~~wholesale~~ (2) sales or displays at trade shows, expositions or conventions;

(c) (3) sales of goods, wares or merchandise by sample catalogue or brochure for future delivery;

(d) (4) ~~sales or displays at fairs and convention center activities conducted, conventions or shows operated~~ primarily for purposes of amusement or, entertainment, recreation or education;

(e) ~~any general sale, fair, auction or bazaar sponsored by any~~ (5) sales or displays at sales, fairs, auctions or bazaars operated by church, religious or nonprofit organization charitable organizations;

(f) (6) garage sales held on premises devoted to residential use;

(g) (7) sales or displays at sales or shows of crafts or items made by hand and sold or, offered for sale by the person or displayed by the individual making such crafts or handmade items;

(h) (8) sales of agricultural products raised or produced by the seller, except nursery products and foliage plants, sold or offered for sale by the individual raising or producing such products;

(i) (9) sales made by a seller at to the owner or legal occupant of residential premises, at such premises pursuant to an invitation issued by the such owner or legal occupant of such premises;

(j) ~~school sponsored bazaars and sales, concessions at school athletic and other events~~ (10) sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools or educational institutions;

(11) sales of paraphernalia used in the celebration of any nationally recognized holiday or used in connection with any public school, university or college related activities;

(12) sales or displays at flea markets or at sales, exchanges or shows of antique or other personal property having an enhanced value by reason of its age or unique characteristics;

(13) retail sales of fireworks establishments, gun shows, sales by charitable organizations, sales of coins, state or county fairs, and expositions sponsored by government entities or by nonprofit trade associations;

(14) sales or displays at fairs or expositions sponsored by the state, a county or another governmental entity or a convention or tourism committee created pursuant to either K.S.A. 12-1695 or 12-16,101, and amendments thereto;

(15) sales or displays at sales, exchanges or shows of collectibles or hobby or investment items of personal property, including but not limited to pets, gems and minerals, stamps, coins, photographs and photographic equipment, guns and belt buckles;

(16) sales or displays in connection with, and at the site of, athletic tournaments, events, contests or expositions; or

(17) events sponsored by nonprofit organizations; or

(k) (18) any person who has a permanent business location in this state for not less than six months in each year but who may carry on a transient business at locations in this state other than at the person's permanent business location.

(b) The exemption provided by subsection (a) shall apply regardless of whether the transient merchant is sponsoring or operating the activity giving rise to the exemption or is participating in the activity as a seller or exhibitor.

(c) A transient merchant not otherwise exempted from the provisions of this act shall not be relieved or exempted from the provisions of this act by reason of temporary association with any

local dealer, auctioneer, trader, contractor or merchant or by conducting temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.

Sec. 2. K.S.A. 1985 Supp. 19-2235 is hereby amended to read as follows: 19-2235. (a) Any transient merchant desiring to transact business in any county in this state shall make application for and obtain a license in each county in which such merchant desires to transact business.

(b) The application for license shall be filed with the county clerk and shall include the following information:

(1) The name and permanent address of the individual or transient merchant making the application and, if the transient merchant is not an individual, the names and addresses of the officers of the corporation or the members of the partnership, association or other entity, as the case may be;

(2) if the applicant is a corporation, a statement of the date of incorporation, the state of incorporation and, if the applicant is a corporation formed in another state, the date on which such corporation qualified to transact business as a foreign corporation in this state;

(3) a statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business and the location of such proposed place of business;

(4) the name and permanent address of the transient merchant's registered agent or office; and

(5) a statement that the applicant has acquired all other required city, county and state permits and licenses.

(c) There shall be attached to any application filed pursuant to this section:

(1) A receipt or statement showing that any personal property taxes due on goods, wares or merchandise to be offered for sale have been paid; and

(2) a copy of the agreement of the registered agent designated by the applicant as provided by K.S.A. 1985 Supp. 19-2237; and

(4) the name and permanent address of the transient merchant's registered agent or office.

(c) There shall be attached to any application filed pursuant to this section a copy of the agreement of the registered agent designated by the applicant as provided by K.S.A. 1985 Supp. 19-2237 and amendments thereto.

Sec. 3. K.S.A. 1985 Supp. 19-2233 and 19-2235 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 January 30, 1986.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

Passed the HOUSE February 25, 1986.

MIKE HAYDEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

APPROVED March 6, 1986.

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 6th day of March, 1986.

JACK H. BRIER

Secretary of State.

(SEAL)

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-26

Corporations—Telegraph, Telephone and Transmission Lines—Rights, Powers and Liabilities of Telephone Companies.

Cities and Municipalities—Franchises—Granting of Franchises. Representative Carl Holmes, 125th District, Plains, February 28, 1986.

Under the provisions of K.S.A. 17-1902 and K.S.A. 1985 Stupp. 12-2001, telephone companies may build their lines along and upon city streets (in such manner as not to inconvenience the public in the use of the street), subject to reasonable municipal regulations. Accordingly, a city may impose reasonable restrictions upon the manner and place of construction of proposed telephone lines. Cited herein: K.S.A. 1985 Stupp. 12-2001; K.S.A. 17-1901; 17-1902; 17-1906. TRH

Opinion No. 86-27

Waters and Watercourses—Rural Water Districts—Construction of Works; Revenue Bonds. Thomas D. Borniger, General Counsel for Rural Water Districts No. 1, 2, 3 and 4 in Sedgwick County, Wichita, February 28, 1986.

K.S.A. 82a-625 provides that revenue bonds issued by a rural water district pursuant to the authority granted therein "shall be exempt from taxation." Kansas state income and inheritance taxes are included in the exemption granted by this statutory language. Cited herein: K.S.A. 32-607; 68-2013; 68-2041; 74-4522; 76-6a22; 82a-625; L. 1957, ch. 450. MFC

Opinion No. 86-28

Taxation—Listing Property for Taxation—Listing of Cattle Held in Feedlots; Payment of Collection Fee. Curtis E. Campbell, Gray County Attorney, Cimarron, February 28, 1986.

A personal property tax is imposed by K.S.A. 79-307b upon cattle which are held in feedlots. The statute permits the operator of the feedlot to collect the tax, which is calculated on a daily basis for each head of livestock present in the lot, and remit the same to the county along with the monthly report which is required by the same statute. Such taxes may not be released, discharged, remitted or commuted by the board of county commissioners or any other county officer. Accordingly, a resolution by a county commission which rebates part or all of the tax to the owner of the cattle either directly or indirectly through a collection fee to the feedlot operator is invalid. However, a collection fee which is not based on the amount of tax collected and which is reasonable in size is permissible. Cited herein: K.S.A. 79-307b; 79-1703. JSS

Opinion No. 86-29

Taxation—Kansas Retailers' Sales Tax—Tax Imposed; Interstate Commerce. Senator Joseph F. Norvell, 37th District, Hays, March 4, 1986.

The issue of whether a state or local sales tax imposed on interstate long-distance telephone calls violates the commerce clause of the United States Constitution has not yet been addressed by the United States Supreme Court. However, *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 97 S.Ct. 1076, 51 L.Ed.2d 326 (1977) and subsequent cases indicate that such a tax may be upheld if: 1) the tax is applied to an activity with a substantial nexus with the taxing state; 2) the tax is fairly apportioned; 3) the tax does not discriminate against interstate commerce; and 4) the tax is fairly related to the services provided by the state. Cited herein: Constitution of the United States, Art. I, § 8, cl. 3. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 003996

(Published in the KANSAS REGISTER, March 13, 1986.)

**NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF HALSTEAD, KANSAS
WATERWORKS IMPROVEMENT
REVENUE BONDS
SERIES 1976
DATED JANUARY 1, 1976**

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance 609 of the City of Halstead, Kansas, the above mentioned serial bonds numbered 27 to 49 maturing in the years 1993, 1994, 1995 and 1996 have been called for redemption and payment on May 1, 1986 at the offices of the Southwest National Bank of Wichita, Trust Department, P.O. Box 1401, Wichita, KS 67201.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 103 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds on and after May 1, 1986, and interest coupons maturing after May 1, 1986 shall be void.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE
CITY OF HALSTEAD, KANSAS

By Todd H. Duncan
Trust Department

Doc. No. 003993

(Published in the KANSAS REGISTER, March 13, 1986.)

NOTICE OF BOND REFUND
City of Wichita, Kansas
Industrial Revenue Bonds
Series XXI, 1973
 (Southwest Grease & Oil Co.
 (Wichita), Inc.—Tenant)
 (the "Series XXI, 1973 Bonds")

City of Wichita, Kansas
Industrial Revenue Bonds
Series XLI, 1973
 (Southwest Grease & Oil Co.
 (Wichita), Inc.—Tenant)
 (the "Series XLI, 1973 Bonds")

Notice is hereby given pursuant to the provisions of the Lease Agreement dated March 1, 1973 and Supplemental Lease Agreement dated September 1, 1973, by and between the city of Wichita, Kansas and Southwest Grease & Oil Co. (Wichita), Inc., now Southwest Petro-Chem, Inc., that the company has exercised its option to purchase the facility and that provision for the payment of the above-referenced bonds has been made. An escrow of United States Government Securities has been established with The Fourth National Bank and Trust Company, 100 N. Broadway, Wichita, KS 67201, as Escrow Trustee, to provide for the payment of the principal of and interest on the bonds to maturity.

CITY OF WICHITA, KANSAS
 By Donald C. Gisick, City Clerk

Doc. No. 004011

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

MONDAY, MARCH 24, 1986

#27042

University of Kansas Medical Center, Kansas
 City—MIST INHALATORS

#27050

University of Kansas, Lawrence and other state
 agencies—BIOCHEMICALS AND DIAGNOSTICS

#64881

Wichita State University, Wichita—1986
 COMMENCEMENT PROGRAMS

#64890

Department of Transportation, various
 locations—TRAILERS

#64966

Department of Administration, Topeka—
 FINANCING SERVICES FOR COMPUTERIZED
 LAW ENFORCEMENT MESSAGING SYSTEM

#64967

University of Kansas Medical Center, Kansas
 City—CONTINUOUS BATCH WASHING LAUNDRY
 SYSTEM

TUESDAY, MARCH 25, 1986

#A-5328

Kansas Neurological Institute, Topeka—FLOOR
 STABILIZATION—SUNFLOWER LODGE

#A-5495

Kansas State University, Manhattan—ROOFING
 SYSTEM REPLACEMENT—DERBY FOOD
 CENTER, ON CAMPUS

#27044

Kansas State University, Manhattan—APRIL (1986)
 MEAT PRODUCTS

#64873

Department of Transportation, Salina—MOTOR
 GRADER REPAIR PARTS

#64874

University of Kansas, Lawrence and Kansas State
 University, Manhattan—VEHICLES

#64875

Kansas Neurological Institute, Topeka—
 DISHWASHING SUPPLIES

#64876

Kansas Fish and Game Commission, Pratt—
 FISH TOXICANT

#64877

Department of Transportation, Topeka—AS-1
 SPECIAL SHOULDER AGGREGATE, Hiawatha

#64878

Department of Transportation, Salina—MOWER
 REPAIR PARTS

#64879

Department of Social and Rehabilitation Services,
 Topeka—COTTON DUSTMOP YARN

#64880

Wichita State University, Wichita—FLOOR
 MACHINE

#64955

Pittsburg State University, Pittsburg—PICKUP

WEDNESDAY, MARCH 26, 1986

#A-5341

Department of Transportation, Topeka—REROOF
 AREA SHOP BUILDING (DOT 2-1006), Clay Center

#27035

University of Kansas, Lawrence—MAY (1986) MEAT
 PRODUCTS

#27046

Wichita State University, Wichita—PUBLICATION
 OF MONTHLY RADIO PROGRAM GUIDE FOR
 KMW

#64891

Department of Transportation, various
 locations—ARROW BOARD TRAILERS

#64892

Department of Transportation, Norton—TERRACER
 MACHINE

#64900

Department of Transportation, various
 locations—WEED SPRAYER

#64905

Department of Transportation, Topeka—ENGINE
 ANALYZER

#64906

University of Kansas, Lawrence—DORM
 FURNITURE

#64956
 Department of Transportation, various locations—AIR TAMPER AND AIR HAMMER
THURSDAY, MARCH 27, 1986

#64893
 Department of Transportation, Salina—BITS, TUNGSTEN CARBIDE

#64894
 Kansas State University, Manhattan—PICKUP

#64895
 Department of Transportation, Salina—LUBRICATING OIL

#64908
 Kansas State University, Manhattan—PHYSICS RESEARCH APPARATUS

#64911
 Kansas State University, Manhattan—BELLOWS DRIVE WATER REEL

#64912
 Department of Transportation, Topeka—LUMBER, BRIDGE PLANKS, TREATED

#64913
 University of Kansas, Lawrence—SEDAN

#64914
 Emporia State University, Emporia—VIDEO EQUIPMENT

#64915
 Kansas State University, Manhattan—PROCESSING EQUIPMENT

#64916
 Topeka State Hospital, Topeka—LAUNDRY SUPPLIES

#64923
 Kansas State University, Manhattan—CHEMISTRY ANALYZER CONSUMABLES

#64924
 University of Kansas Medical Center, Kansas City—MICROTOME CABINET

#64925
 Kansas State University, Manhattan—AUTOMATIC PIPETTE SYSTEM

#64926
 Kansas State University, Manhattan—KJELDAHL APPARATUS

#64927
 University of Kansas, Lawrence—TAPE CONTROL UNIT—IBM 3803 COMPATIBLE

#64968
 Department of Transportation, Topeka—ELECTRONIC PORTABLE MESSAGE SIGN

FRIDAY, MARCH 28, 1986

#64896
 Department of Transportation, Topeka—SELF PROPELLED ROCK CUTTER

#64928
 Department of Administration, Central Motor Pool, Topeka—VEHICLES

#64933
 Kansas State Penitentiary, Lansing—TOBACCO

#64934
 University of Kansas Medical Center, Kansas City—CURETTAGE SYSTEM, THYROID PROBE, LOGIC PROBE, ELECTROMETER

#64935
 Kansas Fish and Game Commission, Pratt—CONTINUOUS "BIG GAME PERMITS"

#64936
 Larned State Hospital, Larned—MISCELLANEOUS GROCERIES

#64937
 Larned State Hospital, Larned—LAUNDRY SUPPLIES

#64938
 University of Kansas, Lawrence—CAST ACRYLIC SHEET

#64939
 University of Kansas, Lawrence—VAN

#64940
 Kansas State University, Manhattan—ENGINEERING GRAPHICS WORKSTATION

#64941
 Kansas State University, Manhattan—MICROCOMPUTER—HEWLETT PACKARD COMPATIBLE

#64942
 Department of Social and Rehabilitation Services, Topeka—INVENTORY CONTROL SOFTWARE D.G. COMPATIBLE

#64943
 University of Kansas Medical Center, Kansas City—REPAIR PARTS FOR HEAT EXCHANGE COILS

#64944
 University of Kansas Medical Center, Kansas City—HARD DISK UPGRADE KIT FOR EPICS EQUIPMENT

#64945
 Adjutant General's Department, Topeka—UPGRADE OF ELECTRICAL SERVICE

#64954
 Kansas Highway Patrol, Topeka—AIRCRAFT REPLACEMENT ENGINES

#64964
 Kansas Department of Human Resources, Topeka—CONTINUOUS MAILERS—K-BEN 78

#64965
 Kansas Correctional Industries, Lansing—COTTON BATTING

#64969
 Department of Transportation, Topeka—PLANT MIX BITUMINOUS MIXTURE, COMMERCIAL GRADE, Emporia

WEDNESDAY, APRIL 2, 1986

#27028
 Statewide—PHARMACEUTICALS

THURSDAY, APRIL 3, 1986

#A-5245 (a)
 Kansas State Historical Society, Topeka—MEMORIAL BUILDING, CORNICE REPAIR AND EXTERIOR RESTORATION

NICHOLAS B. ROACH
 Director of Purchases

Doc. No. 004000

(Published in the KANSAS REGISTER, March 13, 1986.)

**CLARIFICATION OF
NOTICE OF BOND SALE**

\$10,975,000

**STREET AND STORM DRAINAGE
IMPROVEMENT BONDS
SERIES 1986**

DATED APRIL 1, 1986

CITY OF OVERLAND PARK, KANSAS

This notice is to clarify that the notice of bond sale dated February 17, 1986, for the above series of bonds published in the Topeka Capital-Journal on March 6, 1986, the Overland Park Sun on March 5, 1986, and the Kansas Register on March 6, 1986, supersedes the notice of bond sale published in the Topeka Capital-Journal on February 27, 1986, the Overland Park Sun on February 26, 1986, and the Kansas Register on February 27, 1986. The March publication in each newspaper contained a maturity schedule different from that in the February publications.

The bonds will be awarded to the best bidder based on the maturity schedule contained in the March publications of the notice of bond sale and this official statement.

Additional information regarding the bonds may be obtained from Bernice Crummett, Finance Director/City Clerk, at (913) 381-5252.

CITY OF OVERLAND PARK, KANSAS

Bernice Crummett
Finance Director/City Clerk
City Hall
8500 Santa Fe Drive
Overland Park, KS 66212
(913) 381-5252

Doc. No. 004010

(Published in the KANSAS REGISTER, March 13, 1986.)

**NOTICE OF BOND SALE
CITY OF EDGERTON, KANSAS**

\$149,139

**GENERAL OBLIGATION BONDS
SERIES 1986-1 (STREETS)**

The city of Edgerton, Kansas will receive sealed bids at the office of the City Clerk, City Hall, 404 E. Nelson, Edgerton, Kansas, until 7 p.m. C.S.T., March 27, 1986, for the purchase of \$149,139 par value general obligation bonds of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series 1986-1 bonds initially issued will be dated as of April 1, 1986, and shall mature on September 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof (except one bond in the denomination of \$4,139) not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing March 1, 1987, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas, (the paying agent and bond registrar) to the registered owners thereof upon

presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the preceding February 15 and August 15 (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$14,139	September 1, 1987
\$15,000	September 1, 1988
\$15,000	September 1, 1989
\$15,000	September 1, 1990
\$15,000	September 1, 1991
\$15,000	September 1, 1992
\$15,000	September 1, 1993
\$15,000	September 1, 1994
\$15,000	September 1, 1995
\$15,000	September 1, 1996

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding eight 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 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the bond buyer's 20 bond index, published in Credit Markets on Monday, March 24, 1986, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bids shall be submitted on the official bid form furnished by the city, and shall be addressed to the city at 404 E. Nelson, Edgerton, Kansas 66021, 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 2 percent of the total amount of the bid, and shall be payable to the city of Edgerton. 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 approving legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose opinion as to the validity of the bonds will be paid for by the city. Said opinion will also state that in the opinion of bond counsel the interest on the bonds is exempt from federal income taxation under present law. Bond counsel's opinion regarding the tax exempt status of the bonds will include references to H.R. 3838, recently passed by the United States House of Representatives. If enacted in its present form, H.R. 3838 will impose, retroactively, additional restrictions on the issuance of tax-exempt bonds.

The number, denomination of bonds and names of

the initial registered owners shall be submitted in writing by the successful bidder to the bond registrar not later than April 9, 1986.

The purchaser will be furnished with a complete transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before April 27, 1986 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.

The bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property, but if not so paid, then said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the city. The series 1986-1 bonds are being issued for the purpose of paying the cost of constructing certain streets in the city.

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. The city reserves the right to reject any and 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 any amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

Assessed valuation figures of the city of Edgerton, Kansas, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$1,410,823
Assessed tangible valuation of motor vehicles	\$ 541,802
Equalized tangible valuation for computation of bonded indebtedness limitations	\$1,952,625

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

The total general obligation bonded indebtedness of the city of Edgerton, Kansas, at the date hereof, including this proposed issue of bonds in the amount of \$149,139, is \$598,169. The proceeds of the bonds will be used to retire the temporary notes which were issued to pay the cost of street improvements.

Additional copies of this notice of bond sale or further information may be received from George K. Baum & Company, 1004 Baltimore Ave., Kansas City, MO 64105, the city's financial adviser.

Dated March 6, 1986.

CITY OF EDGERTON, KANSAS
By Rita M. Moore
City Clerk

Doc. No. 004005

(Published in the KANSAS REGISTER, March 13, 1986.)

**NOTICE OF BOND SALE
CITY OF PAOLA, KANSAS
\$450,000
GENERAL OBLIGATION BONDS
SERIES A, 1986**

The city of Paola, Kansas will receive sealed bids at the office of the City Clerk, City Hall, Paola, Kansas, until 4:30 p.m. Central Standard Time, Thursday, March 27, 1986, for the purchase of \$450,000 par value general obligation bonds, series A, 1986 of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series A, 1986 bonds initially issued will be dated as of April 1, 1986, and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1987 and each October 1 and April 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the preceding March 15 and September 15 (the record dates). The fees of the bond registrar for registration and transfer of the the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$30,000.00	October 1, 1987
40,000.00	October 1, 1988
40,000.00	October 1, 1989
40,000.00	October 1, 1990
40,000.00	October 1, 1991
40,000.00	October 1, 1992
50,000.00	October 1, 1993
50,000.00	October 1, 1994
60,000.00	October 1, 1995
60,000.00	October 1, 1996

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five 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 1/8 or 1/20 of 1 percent. The difference between the highest and lowest rates specified in any bid shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York on the Monday next preceding the day on which the

(continued)

bonds are sold (March 24, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered. A bid for the purchase of less than the entire issue of bonds or bid at a price less than par and accrued interest 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, City of Paola, KS 66071, 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 2 percent of the total amount of the bid, and shall be payable to the city of Paola, 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 Nichols and Wolfe Chartered, bond counsel of Topeka, Kansas, whose opinion will be paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill, which presently is pending in the U.S. Senate, contains a number of requirements which would apply to the bonds and which must be satisfied in order for the interest on the bonds to be exempt from federal income taxation. Such requirements generally are effective for all state and local obligations issued after December 31, 1985, and thus, if the Bill becomes the law in its present form, would be applicable to the bonds. The city will covenant to comply with the requirements of the provisions of the bill to maintain the tax-exempt status of the bonds. The opinion of bond counsel will state under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and, assuming continued compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The number, denomination of bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the bond registrar not later than April 11, 1986. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The purchaser will be furnished with a complete transcript of the proceedings evidencing authorization and issuance of the bonds, and the usual closing

proofs, which will include a certificate that there is no litigation pending or threatened, at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before May 16, 1986 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.

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 series A, 1986 bonds are being issued for the purpose of paying the cost of constructing certain major traffic-way street improvements in the city.

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. The city reserves the right to reject any and 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 any amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

Assessed valuation figures of the city of Paola, Kansas, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$11,720,343
Assessed tangible valuation of motor vehicles	\$ 2,226,301
Motor vehicle dealers' inventory	\$ 111,393
Equalized tangible valuation for computation of bonded indebtedness limitations	\$14,058,037

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

The total general obligation bonded indebtedness, including temporary notes, of the city of Paola, Kansas, at the date hereof, including this proposed issue of bonds in the amount of \$450,000, is \$2,794,310.

Additional copies of this notice of bond sale or further information may be received from the City Clerk, City of Paola, Paola, KS 66071.

Dated March 13, 1986.

CITY OF PAOLA, KANSAS

By Jill Ann Holmes

City Clerk

Doc. No. 003995

(Published in the KANSAS REGISTER, March 13, 1986.)

**NOTICE OF BOND SALE
\$130,505.24
GENERAL OBLIGATION BONDS
SERIES A, 1986
OF THE
CITY OF PRATT, KANSAS**

The city of Pratt, Kansas will receive sealed bids at the office of the City Clerk, City Hall, Pratt, Kansas, until 7 p.m. C.S.T., Monday, March 17, 1986, for \$130,505.24 par value general obligation bonds, series A, 1986 of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series A, 1986 bonds will be dated as of April 1, 1986, and shall mature on September 1 in each of the years and in the amounts set forth below. Such bonds shall be fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof with the exception of the first maturity, not exceeding the principal amount of bonds maturing in each year.

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

Principal Amount	Maturity Date
\$ -0-	September 1, 1987
5,505.24	September 1, 1988
5,000.00	September 1, 1989
5,000.00	September 1, 1990
5,000.00	September 1, 1991
5,000.00	September 1, 1992
10,000.00	September 1, 1993
10,000.00	September 1, 1994
10,000.00	September 1, 1995
10,000.00	September 1, 1996
10,000.00	September 1, 1997 *
10,000.00	September 1, 1998 *
15,000.00	September 1, 1999 *
15,000.00	September 1, 2000 *
15,000.00	September 1, 2001 *

* OPTIONAL REDEMPTION: Bonds due September 1, 1997, and thereafter, are callable for redemption on September 1, 1996, or any interest payment date thereafter, in inverse numerical order at par and accrued interest to date of redemption.

Special Mandatory Redemption

In the event the provisions of the "Bill" (as hereinafter defined) apply to the bonds, and only to the extent necessary to preserve the exemption from federal income taxation of the interest on the bonds, the bonds are subject to mandatory redemption and payment prior to maturity in whole or in part on March 1, 1989, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) from bond proceeds not expended for governmental purposes by January 1, 1989.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the bond registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the bonds so called for redemption and payment will cease to accrue after the redemption

date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest will be payable semiannually, commencing March 1, 1987, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the Office of the State Treasurer in Topeka, Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

Types of Bids and Interest Rates

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 3 percent. No interest rate shall exceed the maximum rate allowed by Kansas law, said maximum rate being 2 percent above the Credit Market's 20-bond index of tax exempt municipal bonds, published in New York, New York on the Monday next preceding the day 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 interest rates 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 the City Hall, Attention: Bonnie Strodman, 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 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Pratt, 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.

Basis for Award

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 all of the bids, and to waive any irregularities. Unless all bids are rejected, the bonds will be awarded to the

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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. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Delivery

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 number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than seven business days preceding delivery of the bonds. The purchaser will be furnished with a complete transcript of the proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or about April 16, 1986, 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 bond 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 his 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.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, The U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city has covenanted to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such cov-

enant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirement. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Security

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, bond counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the city. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessments which have been levied on benefitted property; any portion of said specially assessed part not so paid shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships. The opinion shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The bonds are being issued for the purpose of financing the special assessment portion of street and sewer improvements made in the city.

Financial Information

Assessed valuation figures of the city of Pratt, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$18,634,624
Tangible valuation of motor vehicles	\$ 5,102,360
Equalized assessed tangible valuation for computation of bonded debt	\$23,736,984

The total general obligation bonded indebtedness of the city of Pratt, including this issue of bonds, is \$2,272,264.70. Temporary notes in the amount of \$132,960 will be retired from the proceeds of this issue and other available funds.

Further Information

Further information may be obtained from the City Clerk or the city's financial adviser, Ranson & Company, Inc., Suite 610, 120 S. Market, Wichita, KS 67202, (316) 262-2651.

Dated March 3, 1986.

BONNIE M. STRODTMAN
City Clerk
Pratt, Kansas

Doc. No. 003997

(Published in the KANSAS REGISTER, March 13, 1986.)

NOTICE OF BOND SALE
\$415,000
GENERAL OBLIGATION
SEWAGE DISPOSAL FACILITY BONDS
OF THE
CITY OF GOODLAND, KANSAS

The city of Goodland, Kansas will receive sealed bids at the office of the City Clerk, City Hall, Goodland, Kansas, until 7:30 p.m. M.S.T., Monday, March 24, 1986, for \$415,000 par value general obligation sewage disposal facility bonds of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series A, 1986 bonds will be dated as of April 1, 1986, and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1987, and each October 1 and April 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas, (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent, to the registered owners appearing on the books maintained by the bond registrar as of the preceding March 15 and September 15 (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

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

Table with 2 columns: Principal Amount and Maturity Date. Rows include amounts like \$15,000, 35,000, 40,000 and dates like October 1, 1987, 1988, 1990, 1991, 1992, 1993.

50,000
55,000
60,000

October 1, 1994
October 1, 1995
October 1, 1996

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold (March 17, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city, and shall be addressd to the city at City Hall, Goodland, KS 67735, Attention: Archie Wicke, 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 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Goodland, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the unqualified approving opinion of William P. Timmerman, Bond Counsel, of Wichita, Kansas, under existing law. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than April 15, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and is-

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suance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before April 30, 1986, 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.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the U.S. Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for the interest on obligations issued by or on behalf of state and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city has covenanted to take all actions necessary to comply with the provisions of the bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax-exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Legal Opinion

The bonds will be sold subject to the unqualified approving opinion of William P. Timmerman, bond counsel, Wichita, Kansas, under existing law a copy of which opinion will be printed on the reverse side of each bond. The cost of this legal opinion and the expenses of printing the bonds and legal opinion will be paid by the city. The legal opinion will cite in part substantially that 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; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible

personal property taxes levied by Kansas cities, counties and townships. The opinion shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill. A manually signed original of the opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. 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, and a certificate relating to the completeness and accuracy of the official statement and notice of bond sale.

Purpose of Issue

The bonds are being issued for the purpose of constructing main interceptor, sewage disposal plant, lift station and other necessary sewage improvements in the city of Goodland, Kansas.

CUSIP Identification Numbers

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

Assessed Valuation

Assessed valuation figures for the city of Goodland, Kansas, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$12,367,075
Tangible valuation of motor vehicles	\$ 3,338,468
Equalized assessed tangible valuation for computation of bonded debt limitations	\$15,705,543

Bond Indebtedness

The total bonded indebtedness of the city of Goodland, Kansas, at the date hereof, including this \$415,000 proposed issue of bonds, is \$3,804,893.76. The city will retire \$550,000 of outstanding temporary notes (not included in the debt above) from the proceeds of the bonds and monies on hand.

Official Statement

Additional copies of this notice of bond sale, copies of the city's official statement relating to the bonds, or further information may be received from Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, (316) 262-5161, the city's financial consultants.

Dated March 3, 1986.

CITY OF GOODLAND, KANSAS
By Archie Wicke
City Clerk

Doc. No. 004004

State of Kansas

**OFFICE OF THE
SECURITIES COMMISSIONER
PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)**

Article 2.—FILING, FEES, FORMS

81-2-1. Filing, fees and forms. All applications, petitions, amendments, reports and complaints required herein shall be governed by the following requirements: (a) Filing. A document is filed when it is received in the office of the securities commissioner.

(1) All communications and inquiries should be addressed to: Securities Commissioner, Suite 212, 503 Kansas Avenue, Topeka, Kansas, 66603, phone: area code 913 296-3307, and may be made between the hours of 7:50 a.m. and 4:50 p.m. (C.S.T.) on weekdays, legally declared holidays excepted.

(b) Fees. All fees shall accompany the application or supplemental amendment to which they pertain and shall be paid by check or money order to the Securities Commissioner of Kansas.

(c) Copies. Copies of documents filed and recorded in the office of the securities commissioner, certified upon request, may be provided for a service charge of 25 cents per page, payable in advance.

(d) Forms. The following forms have been adopted for use. All documents shall be entitled as indicated, inserting caption of form in heading.

K-1—Application for license and renewal as a broker-dealer.**

K-3—Application for registration as agent.**

K-4—Application for registration of securities.*

K-4A—Application for exemption from registration.

K-5—Consent to service.**

K-6—Resolution.**

K-7—Issuer's semiannual report.

K-8—Investment company semiannual report.**

K-9—Issuer's annual report.**

K-9A—Final report of issuer.

K-10—Application for amendment.**

K-11—Renewal of agents registration.**

K-12—Annual report—non-profit organization.

K-12A—Final report—non-profit organization.

Q—Broker-dealer bond or investment adviser's bond or agent bond.

Q-1—Broker-dealer blanket bond or investment adviser's blanket bond.

*Uniform form may be used for offerings filed with the SEC.

**Uniform form may be used.

Typewritten reproductions of the above forms may be used.

(Authorized by and implementing K.S.A. 1984 Supp. 17-1270(f); effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38 Dec. 11, 1985; amended May 1, 1986.)

Article 5.—EXEMPTIONS

81-5-2. Non-profit religious organization exemption. (a) If the total amount of securities to be issued will not exceed \$25,000, a religious organization applying for a certificate of exemption pursuant to K.S.A. 1984 Supp. 17-1261(h) shall file with the commissioner the following documents.

(1) A copy of all sales material to be used in connection with the offering; and

(2) a draft of the offering circular, signed by two officers of the issuer, which contains the following information:

(A) A financial statement consisting of a statement of assets and liabilities, income and expense statements, and comparative figures showing the budget, number of pledging units, and income and expenses for the past three years. If any or all of this information is not available, a statement to that effect shall be made with an explanation of why it is not available. Obligations, if any, on existing church indebtedness shall be clearly stated;

(B) a pay-back or maturity schedule. If sinking fund requirements exist, a statement explaining such requirements shall be included. If refinancing is needed when the securities mature, such securities shall be indicated;

(C) a statement identifying the trustee and paying agent;

(D) a schedule showing the amount of return to be received if specific provisions exist for reinvesting interest received and if interest coupons are reinvested;

(E) a statement disclosing any past history of financial transactions between the church and the broker-dealer or church security financing organization. Any known or contemplated future transactions shall be disclosed in the prospectus or offering circular;

(F) a statement identifying the name and address of the broker-dealer handling the issue and the name and address of the local representative of the broker-dealer, if the name of the local representative is known at the time the prospectus is prepared. A statement disclosing the total offering expenses of the issue, including remuneration to the broker-dealer shall be included;

(G) a statement disclosing whether the offering is made only to church members, or whether it is being made to the public at large including church members, and whether it is on a best efforts basis;

(H) an itemized statement indicating the proposed use of proceeds. If additional funds are needed to accomplish the stated purposes, this shall be disclosed, together with a statement showing how the funds will be obtained;

(I) a statement disclosing the risks associated with the investment. Statements to the effect that little or no risk is involved in buying church securities shall be regarded as material misrepresentations. Likewise, comparison with other investments solely on the basis of the interest return paid shall be considered misleading, unless other comparative aspects of these investments are also described;

(J) a statement describing the ability of that organization to guarantee, including financials, if guarantees of payment are made by church affiliated organizations or otherwise. The word "guarantee" shall not be used to describe the obligation by another entity;

(K) a copy of an independent appraisal of the real estate, if the security for said offering is in part the real

(continued)

estate of a religious organization. A statement shall be made concerning whether the sale of additional church securities may be authorized with the same underlying security;

(L) a brief summary stating the background and experience of the minister and any other important church official;

(M) if the offering has not been registered with the securities and exchange commission or with the state securities commission of the state of domicile, a statement disclosing this fact;

(N) a statement identifying the geographic location of the church;

(O) an attorney's title opinion or a mortgagee's title policy stating that the church has good title and that the mortgagee has a first lien, if the issue is to be secured by a mortgage against the church property;

(P) a statement identifying any affiliation by the broker-dealer, or its officers, with any building contractor or supplier who has an interest in or may receive any of the proceeds of the issue; and

(Q) a statement disclosing all other material facts concerning the issuer or the proposed offering.

(b) If the total amount of the securities to be issued will exceed \$25,000, a religious organization applying for a certificate of exemption pursuant to K.S.A. 1984 Supp. 17-1261 (h) shall file with the commissioner the following documents:

(1) a copy of the issuer's articles of incorporation, charter and any amendments thereto, and a copy of its bylaws, if any. If the issuer is not a corporation, the equivalent governing instruments shall be filed;

(2) a copy of the issuer's latest nonprofit corporation annual report, if required by the issuer's state of domicile;

(3) a draft copy of the church bond;

(4) a copy of the preliminary or definitive trust indenture;

(5) a copy of all advertising materials to be used in connection with the offering;

(6) an opinion of counsel attesting to the authority of the issuer to offer and sell the church bonds under the exemption which states that after the sale of the church bonds such bonds will be valid, binding obligations of the issuer in accordance with the issuer's governing documents. The opinion shall also state that the securities are secured by a trust indenture that pledges monies or properties to secure the securities and that the securities constitute a lien on said property;

(7) a copy of the issuer's resolution authorizing issuance of the church bonds;

(8) a copy of any offering circular.

(c) Each issuer who has received a certificate of exemption pursuant to K.S.A. 1984 Supp. 17-1261(h) shall file with the commissioner annual reports not later than 60 days after the close of each fiscal year and a final report not later than 60 days after completion of the offering. The reports shall be filed on forms approved by the commissioner. (Authorized by K.S.A. 1984 Supp. 17-1270(f); implementing K.S.A. 1984 Supp. 17-1261 (h); effective May 1, 1983; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

Article 11.—ADMINISTRATIVE PROCEDURE

81-11-2. Scope of administrative procedure regulations. (a) This article is supplemental to the Kansas administrative procedures act and to administrative procedures otherwise provided by the Kansas securities act.

(b) If it is in the interest of promoting substantial justice, the commissioner may waive any provision of this article. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 1984 Supp. 17-1265, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-3. Form of pleadings. (a) Except as otherwise provided by K.A.R. 81-2-1(d), each written request, motion, notice, and other pleading filed in any proceeding shall contain the caption "BEFORE THE SECURITIES COMMISSIONER OF THE STATE OF KANSAS," the title of the proceeding, the docket number and the name of the pleading, and shall be in substantial compliance with K.S.A. 1984 Supp. 60-2702a, Rule No. 111.

(b) Any oral statement or request not given on the record during a proceeding and any letter, memo, or note not in substantial compliance with subsection (a) above shall not constitute a filing in the proceeding. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-4. Summary adjudicative proceedings. The commissioner may grant an application, registration, certification, license, exemption or effectiveness by summary adjudicative proceeding. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1256, K.S.A. 17-1257, K.S.A. 17-1258, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1277, K.S.A. 17-1281, L. 1984 Ch. 313, Sec. 13, and L. 1984, Ch. 313, Sec. 37; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-5. Request for hearing. (a) When the commissioner has entered any emergency or summary order or given notice of intent to issue any order, an aggrieved party may file a written request for a hearing. The request shall be filed in the office of the commissioner within 30 days of service of the order or notice of intent.

(b) The request for hearing shall contain the following:

(1) the title of the matter as written on the commissioner's order or notice;

(2) the docket number of the matter;

(3) a request for a hearing and if allegations of the commissioner's staff are disputed and the aggrieved party desires a formal adjudicatory proceeding, a statement to that effect;

(4) a detailed statement of what allegations in the staff's pleadings are disputed by the aggrieved party. All allegations not disputed in the request shall be found to be admitted by the aggrieved party;

(5) the name, address, and phone number of any local and any foreign counsel; and

(6) a sworn verification by the requesting party that the contents of the request are true. If the aggrieved party is an individual, the verification shall be signed by the individual. If the aggrieved party is a corporation, the verification shall be signed by the president or the chairman of the board of directors. If the aggrieved party is a partnership, the verification shall be signed by a general partner. If the aggrieved party is a governmental unit, the verification shall be signed by the highest official in the unit or a deputy.

(c) Failure of an aggrieved party to file a request for hearing in substantial compliance with this section shall constitute grounds for denial of the request.

(d) No hearing shall be granted to an aggrieved party unless a timely request for hearing has been filed, but the commissioner may grant a hearing upon the commissioner's own motion or upon the request of the commissioner's staff. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-6. Conference adjudicative proceedings.

Unless an aggrieved party has requested a formal adjudicatory proceeding in accordance with K.A.R. 81-11-5(b) (3) and has disputed staff allegations in accordance with K.A.R. 81-11-5(b) (4), or unless another type of proceeding is ordered or otherwise required, any proceeding granted shall be a conference adjudicative proceeding. (Authorized by K.S.A. 1984 Supp. 17-1270, and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, K.S.A. 17-1281, L. 1984, Ch. 313, Sec. 13, and L. 1984, Ch. 313, Sec. 33; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-7. Appearances. (a) The filing of a request for hearing shall constitute a general appearance be-

fore the commissioner by the requesting party and shall act as an acknowledgement that service of the order or notice was complete upon the requesting party. No special appearance shall be recognized.

(b) If an aggrieved party appears in any proceeding with an attorney, service upon the aggrieved party is complete upon service of the attorney.

(c) Any attorney who will appear with an aggrieved party and who was not named in the request for hearing, shall file a written appearance stating the attorney's name, address and telephone number, and specifying whom the attorney will represent in the proceeding.

(d) The person who signed the verification on the request for hearing shall appear personally at the hearing. Failure to so appear shall constitute grounds for default against the aggrieved party who filed the request for hearing. Appearance by attorney only or by another controlling person shall be insufficient unless permitted by the commissioner for good cause shown. Any person so permitted to appear shall verify an amended request for hearing. (Authorized by K.S.A. 1984 Supp. 17-1270; and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-8. Formal adjudicative proceedings.

(a) Formal adjudicative proceedings shall be conducted on a trial format unless the presiding officer finds that deviation from a trial format is necessary to aid in ascertaining the facts or for the convenience of the presiding officer, a witness or a party.

(b) No witness shall testify by telephone or other electronic means unless by agreement of the parties. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-9. Subpoenas. (a) Subpoenas may be served upon any party or upon any controlling person of any party by serving the attorney for the party.

(b) If any party or any controlling person of any party fails to testify or produce items when so subpoenaed and the presiding officer finds that the evidence would be relevant to the proceeding, the presiding officer may make such orders as are provided for by paragraphs (A), (B) and (C) of K.S.A. 60-237(b)(2). (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2,

(continued)

K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-10. Evidence. The presiding officer may relax the rules of evidence if it will aid in ascertaining the facts. The presiding officer shall admit hearsay evidence not otherwise admissible:

(a) unless a party objects to the proffered evidence and states that;

(1) the party knows that a fact contained therein and offered to prove the truth of the matter is false; or

(2) the party does not know whether a fact contained therein and offered to prove the truth of the matter is true and the presiding officer finds that after being given a reasonable time the party has been unable to ascertain the truth of the matter and has made a diligent effort to do so; or

(b) if the presiding officer finds that the evidence will aid in ascertaining the facts; or

(c) if the evidence proffered consists of answers to questionnaires directed to persons allegedly solicited to purchase or sell securities who are so numerous that it is impractical to call them as witnesses, all answers to questionnaires which were returned to the questioning party are proffered, and the evidence is offered to show a pattern in the alleged solicitations or in the class of persons allegedly solicited. The presiding officer may allow any other party a reasonable time to direct cross-examination questionnaires to and receive answers from such or similar persons allegedly solicited. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-11. Hearing officers. (a) In all proceedings initiated under a provision of the Kansas securities act which requires that the commissioner finally determine the matter, the commissioner may appoint a hearing officer to conduct the proceeding.

(b) Upon the written request of a party the commissioner may modify any interim ruling of the hearing officer, but no hearing on the request must be provided.

(c) When the adjudicatory proceeding has been completed, the hearing officer shall recommend findings of fact and conclusions of law to the commissioner. The commissioner shall dispose of the matter in the manner applicable to proceedings conducted by the commissioner. No hearing on the recommendations of hearing officer must be provided. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as

amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

81-11-12. Immunity. Any person claiming privilege against self-incrimination in matters described by K.S.A. 1984 Supp. 17-1265 shall do so personally and not by attorney or other person. No person after claiming the privilege shall be considered compelled unless the claimant is first granted immunity by the commissioner or the commissioner's designee. A hearing officer shall not have the power to grant immunity. (Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 1984 Supp. 17-1265 and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

Article 36.—ECONOMIC DEVELOPMENT BY CITIES; REVENUE BONDS

81-36-1. (Authorized by K.S.A. 1977 Supp. 12-1744b; effective, E-79-5, Jan. 19, 1978; effective May 1, 1978; revoked May 1, 1986.)

81-36-2. (Including Appendix) (Authorized by K.S.A. 1977 Supp. 12-1744b; effective E-79-5, Jan. 19, 1978; effective May 1, 1978; revoked May 1, 1986.)

JOHN R. WURTH
Securities Commissioner

Doc. No. 003963

State of Kansas

BOARD OF HEALING ARTS

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 6.—LICENSES

100-6-2. General qualifications. (a) Each applicant for licensure shall be of legal age.

(b) Each applicant shall possess the following minimum educational qualifications:

(1) Each applicant for licensure shall be a graduate of an approved healing arts school or college.

(2) Each applicant for licensure in medicine and surgery and osteopathic medicine and surgery shall have completed postgraduate training approved by the Kansas state board of healing arts.

(A) Each applicant for licensure in medicine and surgery shall present to the board proof of completion of a postgraduate training or residency training program which is at least one year in length. This program shall have been approved by the council of education of the American medical association or its equivalent in the year in which the training took place.

(B) Each applicant for licensure in osteopathic medicine and surgery shall present to the board proof of completion of a postgraduate training program that is at least one year in length. This program shall have

been approved by the American osteopathic association or its equivalent in the year in which the training took place.

(3) Each applicant for licensure in chiropractic shall furnish to the board:

(A) Satisfactory evidence of not less than 60 transferable units of study by a college or university accredited by the north central association of colleges and schools, or an accredited agency recognized by the north central association of colleges and schools;

(B) Evidence of passing an examination in the basic science subjects as required by the board; and

(C) A certificate of the applicant's professional character signed by two reputable teachers or practitioners of the healing arts who are licensed in some state of the United States and who are personally acquainted with the applicant.

(Authorized by K.S.A. 65-2865; 65-2873, implementing L. 1985, ch. 216, §§ 2, 3, 4; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1979; amended, T-86-44, Dec. 18, 1985; amended May 1, 1986.)

100-6-3. Approved school of medicine and surgery. (a) Each school of medicine and surgery seeking approval pursuant to L. 1985, ch. 216, Sec. 3, shall on balance meet the following minimum standards:

(1) The school shall be accredited by the liaison committee on medical education of the association of American medical colleges or the council on medical education of the American medical association, the American osteopathic association bureau of professional education and the committee on postdoctoral training or the committee on accreditation of Canadian medical schools of the association of Canadian medical colleges and the Canadian medical association.

(2) The school shall have been approved for licensure in other states or its students shall have been authorized to perform clerkships or postgraduate training in other states.

(3) The school shall have been in existence for a sufficient number of years to ensure that an adequate program has been developed.

(4) The school shall be located in a college that is legally recognized and authorized by the jurisdiction in which it is located to confer the M.D. or D.O. degree.

(5) The school shall require the applicant, upon graduation, to have completed a total medical instruction of not less than 132 weeks in duration over a time period of not less than 35 months.

(6) The school shall include instruction in at least the following:

(A) Basic science

(i) Anatomy

(ii) Biochemistry

(iii) Physiology

(iv) Microbiology

(v) Pharmacology

(vi) Pathology

(vii) Physical diagnosis

(B) Clinical process

(i) Obstetrics/gynecology

(ii) Medicine

(iii) Pediatrics

(iv) Psychiatry

(v) Surgery

(7) Clinical clerkships.

(A) The school shall have a clerkship phase which the student performs in a clinical facility or facilities controlled by or affiliated with the medical college and supervised by one or more faculty members.

(B) The clerkship shall consist of a hands-on, supervised exposure to patients which is planned, supervised, and monitored by the medical college in cooperation with the clinical facility.

(C) Each clerkship shall last between four to 12 weeks with the total clerkship phase lasting at least 18 months.

(D) The students shall satisfactorily perform clerkships in at least the following areas: internal medicine, surgery, pediatrics, obstetrics/gynecology and psychiatry.

(E) Any additional electives shall be taken in a clinical facility approved for active postgraduate training in that school.

(8) If the school allows students to take an examination in lieu of attending and completing courses or accepts transfer credit for courses, the applicant shall have taken semester courses at another institution of a similar quality.

(9) The school shall have articles of affiliation between the medical college and each clinical facility which clearly defines the rights and responsibilities of each party, including agreements regarding the role and authority of the governing bodies of both the hospital and the medical college, and if portions of the required clinical or basic science curriculum are offered at different geographical sites, the curriculum shall be planned, supervised, administered, and evaluated in concert with appropriate faculty committees, department chairpersons and administrative officers of the parent school.

(10) The school shall have a balanced faculty comprised of a sufficient number of full-time biomedical and clinical instructors to ensure that the educational obligations to the student are fulfilled and the ratio between full-time faculty and students shall be substantially equivalent to the ratio at the University of Kansas School of Medicine. The faculty shall have an M.D. degree or an equivalent degree in the area in which they teach and shall demonstrate competence in the biological, behavioral, and clinical sciences, as evidenced by membership in appropriate specialty boards, publications or similar accomplishments.

(11) Library facilities.

(A) The school shall have a well-maintained catalogue library, sufficient in size and breadth to support the educational programs offered by the institution.

(B) The library shall receive the leading biomedical and clinical periodicals and the current volumes of those periodicals shall be readily accessible.

(C) The library and other learning resource centers shall be adequately equipped to allow students to

(continued)

learn new methods of retrieving information, and to use self-instructional material.

(D) The library shall have a professional library staff to supervise the library, provide instruction in its use, and respond to the needs of the medical school.

(12) The substantial cost of conducting the school shall be derived from diverse sources, such as tuition, endowments, earnings by the faculty, parent university, annual gifts, grants from organizations and individuals, and government appropriations. Tuition shall not be the predominant source of income.

(13) The school's admission requirements shall require an undergraduate degree or equivalent educational experience, and shall have instituted criteria by which applicants are evaluated and accepted for admission which shall include a balance of educational experience, pre-medical examination scores, and other relevant experience.

(14) The school shall maintain permanent student records that summarize admissions, credentials, grades, and other records of performance.

(15) The school shall have laboratory facilities with a sufficient number of modern equipment and specimens to ensure that each student obtains adequate clinical and basic science training.

(b) Effect of disapproval on pending application. When the board disapproves a school of medicine and surgery, the disapproval notice shall set forth:

(1) The period of time covered by the evaluation and which of the minimum requirements in subsection (a) the program failed to satisfy; or

(2) A statement that disapproval was based on the receipt of insufficient information concerning the program. If the board determines that a school, previously approved pursuant to subsection (a), must be disapproved, the board shall set a date after which a person graduating shall be considered not to have graduated from an approved school. Any school which has been disapproved may request a hearing or other appropriate action pursuant to the Kansas administrative procedures act.

(c) Annual publication. A list of all approved schools shall be published after July 1 of each year and provided to all of the approved schools of graduate medical education within the state of Kansas, the Kansas state medical society, the Kansas hospital association, the Kansas osteopathic association, and to any person or organization making written request. The list shall also contain any schools disapproved in the preceding year.

(d) Reevaluation of an approved school.

(1) Any approved school of medicine and surgery may be reevaluated whenever the board has reason to believe that the school has failed to satisfy the minimum requirements of subsection (a).

(2) If any school is disapproved after the reevaluation, written notice shall be sent to the subject medical school, advising the administration that they may either submit written comments or request a hearing before the board within 15 days. The provisions of the Kansas administrative procedures act shall apply to any hearing under this subsection.

(3) If any school previously approved is subse-

quently disapproved by the board, the disapproval shall not disqualify any physician temporarily or permanently licensed in Kansas with respect to the license then held. For purposes of this regulation, any person holding a current and valid temporary permit issued by the board without disclaimer, conditions, or restriction on it, and who applies for and satisfies all requirements for full licensure shall not be disqualified if the program that served as the basis for that person's licensure is subsequently disapproved.

(Authorized by K.S.A. 65-2865; implementing L. 1985, ch. 216, sec. 3; effective Jan. 1, 1966; amended Feb. 15, 1977; amended, T-86-44, Dec. 18, 1985; amended May 1, 1986.)

Article 11.—FEES

100-11-1. Amount. The following fees shall be collected by the board:

(a) License based upon an examination given by the board	\$150.00
(b) License based upon endorsement	\$150.00
(c) License based upon a certificate issued from the national boards	\$150.00
(d) License based upon a certificate issued by the Federation of state medical boards	\$150.00
(e) (1) Annual renewal of a license	\$ 75.00
(2) Second notice renewal	\$100.00
(3) Reinstatement renewal	\$150.00
(f) Temporary permit	\$ 30.00
(g) Institutional license	\$150.00
(h) Visiting professor license	\$ 15.00
(i) Certification fee	\$ 15.00
(j) Duplicate license	\$ 15.00
(k) Examinations:	
(1) Medical or osteopathic	
(a) Flex I and Flex II	\$295.00
(b) Flex I	\$195.00
(c) Flex II	\$210.00
(2) Chiropractic	\$ 95.00
(l) Special permit (out-of-phase)	\$ 15.00
(m) Postgraduate training temporary permit	\$ 25.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, 65-2833, 65-2852, as amended by L. 1985, ch. 217, sec. 1 and L. 1985, ch. 216, sec. 5, K.S.A. 1984 Supp. 65-2811, as amended by L. 1985, ch. 216, sec. 1; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended T-83-33, Nov. 10, 1982; amended May 1, 1983; amended T-85-50, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 16.—REVOCATION

100-16-1. (Authorized by K.S.A. 65-2865, K.S.A. 1976 Supp. 65-2838, 65-2839, 65-2840; effective Jan. 1, 1966; amended Feb. 15, 1977; revoked, T-86-40, Dec. 11, 1985; revoked May 1, 1986.)

100-16-2. (Authorized by K.S.A. 65-2865; effective Jan. 1, 1966; amended Feb. 15, 1977; revoked, T-86-40, Dec. 11, 1985; revoked May 1, 1986.)

100-16-3. (Authorized by K.S.A. 65-2865, K.S.A. 1976 Supp. 65-2836; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; revoked, T-86-40, Dec. 11, 1985; revoked May 1, 1986.)

Article 19.—ADMINISTRATIVE PROCEDURES

100-19-1. Types of hearings. (a) Hearings and procedures of the state board of healing arts shall be in accordance with the hearings and procedures established by the Kansas administrative procedures act.

(b) Summary adjudicative proceedings pursuant to L. 1984, ch. 313, sections 37-41 of Kansas administrative procedures act may be used for the following types of action:

- (1) denials of initial licensure;
- (2) cancellation for failure to renew a license;
- (3) cease and desist orders, informal admonishments, warnings, reprimands, restrictions, limitations or suspensions for violations of the Kansas healing arts act or rules and regulations promulgated thereunder.

(c) Any party who disagrees with and is subject to a summary adjudicative action may request that the proceedings be converted to a conference adjudicative proceeding or a formal adjudicative proceeding. Upon the request the summary proceeding shall be converted to the appropriate proceeding available under the Kansas administrative procedures act or rules and regulations promulgated thereunder.

(d) The order issued pursuant to subsection (b) of this regulation shall contain a notice informing the persons who are subject to the order that a request for review or conversion must be made within 15 days.

(e) The presiding officer for summary adjudicative proceedings may be the secretary or the secretary's designee.

(f) Conference adjudicative proceedings pursuant to L. 1984, ch. 313, sections 33-35 of the Kansas administrative procedures act may be used for actions in which:

- (1) there is no disputed issue of material fact; or
- (2) the parties agree to a conference adjudicative proceeding.

(g) All other proceedings, except those which are emergency adjudicative proceedings, or which have been initiated as or converted to conference or summary adjudicative proceedings, shall be formal adjudicative proceedings.

(Authorized by K.S.A. 65-2865; implementing L. 1984, ch. 313, sec. 13, 33-41; effective January 1, 1966; amended February 15, 1977; amended T-86-44, Dec. 18, 1985; amended May 1, 1986.)

Article 23.—SHORT TERM TREATMENT OF OBESITY

100-23-1. Short term treatment of obesity. Amphetamines and sympathomimetic amines listed on Schedule III and IV under the Uniform Controlled Substances Act shall not be dispensed or prescribed for the short-term treatment of obesity, except in conformity with the following minimal requirements:

(a) A complete history of the patient shall be taken and a complete physical examination shall be given. The physical examination shall include checking the blood pressure and pulse, examining the heart and lungs, recording weight and height, and administering any other appropriate diagnostic tests. The history and examination shall be sufficient to determine if the

patient has previously been drug dependent, to determine if the cause of the obesity is one which indicates the drugs to be inappropriate and to determine if other contraindications to use of the drugs exist. Each of those findings shall be entered in the patient's record.

(b) A diet for weight loss shall be prescribed and shall be recorded on the patient record.

(c) Daily dosage shall not exceed that recommended in the manufacturer's prescribing information for the drug prescribed or dispensed.

(d) Not more than a 30-day supply shall be dispensed or prescribed for a patient on the first visit. Thereafter, not more than a 30-day supply shall be dispensed or prescribed at the time of each visit. The patient shall be weighed at each visit prior to dispensing or prescribing an additional supply of the drug and the weight shall be entered in the patient's record. If the patient is found not to have achieved a significant weight loss since the last patient visit, no additional drug shall be dispensed or prescribed for that patient.

(e) At the time of each return patient visit, the progress of the patient shall be monitored. The patient's weight, blood pressure, pulse, heart and lungs shall be checked. The findings shall be entered in the patient's record.

(f) In no event shall Schedule III or IV amphetamines or sympathomimetic amines be dispensed or prescribed for a patient for obesity for a period longer than 90 days. However, therapy may be extended beyond 90 days when:

(1) amphetamines or sympathomimetic amines are indicated for treatment of diseases other than obesity; and

(2) when in the physician's professional judgment, the treating physician is observing and recording significant progress or benefit from the drugs and no adverse effects occur related to the treatment. These observations shall be documented in the patient's record.

(Authorized by and implementing K.S.A. 1984 Supp. 65-2837a; effective, T-86-25, July 24, 1985; effective May 1, 1986.)

Article 38.—FEES

100-38-1. Amount. The following fees shall be collected by the board. The appropriate fee shall accompany the application. The fee shall not be refundable.

(a) Registration based upon endorsement	\$ 85.00
(b) Registration based upon examination given by the board	\$100.00
(c) Re-examination fee in physical therapy:	
(i) Part I	\$ 32.00
(ii) Part II	\$ 75.00
(iii) Part III	\$ 75.00
(iv) Physical Therapist Assistant	\$ 70.00
(d) Annual renewal of registration	\$ 25.00
(e) Reinstatement	\$ 30.00
(f) Certification fee	\$ 15.00
(g) Duplicate license	\$ 15.00
(h) Temporary permit	\$ 15.00

(continued)

(Authorized by K.S.A. 1984 Supp. 65-2911; implementing K.S.A. 1984 Supp. 65-2910; effective Jan. 1, 1966; amended Jan. 1, 1973; amended May 1, 1975; effective May 1, 1986.)

Article 47.—CONTINUING EDUCATION

100-47-1. Registration renewal; continuing education. (a) Each registered physical therapist shall submit, with an application for renewal of registration, evidence of completing a minimum of four continuing education units during the two-year renewal period. Evidence of that attainment shall be submitted to the board on January 1 of each odd-numbered year.

(b) The board may grant an extension, not to exceed six months, to any physical therapist who, during the preceding 12-month period prior to the renewal registration date, suffered an illness or accident which made it impossible or extremely difficult for that physical therapist to reasonably obtain the required continuing education units.

(c) The board may grant an extension, not to exceed six months, to any physical therapist who obtained a license during the 12-month period prior to the renewal registration date. The board shall determine whether the period of time between the date of obtaining the license and the date of registration renewal was not a sufficient time period within which to obtain the required education units.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts. A contact hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the contact hour calculation.

(e) The content of the continuing education classes or literature shall be related to the field of physical therapy or similar areas.

(f) Continued education shall be acquired from at least four of the five classes of education experiences as defined in subsection (g). A minimum of three CEUs shall be acquired from either Class I or Class IV. A maximum of 0.8 CEU may be acquired from Class II. A maximum of 1.0 CEU may be acquired from Class III. A maximum of three CEUs may be acquired from Class V.

(g) The five classes of continuing education experiences shall be:

(1) Class I—Attendance at an educational presentation. Class I continuing education experiences shall include:

(A) Lecture. Lecture means a discourse given before an audience for instruction;

(B) Panel. Panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution;

(C) Workshop. Workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest;

(D) Seminar. Seminar means directed advanced study, or discussion in a specific field of interest;

(E) Symposium. Symposium means a conference of more than a single session organized for the purpose

of discussing a specific subject from various viewpoints and by various speakers; and

(F) College or University Courses. One CEU shall be given for each college credit with a grade of at least C or a "pass" in a pass/fail course.

(2) Class II—In-Service Training. A maximum of .4 CEU may be given for attending one in-service training session which relates to the enhancement of physical therapy practice, values, skills and knowledge for each two-year period. A maximum of .4 CEU may be given for instructing the in-service training, but no additional CEUs can be acquired for attending that particular in-service training.

(3) Class III—Professional Reading. A maximum of 1.0 CEU may be given for reading professional literature.

(4) Class IV—Professional Publication. The maximum CEUs that may be given for professional publication shall be as follows:

Type of Publication	Maximum Number of Credits
(A) Original Papers—	
(i) single author	(2.5) CEUs
(ii) co-author	(.8) CEUs
(iii) senior author	(1.5) CEUs
(B) Review Papers—	
(i) single author	(1.5) CEUs
(ii) co-author	(.8) CEUs
(C) Case Reports—	
(i) single author	(1.5) CEUs
(ii) co-author	(.8) CEUs
(D) Abstracts—	
single author	(.8) CEUs
(E) Book Reviews—	
single author	(.8) CEUs
(F) Publication of a Book—	
(i) single author	(6) CEUs
(ii) senior author	(5) CEUs
(iii) co-author	(4) CEUs
(iv) contributing author	(2.5) CEUs

(5) Class V—Instructor Preparation of Class I Programs. Any registered physical therapist who presents any Class I continuing education program shall receive three contact hours for each hour of presentation. No credit shall be granted for any subsequent presentations of the same subject matter.

(h) Documented evidence of attendance at Class I and Class II continuing educational activities shall be submitted. Personal verification shall be submitted for Class III activity. Copies of publications shall be submitted for verification of Class IV activities.

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication.

(Authorized by K.S.A. 1984 Supp. 65-2911; implementing K.S.A. 1984 Supp. 65-2910; modified by L. 1978, ch. 463, May 1, 1978; amended May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

ELIZABETH W. CARLSON
Executive Secretary

Doc. No. 003952

State of Kansas

DEPARTMENT OF ADMINISTRATION

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1986)

Article 2.—DEFINITIONS

1-2-23. (Authorized by K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-24. (Authorized by and implementing K.S.A. 75-3747; effective May 1, 1979; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-25. Compensatory time credits. Compensatory time credits are leave credits given to employees who work on holidays and who are compensated for such holiday work by receiving time off at a later date, at the rate of one and a half hours off for one hour worked. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

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 other than a range change or a change resulting from a general revision of the salary plan, the first day of the pay period occurring on or after that change shall be the pay increase anniversary date except as provided in subsection (b) of K.A.R. 1-5-15. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-2-80. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-2-85. Temporary appointment. A temporary appointment is an appointment for less than 1,000 hours duration in a 12-month period. A temporary appointment does not affect the position limitation of an agency. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2945, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

Article 5.—COMPENSATION

1-5-5. Employees to be paid within range; part-time employees. (a) Except as provided otherwise in these regulations, each employee in the classified service shall be paid within the salary range adopted for his or her class of position and at the salary step within the range as prescribed by these regulations.

(b) Whenever an employee works, or is otherwise

in pay status, in a pay period fewer than the regularly established number of hours for his or her position, the amount paid shall be proportionate to the time actually worked or otherwise in pay status.

(c) For the purpose of this regulation, "in pay status" means time worked, and time off work but for which the employee is compensated because of a holiday, because of use of any kind of leave with pay, because of use of compensatory time credits or because of compensatory time off given pursuant to K.A.R. 1-5-24(f). (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

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 as provided in paragraphs (1) and (2) of this subsection or as otherwise approved by the governor.

(1) If the appointing authority certifies that a clerical or other error resulted in the employee being paid at a salary rate below that for which the employee was eligible, the director may approve a retroactive pay increase, subject to provisions in K.A.R. 1-5-13. Except as otherwise approved by the director, such a retroactive increase shall be limited to three monthly payroll periods, or in the case of an agency with semi-monthly or biweekly payroll periods, to six payroll periods.

(2) If a moratorium on the granting of salary increases has been imposed by action of the governor or if salary increases have otherwise been postponed by action of the governor, salary increases may be granted retroactively to the extent authorized by the governor. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-8. Beginning salary. (a) Original appointments shall be made at step A of the salary range for the class.

(b) Original appointments at higher steps in the range shall be made only under the following circumstances:

(1) When an agency has an applicant for an original appointment with exceptional qualifications, and the agency cannot employ the person at step A, the director of personnel services, upon request of the appointing authority, may approve a starting salary for the individual at some higher step in the range. Such a

(continued)

request shall include information concerning the applicant's education, training, experience, and other qualifications.

(2) When there is a lack of eligibles for a class of positions available for employment at step A, the director, upon request of one or more appointing authorities, may establish some higher step in the range as the starting salary for original appointments in the class, or may authorize an agency to select a higher step, within a prescribed limit, as the starting salary for original appointments. Authorization for the higher starting salary may be given to a designated agency or agencies, to all agencies, or for a particular geographical area. Unless an earlier expiration date is specified, the authorization shall expire on the last day of the last payroll period chargeable to the fiscal year during which the authority was granted.

(A) When an agency utilizes authorization granted pursuant to paragraph (2) above, the agency shall, except as provided below, raise the salary of all incumbents in the class who are being paid at a lower step to the step at which it makes original appointments in a class.

(B) If the authorization granted pursuant to paragraph (2) above is only for a particular geographical area, the agency shall not raise the salary of incumbents in other geographical areas.

(C) All increases to incumbents in an agency because of the agency's utilization of a higher salary for original appointments in a class shall be made effective at the beginning of a pay period and no later than one month following the first appointment by the agency at the new, higher starting salary. The increase given an incumbent shall not change his or her pay increase anniversary date.

(D) Within two weeks of authorizing a higher starting salary for all positions in a class, the director shall provide all agencies which have positions in the class with notice of the authorization. When the director's authorization of a higher starting salary applies only to positions in a particular geographic area, the director shall, within two weeks, provide all agencies which have positions in the class in the particular geographical area, with notice of the authorization. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-9. Salary of temporary or emergency employee.

(a) Except as provided in subsections (b) or (c) that follow, the salary of a temporary or emergency employee shall be step A of the range.

(b) If a higher salary is authorized for an original appointment, pursuant to K.A.R. 1-5-8(b)(2), a temporary or emergency appointment may be made at the higher salary, at the option of the appointing authority.

(c) Any person appointed on a temporary or an emergency appointment who has had, within three years, permanent status in the same class or another class at the same or a higher range may be paid at the same step of the range in the class in which he or she

is temporarily employed as the step on which he or she was being paid at the time of his or her most recent employment with permanent status. For persons whose previous employment ended under a pay plan in effect prior to fiscal year 1986, the step will be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986.

(d) Nothing herein shall prevent the appointing authority from making the appointment at a step in the range lower than permitted by this regulation.

(e) No person appointed on a temporary or an emergency basis shall be eligible for a salary step increase during his or her period of temporary or emergency employment. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-10. Salary of employee reinstated or reemployed. (a) Except as otherwise provided in this subsection, any person appointed by reinstatement may be paid at the same step of the range in the class to which the employee is reinstated as the step on which the employee was being paid in the class which serves as the basis for the employee's eligibility for reinstatement. Nothing in this subsection shall prevent a person from accepting an appointment by reinstatement at a step lower than that on which the person was being paid in the class which serves as the basis for the employee's eligibility for reinstatement. The pay increase anniversary date for any person appointed by reinstatement shall be the date of that person's reinstatement as specified in K.A.R. 1-2-51.

(b) (1) Any person appointed by reemployment to the same class from which the person was laid off, or to a class with the same salary range as that class:

(A) shall be paid at the same step of the range as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds budgeted to fund the position at that step; or

(B) may be paid at a lower step in the range than the step on which the person was being paid on the date the person was laid off, provided the step paid is no lower than the step the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary up to the step the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(2) Any person appointed by reemployment to a class with a salary range lower than the class from which the person was laid off:

(A) may be paid at the same salary rate (dollar amount) as the rate the person was being paid immediately prior to being laid off, if the rate is on a step in the lower range. If that rate is within the range for the

class but not on a step, the person may be paid at the next lower step or the next higher step. However, in no case shall the person be paid above the maximum step of the lower salary range; or

(B) may be paid at a lower salary rate (dollar amount) than the person was being paid immediately prior to being laid off. However, such a person shall not be paid at a step less than the same step of the range for the lower class as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds to fund the position at that step. If the agency does not have sufficient funds budgeted, the person may be paid at the step of the range for which the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary to the step the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(c)(1) In determining the pay anniversary date for any person appointed by reemployment to the class from which the person was laid off, or to a class with the same salary range as that class, credit shall be given for the time served in the class on the same salary step prior to the date the person was laid off. If the pay increase anniversary date for such a person falls within six months after the date of reemployment, the agency may use the person's last performance evaluation rating or may give a new performance evaluation rating in determining the person's eligibility for a salary step increase, as provided in K.A.R. 1-5-19b.

(2) The pay anniversary date for any person appointed to a class with a salary range lower than the class from which the person was laid off shall be the first day of the pay period occurring on or after the date of the person's reemployment.

(d) The salary step for persons who are reinstated or reemployed, and whose previous employment ended under a pay plan in effect prior to fiscal year 1986, shall be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938, and 75-2948, K.S.A. 75-3746, as amended by 1985 HB 2125, and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-11. Salary of employee returned from military leave. (a) Except as provided in subsection (b) of this regulation, any employee who returns from military leave to a position in the same class in which the employee was employed when the leave was granted or to a position in the same salary range shall be paid at the same step in the salary range at which the employee was being paid when he or she went on leave. For persons who were granted military leave

under a pay plan in effect prior to fiscal year 1986, the step will be determined by the same method as was used for implementation of the new pay plan for fiscal year 1986. In determining the employee's new pay increase anniversary date, credit shall be given for the time served in the armed forces.

(b) The appointing authority may grant one or more salary step increases to an eligible employee upon the employee's return from military leave if the authority is reasonably certain the employee would have received the increase had the employee been continuously employed. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2947; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

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

(b)(1) If the promotion or conditional appointment is from one classified position to another classified position, the appointing authority shall:

(A) pay the employee at the same step of the range for the new class as the step on which the employee was being paid in the lower class; or

(B) pay the employee at any lower step of the range for the new class which gives the employee an increase in pay. The employee's salary in the new class shall be at least step A.

(2) An employee who has been demoted or reemployed at a lower range, and who is promoted within one year following the demotion or reemployment, 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.

(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 paragraph (b) (1) of this regulation.

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

(e) If an employee is promoted from an unclassified position to a classified position, the salary upon promotion shall be determined pursuant to K.A.R. 1-5-12.

(f) Each employee who is promoted or who is appointed on a conditional basis to a class with a higher salary range shall also receive a salary step increase on the same date, if eligible for such an increase.

(Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1,

(continued)

1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-15. Salary of employee upon demotion. (a) An employee who is demoted, in accordance with other sections of these rules, whether 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 as the step 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 salary step increase on the same date if eligible for such an increase.

(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. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-16. Salary of employee in position reallocated to a lower class. An employee whose position is reallocated to a class with a lower salary range, and who is appointed to the reallocated position as provided in K.A.R. 1-4-8, may continue to be paid by the appointing authority at his or her current salary rate (dollar amount) if that rate is on a step in the lower range. In no case shall an employee be paid above the maximum step of the lower salary range. Nothing herein shall prevent the appointing authority from setting the salary at a lower step than permitted by this regulation, except that the employee shall not be paid at less than the same step of the range for the lower class as the step that he or she was on immediately prior to the reallocation. The employee's pay increase anniversary date shall be unchanged. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-19a. (Authorized by K.S.A. 1981 Supp. 75-3747; implementing K.S.A. 1981 Supp. 75-2938; ef-

fective May 1, 1983; revoked, T-86-17, June 17, 1985; revoked May 1, 1986.)

1-5-19b. Individual salary step increases. (a) Each employee whose latest performance evaluation rating in the preceding 12-month period is at least satisfactory shall receive salary step increases pursuant to this regulation, except as otherwise ordered by the governor.

(b) Each employee who is on step A or 1 of a range shall receive a one-step salary increase after six full months on that step of the the range.

(c) Each employee who is on step B, 2, C, or 3 of a range shall receive a one-step salary increase after 12 full months on that step of the range.

(d) Each employee who is on step D of a range or any higher step except D18, shall receive a one-step salary increase after 36 full months on that step of the range.

(e) Implementation of the pay plan shall be administered as provided for in K.A.R. 1-5-3. During FY 1986, the step movement provided for under K.A.R. 1-5-3 shall supercede the provisions of this regulation. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-19c. Effect of range changes on salary. (a) When the governor has assigned a class of positions to a higher salary range, each 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 current rate paid to the employee. 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. In all cases, the employee's pay increase anniversary date shall be unchanged.

(b) Each employee who receives a salary increase due to assignment of the class to a higher range shall also receive a step increase on the same date, if eligible for such an increase. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-20. Individual salary decreases. (a) The appointing authority may reduce the salary of any employee one step (but not below the minimum of the salary range) by reason of less than satisfactory performance according to a current performance evaluation. Approval of the director shall be required for more than one such reduction in any 12-month period. In the event of a salary decrease, the salary may be increased up to the step from which it was reduced on the first day of any later payroll period, if the employee's performance is satisfactory according to a current performance evaluation.

(b) When the governor has assigned a class of positions to a lower salary range, each employee in the class shall continue to be paid at his or her current

salary rate (dollar amount). The range change shall not affect the employee's pay increase anniversary date. If the employee's current salary is above the new range, the employee shall not receive a salary increase until the time that an increase may be made within the new range. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-24. Overtime. (a) Except as otherwise provided by the statutes or regulations, employees of the state who are eligible to receive overtime pay under the Fair Labor Standards Act of 1938, 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 director shall make the final determination as to eligibility to receive overtime pursuant to this subsection for all classified employees and all unclassified employees whose salaries are subject to approval by the governor under K.S.A. 75-2935b and amendments thereto.

(b) 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 rate of pay; this rate shall not include premium pay for holidays worked or any call-in and call-back compensation paid for hours not actually worked.

(c) Each appointing authority shall be responsible for control of overtime in the agency. Overtime, to the extent possible, shall be authorized in advance by the responsible supervisor.

(d) The director may authorize eligibility for overtime for a class or position that is not eligible for overtime under subsection (a).

(e) In determining whether an employee in a position or class determined to be eligible for overtime pay has worked any overtime in a given workweek or work period, all time in pay status shall be considered as time worked. For the purpose of this regulation, "in pay status" shall be defined as in K.A.R. 1-5-5(c).

(f) 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 workweek or work period in which the overtime was worked. In this case, the agency may grant the compensatory time off, at any time prior to the end of the payroll period in which the overtime was worked. If the compensatory time off is not taken during that payroll period, the employee's pay for that payroll period shall include payment for the overtime. That payment shall be at the time and a half rate, based upon the employee's regular rate of pay.

(g) When an employee who is eligible for overtime works additional time that would result in the employee's receiving overtime compensation, that employee's agency may give the employee equivalent time off, on an hour for hour basis, in the workweek or work period 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 workweek or work period 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 workweek or work period in which additional time is worked; or

(3) the employee requests or agrees to take equivalent time off during the workweek or work period 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 workweek or work period in which the additional time is worked. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-25. Call-in and call-back pay. (a) An appointing authority may call an employee in to work on a regular day off or may call an employee back to work after a regular work schedule. Except as provided in subsection (b), employees of the state who are eligible to receive overtime pursuant to K.A.R. 1-5-24, and who are called in to work on a regular day off or are called back to work after a regular work schedule, shall be paid at the appropriate rate of pay for the hours worked. Except as noted below, such employees shall be paid for a minimum of two hours. The minimum of two hours shall not apply if the employee was on stand-by when called in or called back, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. Only the hours actually worked shall be credited in determining eligibility for overtime compensation.

(b) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for call-in and call-back pay as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for call-in and call-back may be modified by the secretary upon recommendation of the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-26. Stand-by compensation. (a) Any appointing authority may require an employee to be on stand-by. Stand-by time means a period of time outside an employee's regularly scheduled work hours, during which the employee is required, at agency direction, to remain available to the agency, within a specified

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response time. Each employee on stand-by shall be available at agency direction for recall to perform necessary work. Standby assignments shall be limited to work situations where a probability of emergency recall of an employee or employees exists. When an employer is able to contact employees by means of a paging device, the employer shall establish a policy stating whether such employees are eligible for stand-by compensation.

(b) Except as provided in subsection (f), each employee of the state who is eligible to receive overtime pursuant to K.A.R. 1-5-24 shall be compensated at the rate of one dollar per hour for each hour the employee is required to serve on stand-by status.

(c) Each employee on stand-by who is called in to work shall be compensated for the actual hours worked at the appropriate rate of pay. Such an employee shall not be paid stand-by compensation for the hours actually worked. Only the hours actually worked by the employee shall be credited in determining eligibility for overtime compensation.

(d) When an employee is restricted to a particular telephone number at a location designated by the employer, or to the employer's premises, in order to remain personally available to the employer, the employee shall be compensated at his or her regular rate of pay and shall not receive stand-by compensation.

(e) Any employee on stand-by, or who is subject to the provisions of subsection (d), who is not available when called, and who does not present reasonable justification for failure to report when called, shall lose stand-by compensation for that stand-by period and may be subject to disciplinary action.

(f) The head of each agency with employees engaged in law enforcement and firefighting activities as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for stand-by compensation as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for stand-by compensation may be modified by the secretary upon recommendation of the director. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-5-28. Shift differential. (a) Each agency having multi-shift operations shall designate one or more shifts as a normal day shift. Each agency shall specify no more than 12 consecutive hours in the day from which normal day shifts may be designated. Each normal day shift shall fall entirely within those designated hours.

(b) Except as provided in subsection (g), a shift differential shall be paid to classified employees in positions eligible to receive overtime pursuant to K.A.R. 1-5-24, for hours worked on regularly established shifts other than the normal day shift or shifts. The shift differential shall not be paid to an employee for any time the employee is on any type of leave or holiday.

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

(e) Nursing personnel in the department of nursing services 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) Each youth service worker I, II, III, IV, or V shall be excluded from the provisions of this regulation as 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.

(g) The head of each agency with employees engaged in law enforcement and firefighting activities, as defined in 29 C.F.R. 553, shall determine whether such employees will be eligible for shift differential as provided in this regulation and shall submit a written statement regarding such determination to the director. The determination as to eligibility for shift differential may be modified by executive directive of the governor. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

Article 6.—RECRUITING AND STAFFING

1-6-16. Employment lists. (a) Eligible lists, transfer lists, and promotional lists. 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 shall be established and maintained by the director. 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 authority to establish or maintain eligible lists, or both, and to certify from the lists for positions in that agency and other specified agencies may be delegated to an appointing authority by the secretary of administration. The delegation 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. Any delegation of authority granted pursuant to this subsection may be modified or withdrawn by the secretary.

(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, if 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 or 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 period for which each eligible list and each promotional list shall remain in effect shall be determined by the director. This period shall not be less than one year nor more than three years, except that a list may be cancelled in less than one year when deemed appropriate by the director.

(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. Length of eligibility shall be determined by the date of the ratings used.

(h) Removal of names from list. The name of an eligible may be removed permanently or temporarily from an employment list by the director or the name of an eligible may be excluded permanently or temporarily from certification by the director for any of the following reasons:

(1) Appointment of the eligible through certification 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 would 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. 75-2940 and amendments thereto.

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

(j) A list shall be maintained 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 eligible's name shall be placed on the appropriate list. When a certification is made from the eligible list, the agency shall also be provided with names appearing on the transfer list for that class. (Authorized by K.S.A. 75-3747 as amended by L. 1985, Ch. 276, Sec. 10; implementing K.S.A. 75-2942 as amended by L. 1985, Ch. 276, Sec. 4; effective May 1, 1979; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986.)

1-6-23. Establishment of reemployment list; administration of reemployment list. (a) The appointing authority shall request that the director place on the reemployment list the name of every permanent employee who is laid off or who, in lieu of layoff, accepts a demotion, or who transfers to a position in another county, agency, program or shift, or to a position with fewer hours.

(b) Ranking on a reemployment list shall be determined by the employee's layoff score, the highest

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score being first on the list. In the case of identical scores, preference in the ranking shall be given to the person who was laid off first. If further ties remain, preference in the ranking shall be given to any veteran, any surviving spouse of a veteran, and any orphan of a veteran, as defined in K.A.R. 1-14-9(d)(3), in that order. If further ties remain, ranking on the list shall be determined in a manner that is consistent with the state affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in the ranking shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46. Each name on a reemployment list shall be removed three years from the date of the person's layoff, if the person has not been reemployed.

(c) Any person whose name is on the reemployment list may request, in writing, that his or her name be placed on the reemployment list for lower level classes in the same class series in which the layoff occurred, or in any class in which the person previously had permanent status, unless the person had been demoted from that class pursuant to K.S.A. 75-2949 as amended by 1985 HB 2125, 75-2949d, 75-2949e or 75-2949f as amended by 1985 HB 2125. Any person whose name is on any reemployment list may request, in writing, that the director limit certification to a geographical area, a shift, or one or more designated agencies.

(d) When any appointing authority has indicated an intention of filling a vacancy in a permanent position:

(1) If the agency has had a layoff, the director shall certify the first person on the reemployment list who was laid off from that agency. If that person declines the appointment, the director shall certify the next person on the reemployment list who have been laid off from that agency. The director shall continue certifying succeeding names of persons on the reemployment list who have been laid off from that agency until it is determined that no further such persons are on the reemployment list.

(2) If the agency has not had a layoff or if the agency has been unable to fill the position under paragraph (d) (1) of this regulation, the agency may fill the position by an intra-agency demotion, transfer or promotion.

(3) If a reemployment list exists for the class and the agency is unable to fill the position under paragraphs (d) (1) or (2) of this regulation, the director shall certify the first person on the reemployment list. If that person declines the appointment, the director shall certify the next person on the reemployment list. The director shall continue certifying succeeding names on the reemployment list until it is determined that the position cannot be filled from the reemployment list.

(4) If a reemployment list does not exist or the agency is unable to fill the position under paragraphs (d) (1), (2) or (3) of this regulation, the agency may fill the position by either a demotion, transfer, promotion, reinstatement or original appointment.

(e) Only in case of extenuating circumstances and when deemed to be in the best interest of the state

service may the use of the reemployment list under subsection (d) of this regulation be waived by the director for any agency having vacancies in a class for which a reemployment list exists.

(f) A name on a reemployment list shall be removed from the appropriate list or lists for any of the following reasons:

(1) When an individual has declined three job offers within the same class;

(2) when an individual is reemployed in the class from which the individual was laid off or when reemployed in the class from which the individual accepted voluntary demotion in lieu of layoff; or

(3) when an individual has failed to respond to the agency within four work days from the date of certification. The date of certification shall be the date the notification of certification is mailed to the individual. If the director determines that the failure to respond is for good cause, the individual's name shall be placed back on the reemployment list.

(g) When an individual is reemployed, the name of the person shall be removed from reemployment lists for all classes having a lower salary range. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2948; effective May 1, 1979; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-6-25. Temporary appointments. (a) Except as otherwise provided by law, any appointing authority may appoint any suitable person who meets the minimum qualifications for the class of positions on a temporary appointment. Such a temporary appointment shall not exceed 999 hours of employment in a 12-month period. All time worked, including overtime, shall count towards the 999 hours. Each temporary appointment shall be ended no later than 12 months after its commencement, even if the appointee works less than 999 hours. Any person may have more than one temporary appointment in an agency in a 12-month period, if the total number of hours worked on such appointments does not exceed 999 hours.

(b) The period served by a person on a temporary appointment shall not be counted as part of the probationary period in case of subsequent appointment to a permanent position, nor shall it count towards the six-month requirement in K.A.R. 1-6-1(c) and any amendments thereto. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2945, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-6-29. Acting assignments. When a classified position is vacant and requires the temporary assignment of an employee who has permanent status in another position, the appointing authority may proceed, with the approval of the director and 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. The acting assignment procedure shall not be used for 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 be paid at a step on the higher range that gives the employee an increase in pay. 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 step increases in accordance with applicable salary step 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 step increases in accordance with applicable salary step increase regulations.

(j) The employee's pay increase anniversary date or the employee's status in the normal position shall not be affected by an acting assignment.

(k) Any employee promoted to a position in which the employee has served in an acting assignment may have the time served in that assignment credited towards the promotional probationary period. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2938 and 1985 HB 2615; effective May 1, 1979; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

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 employee in developing efficient employees, the supervisor shall give reasonable 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 results of a performance evaluation for the employee. If the performance evaluation given a probationary employee prior to the end of the probationary period is less than satisfactory, 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 with a copy of the performance evaluation which states that probation is extended. Results of the evaluation shall be sent to the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended, May 1, 1986.)

1-7-5. Conditional appointments. Any conditional employee who takes and passes the examination for the class in which the employee has been working may be retained in the position 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) The employee shall serve a probationary period of at least six months.

(1) Each month of service as a conditional employee in the class in the agency which is served immediately prior to the certification shall count as one of the six months of the required probationary period.

(2) The appointing authority shall evaluate the employee prior to the end of the six month probationary period in accordance with K.A.R. 1-7-6. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-7-6. Notices relating to probationary periods and extensions. (a) Prior to the expiration of each employee's original or extended probationary period, the appointing authority shall notify the employee and the director that:

(1) the employee has been dismissed or demoted;

(2) the probationary period is being extended, if extension is possible under the regulations; or

(3) the employee is being given permanent status.

(b) If the employee is being given permanent status or if probation is being extended, a performance evaluation shall be made.

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(c) 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 at least satisfactory 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. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2946 and 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-7-10. Performance evaluation ratings. (a) Performance evaluation ratings shall be considered:

(1) in determining salary increases and decreases within the limits established in the pay plan;

(2) as a factor in civil service promotional tests;

(3) 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

(4) 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 any 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 supervisor shall develop, with input from the employee, a list of major duties and responsibilities of the employee's position, and the performance requirements for each of these duties and responsibilities. The employee shall be given a copy of the list and the performance requirements at the beginning of the rating period. When the employee is evaluated, the employee shall be rated as to how well he or she meets the performance requirements for each of the major duties and responsibilities and shall be assigned a final adjective rating. 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, to the rater or raters and the 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. Final results of evaluation shall be submitted to the director. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-7-11. Employees entitled to appeal performance evaluations. (a) Any classified employee with permanent status may appeal a performance evaluation rating which is lower than the highest possible 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. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-7-12. Evaluation appeal procedure. (a) (1) Any employee who is eligible to appeal a performance evaluation under K.A.R. 1-7-11 and who believes that he or she has been unfairly rated may, within seven

calendar days after the employee has been informed of the rating, address an appeal in writing to the appointing authority.

(2) The appointing authority or such authority's designee, within seven calendar days following receipt of the employee's written notice of appeal, shall have the option either to make any changes in the rating deemed appropriate, or to appoint a committee of three or more persons to hear the appeal.

(3) If the appointing authority or the authority's designee makes any change in the rating, or adds any comments to the rating form, the rating form shall be returned to the employee to be signed again. The employee shall be informed that, if he or she disagrees with the revised evaluation, the employee may, within seven calendar days, file an appeal in writing to the appointing authority. If the employee files such an appeal, the appointing authority or the authority's designee shall, within seven calendar days following receipt of the employee's written notice of appeal, appoint a committee of three or more persons to hear the appeal.

(4) If an appeal committee is appointed to hear the appeal, persons shall be appointed 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 committee shall not include the initial rater or raters. Members of the appeal committee shall be officers or employees of the agency. However, 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) (1) As soon as the committee has been appointed, the appointing authority shall notify the employee of the names of the members of the committee.

(2) 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.

(3) 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.

(4) 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. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, as amended by 1985 HB 2133; effective May 1, 1983; amended, T-84-20, effective July 26, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

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

(b) A current performance evaluation rating of less than satisfactory 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. 75-2949e, two consecutive evaluations of less than satisfactory may be utilized as a basis for demotion or suspension or 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. 75-2949e and K.S.A. 75-2949f, as amended by 1985 HB 2125.

(d) If the performance evaluation assigned to a probationary employee at the end of the employee's probationary period is less than satisfactory, 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 less than satisfactory shall not be admitted to a promotional examination and shall not be promoted. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2943, 75-2944, 75-2949e, as amended by 1985 HB 2133; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

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

1-9-1. Hours of work. (a) Unless specifically approved by the secretary of administration, no state agency shall operate on less than a 40 hour workweek, except as provided in other sections of these regulations which authorize specific holidays and other activities within the workweek. The standard workday for each full-time employee shall be eight hours, and the standard workweek shall be 40 hours during a given seven day period, except as provided in subsection (b).

(b) Any agency head may designate a deviation from the standard workday and workweek in subsection (a) for particular classes of employees. A written statement regarding such deviations shall be submitted

(continued)

ted to the director. Any such deviation shall be subject to modification by the secretary upon recommendation of the director.

(c) It shall be a condition of employment with the state that each employee is required to work the number of hours per day and the number of days per week or month specified for his or her position.

(d) The appointing authority may require employees to work overtime when necessary for the efficient conduct of the business of the state. (Authorized by and implementing K.S.A. 75-3747, as amended by 1985 H.B. 2125; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

1-9-8. Jury duty; other required appearance before a court or other public body. (a)(1) Each 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:

(A) required jury duty; or

(B) in order to comply with a subpoena as a witness before the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court.

(2) An employee is not entitled to leave of absence with pay in circumstances where the employee:

(A) is called as a witness on the employee's own behalf in an action in which the employee is a party; or

(B) voluntarily seeks to testify as a witness.

(b) Leave with pay may be granted to any permanent, probationary, or conditional employee for an 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.

(d) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except as provided in subsection (c) of this regulation. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-3746, as amended by 1985 HB 2125; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; effective May 1, 1986.)

1-9-22. Job injury leave. (a) Any classified or unclassified employee who sustains a qualifying job injury, as determined by the employee's appointing authority, shall be eligible for job injury leave in accordance with this regulation.

(b)(1) "Qualifying job injury" means an injury which:

(A) renders the employee unable to perform the employee's regular job duties;

(B) arose out of and in the course of employment with the state; and

(C)(i) was sustained as a result of a shooting, stabbing or aggravated battery, as defined in K.S.A. 21-3414, by another against the employee; or

(ii) additionally for law enforcement officers, was sustained while in fresh pursuit of a person or while operating under the provisions of K.S.A. 8-1506.

Qualifying job injuries shall not include injuries sustained as a result of the intentional actions of a co-worker.

(2) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime or who is reasonably suspected of having committed a crime.

(c) Job injury leave shall not exceed six months following the qualifying job injury. While an employee is on an approved job injury leave, the employing state agency shall continue to pay the employee's regular compensation. If the employee is awarded worker's compensation, such state agency shall pay the employee compensation in an amount which, together with worker's compensation pay, equals the regular salary of the employee. The employee shall not lose accrued sick leave, or vacation leave credits. Nothing herein shall be construed as providing voluntary or gratuitous compensation payments in addition to temporary total disability compensation payments pursuant to the worker's compensation laws.

(d) The appointing authority may require an employee on approved job injury leave to return to duty of a limited nature if the employee is physically able to perform the duty as determined by a physician selected by the appointing authority or selected by a representative of the state compensation self-insurance fund. However, any limited duty allowed shall not exceed six months from the date of the employee's return. If the employee remains unable to return to full duty, the agency head shall take such action as deemed to be in the best interest of the state.

(e) When an employee is on approved job injury leave, the appointing authority may require the employee to be examined by a physician selected by the appointing authority to determine the capability of the employee to return to full or limited duty.

(f) Employees on approved job injury leave are prohibited from being gainfully employed by any other employer.

(g) Any sick leave or vacation leave credits utilized by a state employee between January 1, 1985 and the effective date of this regulation which were attributable to a qualifying job injury sustained on or after January 1, 1985, shall be restored to the employee. (Authorized by K.S.A. 75-3747, as amended by 1985 H.B. 2125; implementing K.S.A. 75-3746, as amended by 1985 H.B. 2125; effective T-86-17, June 17, 1985; effective May 1, 1986.)

Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

1-14-8. Computation of layoff scores. (a) Layoff

scores shall be computed by the appointing authority for each employee in the agency in the class or classes of positions identified for layoff and for employees in classes of positions that may be affected by the exercise of bumping rights.

(b) Layoff scores shall be computed according to the formula: $A \times L$, where:

A = average performance evaluation rating of the employee, as described in 1-14-8(d); and

L = the length of service, as defined in K.A.R. 1-2-46(a), expressed in months.

The layoff scores shall be prepared in accordance with a uniform score sheet prescribed by the director.

(c) Layoff scores computed by the appointing authority shall be made available for inspection by each employee, upon request, at, or prior to, the time the agency gives written notice of a proposed layoff to the director and the secretary pursuant to K.A.R. 1-14-7. Upon request of any employee, the appointing authority or designee shall review the manner in which the employee's score was calculated. The director shall resolve any dispute as to the proper calculation of a layoff score of any employee.

(d) Except as otherwise authorized by this subsection, the performance evaluation ratings used in computing the layoff score of an employee shall be the most recent ratings for the employee during the employee's length of service, up to and including five ratings, if the employee has as many as five ratings. However, special evaluations that are given for a rating period ending within 90 calendar days of any notice of the layoff to the director shall not be counted. Performance evaluations completed for rating periods ending on or after the date the appointing authority notifies the director in writing that a layoff is to occur shall not be considered in computing layoff scores; however, the appointing authority may designate a uniform earlier cutoff date to identify which performance evaluation ratings shall be used in computing layoff scores.

(1) Point values shall be assigned to evaluations as follows: A rating of outstanding, excellent or exceptional shall have a value of five; a rating of above standard or very good, a value of four; a rating of satisfactory, standard or good, a value of three; a rating of below standard or fair, a value of one; and a rating of unsatisfactory, a value of zero.

(2) If an employee has not had a performance rating that may be used to compute a layoff score, the employee shall be deemed to have been given a performance rating of satisfactory and the value of that rating shall be used to compute a layoff score. Employees who are on probationary or conditional status as a result of an original appointment or those who are employed in training classes are addressed in subsections (e), (f), and (g).

(3) In case of identical layoff scores, if some, but not all, of the persons with the same score need to be laid off, preference among such persons shall be given to any veteran, any surviving spouse of a veteran, and any orphan of a veteran, in that order. For the purpose of this regulation:

- (A) "Person who served in the armed forces of the United States" means a person who served in the army, navy, air force or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, Viet Nam or other places under the flags of the United States and the United Nations or under the flag of the United States alone;
- (B) "Veteran" means a person who served in the armed forces of the United States and who has been honorably discharged therefrom or who has been discharged under honorable conditions;
- (C) "surviving spouse" means the surviving spouse of a person who served in the armed forces of the United States and who died while in the U.S. armed forces, unless the spouse has remarried;
- (D) "orphan" means a minor who is the child of a person who served in the armed forces of the United States and who died while serving in the U.S. armed forces.

If further ties remain, the secretary shall determine a method of breaking the ties that is consistent with the agency affirmative action goals and timetables for addressing underutilization of persons in protected groups. If further ties remain, preference in retention shall be given to the person with the greatest length of service as defined in K.A.R. 1-2-46.

(e) No employee serving in probationary or conditional status as a result of an original appointment shall be granted permanent status on or after the date the appointing authority has notified the director of a proposed layoff. However, any probationary employee in a position for which no employee subject to layoff meets minimum qualifications may be given permanent status. Employees who are on probation as a result of an original appointment shall have their probationary period extended until it is certain that no permanent employee whose position is to be vacated by layoff or who otherwise would be laid off through the exercise of bumping rights is claiming the probationary position.

(f) Any employee serving in probationary status as a result of one of the following shall be considered as permanent for layoff purposes only:

- (1) Promotion from a class in which the employee had permanent status;
- (2) reallocation of a position from a class in which the employee had attained permanent status;
- (3) appointment from the unclassified service after six months of continuous service;
- (4) promotion from a classified position after six months of continuous classified service; or
- (5) reinstatement.

(g) Any employee serving in conditional status on a governor's trainee position, or in a probationary or conditional status in any identified training position, for at least six months of continuous employment shall be considered as permanent for layoff purposes only.

(h) In determining the order of names on the layoff list, all employees without permanent status shall be

(continued)

listed first, in the order of their scores, with the person with the lowest score listed first. Permanent employees shall then be listed, in the order of their scores, with the person with the lowest score listed first.

(i) The person first listed on the layoff list shall be laid off first. If more than one person is to be laid off, the persons to be laid off shall be selected in the order in which their names appear on the layoff list. (Authorized by K.S.A. 75-3747, as amended by 1985 HB 2125; implementing K.S.A. 75-2948 and 1985 HB 2133; effective May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

Article 17.—USE OF STATE-OWNED OR OPERATED MOTOR VEHICLES ON OFFICIAL STATE BUSINESS

1-17-14. Repairs or purchases for central motor pool vehicles. Except as authorized by K.A.R. 1-17-15, no obligation for repairs or purchases in excess of \$75 shall be incurred without the prior approval of the central motor pool director. (Authorized by K.S.A. 75-3706, 75-4604; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1986.)

1-17-15. Emergency repairs or purchases for central motor pool vehicles. Repairs or purchases necessary to safely drive a central motor pool vehicle to the immediate destination may be reimbursed upon justification and approval by the director of the central motor pool. No obligation for repairs or purchases in excess of \$200 shall be incurred without the prior approval of the central motor pool director. (Authorized by K.S.A. 75-3706, 75-4604; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended May 1, 1986.)

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), each 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 that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 20.5¢ per mile for the use of a privately-owned automobile;
- (3) 34¢ per mile for the use of a privately-owned airplane; or
- (4) 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 when on an official 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 in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be 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 that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) 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.

(e) This regulation shall take effect on and after May 1, 1986. (Authorized by and implementing K.S.A. 75-3203, as amended by 1985 H.B. 2563, K.S.A. 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; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, December 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986.)

Article 22.—MOVING ASSISTANCE

1-22-5. Limitations. Procedures for establishing the limits on amount of moving expense reimbursement shall be those specified by K.A.R. 1-16-2i. (Authorized by and implementing K.S.A. 75-3219; effective May 1, 1979; amended May 1, 1986.)

Article 29.—EMPLOYEE AWARDS

1-29-2. Service awards. (a) All classified and unclassified employees, except unclassified employees at the regents' institutions whose primary responsibilities are teaching, research or library services, shall be eligible for service awards for 10, 20, 30 and 40 years of service with the state. Recipients shall be actively employed on the state payroll at the time of the award, except that in the case of retired employees the committee may make exceptions.

(b) Each agency shall be responsible for determining eligibility of its employees for service awards. The committee reserves the right to formally approve or disapprove determination of length of service by agencies.

(1) For classified employees, length of service shall be counted in the same manner as it is counted in determining length of service under K.A.R. 1-2-46, or in a manner that has been approved by the committee.

(2) For unclassified employees, service shall be counted insofar as possible in the same manner as for classified employees.

(c) Male employees shall receive a 10 karat gold-

filled combination tie-tac and lapel pin; and female employees shall receive a 10 karat gold-filled lady's pin or lapel stickpin.

In addition, the 20 year award shall include two topaz gems; the 30 year award shall include three topaz gems; and the 40 year award shall include one diamond and two topaz gems.

(d) The personnel officer of each agency, or other official designated by the agency head, shall, on or before June 1 of each year, notify the division of personnel services of the number and types of awards to be given by the agency during the fiscal year starting July 1. Such information shall be prepared in a form prescribed by the division of personnel services.

(e) The department of administration shall purchase the awards.

(f) Nothing in this article shall prevent an agency which already has a system of recognizing employees for length of service from continuing the use of such system, in addition to using the system outlined in this regulation. (Authorized by and implementing K.S.A. 75-2956b; effective, E-81-14, June 12, 1980; effective May 1, 1981; amended May 1, 1986.)

Article 30.—EMPLOYEE SUGGESTION SYSTEM

1-30-1. Definitions. As used in this article, the following words shall have the following meanings:

(a) Administrator means the suggestion award program administrator;

(b) Agency means a state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority or any person requesting a state appropriation;

(c) Agency head means the chief officer of an agency;

(d) Agency committee means a committee of three or more employees designated by the agency head to consider suggestions and accomplishments of state employees and make recommendations regarding such suggestions and accomplishments. A committee shall be established in each agency in which the number of employees would make it practical to do so;

(e) Award means a merit award consisting of a certificate, cash payments, a medal or other appropriate insignia;

(f) Award committee means the Kansas state employee award committee;

(g) Coordinator means the representative for the suggestion award program in an agency;

(h) Evaluation means a review of a suggestion to determine the feasibility of implementing the suggestion and to ascertain its value in operational, and if possible, monetary terms;

(i) Secretary means the secretary of administration;

(j) State employee means any person employed in a full-time or part-time basis in the classified or unclassified service by the state of Kansas; and

(k) Suggestion means a written proposal, submitted by one or more state employees, which identifies a problem, situation, condition, or opportunity and recommends a remedy, improvement, change, or other

action. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-2. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-3. Duties of the agency committees. It shall be the duty of the agency committees:

(a) To review suggestions for conformity and completeness and to determine the eligibility of suggesters and suggestions;

(b) To investigate and evaluate suggestions. The agency committee may make its own analysis or it may request evaluation by, or the assistance of, other state employees especially suited by training or experience to evaluate the particular suggestion. The committee shall document its decisions. Such documentation shall include:

(1) Any actual or estimated reduction, elimination, or avoidance of expenditures or improvement in operations made possible by the suggestion;

(2) The cost to implement the suggestion; and

(3) The reasons in detail for rejection if the suggestion is rejected. The agency committee shall complete its evaluation of a suggestion within 90 days of referral or furnish information to the suggestor as to when the evaluation will be completed;

(c) After completion of each evaluation, to reject the suggestion or to recommend approval to the agency head;

(d) To reconsider previously rejected suggestions upon the request of the suggester when new facts warrant such reconsideration;

(e) To recommend to the agency head the kind and amount of award to be rendered for each suggestion recommended for adoption, pursuant to K.A.R. 1-30-16;

(f) To notify each suggester in writing as to whether the suggestion is adopted, adopted with modifications or rejected. If the suggestion is modified or rejected, the notice shall indicate reasons for this action;

(g) To make recommendations to the award committee regarding proposed regulations or amendments to those regulations; and

(h) To ensure promotion of the suggestion award program within the agency. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-4. Appointment of a coordinator. Each agency head shall appoint a coordinator. The coordinator shall do such things as may be required by the agency committee in order to carry out the requirements of these regulations. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-5. Eligibility of suggesters. Each state employee is eligible to submit a suggestion, except:

(a) Employees who are members of the award committee, an agency committee, an agency coordinator, or the administrator of the award program; and

(continued)

(b) Employees on leave of absence. Under special circumstances, the award committee may authorize exceptions. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective, May 1, 1982; amended May 1, 1986.)

1-30-6. (Authorized by and implementing K.S.A. 1980 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-7. Acceptable suggestions. An acceptable suggestion shall:

- (a) Reduce costs, duplication, time, waste, or accidents;
- (b) Increase productivity or job interest;
- (c) Improve services, job performance, public relations, or employee morale;
- (d) Simplify procedures, methods, forms, tools, or organizations; or
- (e) Conserve manpower, material, money, energy, or natural resources. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-8. Non-acceptable suggestions. (a) Suggestions related to the following subjects shall not be accepted for consideration:

- (1) Suggestions which correct a condition that exists only because established procedures are not being followed;
- (2) Suggestions which have been considered or for which awards have been granted previously;
- (3) Suggestions which do not propose a method or way to make the improvement;
- (4) Suggestions which are developed as part of the duties of an employee's position. In determining suggestion acceptability, the employee's job description, assigned duties, and normal performance requirements of his or her position shall be considered in determining whether the suggestion is within or outside his or her job responsibilities;
- (5) Suggestions concerning routine maintenance of buildings, equipment or grounds which may be reported through regularly established channels: Where sustained complaints have not resulted in correction, the committee may consider such a suggestion for an award;
- (6) Personal complaints or criticism;
- (7) Suggestions requiring legislative action. However, a suggestion which requires legislative action shall be noted and returned to the suggester. If legislation is passed implementing the idea, the idea shall be considered for an award under K.A.R. 1-30-22. The suggester shall notify the administrator if the legislation is implemented; and
- (8) Suggestions which were under active consideration by management prior to having been made.

(b) Under special circumstances, the award committee may authorize exceptions. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-9, 1-30-10. (Authorized by and implementing

K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-11. Anonymous suggestions. Each suggestion shall be signed, but upon written request of the suggester, the suggester's name shall not be disclosed while the suggestion is being considered. Suggesters wanting to remain anonymous shall send their suggestions directly to the administrator. If an anonymously submitted suggestion is approved and an award is recommended, the suggester shall be asked to sign a statement granting permission to disclose his or her name. Failure to grant such permission shall constitute waiver of the suggester's claim for the award. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-12, 1-30-13. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-14. Adoption of a suggestion. (a) A suggestion shall be considered adopted when one or more agency heads have approved it for implementation.

(b) It is the prerogative of the agency head to decide whether to adopt a suggestion and to review and modify recommendations made by the agency committee as to the kind and amount of award. A suggestion shall be adopted in order for the suggester to receive an award. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-15. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-16. Awards. (a) Except as provided in subsection (b), the award committee shall review each suggestion recommended for an award, taking into consideration the evaluation report, the recommendations of the agency and the provisions of K.A.R. 1-30-18 and 1-30-19. The award committee shall decide whether to grant an award and shall determine whether the recommended award is consistent with the provisions of K.A.R. 1-30-18 and 1-30-19. A written explanation shall be provided to the agency coordinator when the kind or amount of the award granted differs from the agency's recommendations.

(b) Any agency may grant an award of \$50 or less, a certificate, or both without submitting the award to the award committee for review or approval when the following conditions have been met:

(1) The agency suggestion committee has evaluated the suggestion pursuant to K.A.R. 1-30-3(b) and recommended adoption;

(2) The agency head has adopted the suggestion and made plans to implement the suggestion within a reasonable period of time;

(3) The agency committee and the agency head have concurred that the suggestion is acceptable pursuant to K.A.R. 1-30-7 and 1-30-8 and that the suggester is eligible for an award under K.A.R. 1-30-5;

(4) The amount of the award has been calculated according to K.A.R. 1-30-18 and 1-30-19;

(5) The suggester has been informed that he or she may appeal the kind or amount of the award to the state awards committee; and

(6) The agency coordinator has notified the administrator of the kind and amount of the award and the nature of the suggestion. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-17. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-18. Payment of awards. (a) An award may consist of a certificate only, or a certificate plus a cash payment. The award committee may also give medals or other appropriate insignia.

(b) Except as provided in subsection (c), cash awards made for suggestions with tangible benefits which involve the savings of a cash outlay or the collection of additional monies shall be equal to 10% of the estimated net savings or increased earnings realized by the state during the first year following implementation of the suggestion but not less than \$10.00 nor more than \$1,000. A certificate shall also be granted.

(c) In cases where suggestions have heavy first year installation costs, the award may be computed on the basis of the estimated average annual net savings or increased earnings during the first five years in use.

(d) If it can be determined that the first year savings were underestimated, a supplemental award may be given to the suggester. It is the responsibility of the suggester to bring such instances to the attention of the agency committee for review and referral to the agency head and state award committee.

(e) If the first year savings were overestimated, resulting in overcompensation to the suggester, the suggester shall not be required to return any portion of the award. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-19. Determination of cash awards for suggestions with intangible benefits. A relative value point scale to be determined by the awards committee shall be used in computing cash awards for suggestions adopted pursuant to K.A.R. 1-30-16. A suggestion shall be considered to have intangible benefits when it proposes improvements in working conditions, minor changes in procedures, revisions of forms, improvement in employee morale, improvements to eliminate or reduce injury to employees or to the public, or related suggestions for which monetary value cannot readily be determined. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-20. (Authorized by and implementing K.S.A. 1981 Supp. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; revoked May 1, 1986.)

1-30-22. Time limit on awards consideration. If a

previously non-adopted suggestion is subsequently implemented within the agency or agencies for which the suggestion was made within two years from the date of the last letter of rejection, and if the conditions to which the suggestion originally applied have not changed, then the suggester's rights to full award compensation shall be protected. The responsibility for protecting these award rights shall rest with the suggester who shall be so informed by the agency coordinator or the administrator. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

1-30-24. Administration of rules. (a) The award committee shall receive and consider any protests related to the administration of these rules. The decision of the committee is final.

(b) Any employee may request that an agency committee reconsider a non-adopted suggestion within one year from the original rejection letter, if additional or supplemental information is submitted which was not covered in the original proposal or which points out an error in the evaluation thereof. Requests pertaining to suggestions rejected by the employee's agency shall be submitted to the agency coordinator. Following the agency committee review of the request for reconsideration, the coordinator shall notify the suggester in writing of the reasons for the committee's decision.

(c) If the agency committee decides not to reevaluate a suggestion, the suggester may appeal the decision to the award committee by submitting a written request to the administrator within 60 days of the date of the reconsideration rejection notice. The award committee shall notify the suggester in writing of its decision. If reevaluation does not appear warranted, the notice shall specify the reasons for that determination. The decision of the award committee shall be final. (Authorized by and implementing K.S.A. 75-2956b; effective, E-82-14, July 1, 1981; effective May 1, 1982; amended May 1, 1986.)

ALDEN K. SHIELDS
Secretary of Administration

Doc. No. 003964

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

SUPREME COURT DOCKET

(Note: Dates and times of arguments are subject to change.)

Monday, March 24, 1986

9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,488	State of Kansas, appellee,	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v.		
58,479	Loyd I. Lewis, appellant. State of Kansas, appellee,	Gerald J. Domitrovic Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
	v.		
57,494	Leonard L. Bell, appellant. H. Freeman & Son, appellee,	Dale V. Slape James E. Barr	Sedgwick
	v.		
57,703	Henry's, Inc., appellant. W. D. Short, appellee,	Broc E. Whitehead Robert D. Steiger	Sedgwick
	v.		
	Gary K. Wise, appellant.	Evan J. Olson	
		1:30 p.m.	
58,775	State of Kansas, appellee,	Robert T. Stephan, Attorney General Nick Tomasic, District Attorney	Wyandotte
	v.		
57,888	George Chaney, Jr., appellant. Credit Union of America, appellant,	Benjamin C. Wood James T. Wiglesworth	Wyandotte
	v.		
	Cecil B. Myers, Kenneth B. Myers, Loberta R. Myers and Doris Gilbert, appellees.	Ronald L. Bodinson Charles W. Thompson	

Tuesday, March 25, 1986

9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,627	State of Kansas, appellant,	Robert T. Stephan, Attorney General Arthur R. Weiss, Assistant District Attorney	Shawnee
	v.		
58,654	Marion E. Dreher, appellee. Robert McDowell and Barbara McDowell, appellees,	William K. Rork John R. Hamilton	Shawnee
	v.		
	City of Topeka, a Municipal Corporation, appellant.	Richard E. Jones	

58,641	J. A. Tobin Construction Company, Inc., appellee,	R. W. Miller James M. Sheeley Frederick K. Starrett Roy Bash	Shawnee On Petition For Review
	v.		
	Secretary of Transportation, State of Kansas, <i>et al.</i> , appellants.	Robert Gingrich, Jr. J. Franklin Hummer Lawrence A. Dimmitt Charles O. Thomas Ronald G. Garrison David W. Boal Richard C. Byrd	
58,323	State of Kansas, <i>ex rel.</i> , Richard M. Smith, Linn County Attorney, <i>et al.</i> , appellants,	James L. Wisler Don Horttor	Shawnee
	v.		
	Victor W. Miller, Director, Division of Property Valuation, Kansas Department of Revenue, <i>et al.</i> , appellees.	Carl A. Gallagher, Assistant Attorney General Larry T. Hughes	
1:30 p.m.			
57,387	State of Kansas, appellee,	Robert T. Stephan, Attorney General Gene M. Olander, District Attorney	Shawnee
	v.		
	Charles F. Strauch, appellant.	Ronald E. Wurtz	
58,438	William R. Vincent, appellee,	William R. Vincent, <i>pro se</i>	Shawnee
	v.		
	Robert J. Van Valkenburg, appellant.	Robert J. Van Valkenburg, <i>pro se</i>	

Wednesday, March 26, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,560	State of Kansas, appellee,	Robert T. Stephan, Attorney General Keith Hoffman, County Attorney	Dickinson
	v.		
	Patrick J. Howe, appellant.	Robert Forer	
58,497	J. A. Tobin Construction Company, appellant,	Thomas M. Moore James T. Wigglesworth	Johnson
	v.		
	John B. Kemp, Secretary of Transportation, appellee.	Kris E. McKinney David G. Tittsworth	
58,368	Stephen P. Madden and Maryann M. Madden, appellants,	Eugene T. Hackler	Johnson
	v.		
	The Governing Body of the City of Lenexa, Kansas, <i>et al.</i> , appellees.	Gerald E. Williams	
58,223	Shirley J. Crumpacker, appellee,	Robert Marietta	Saline
	v.		
	John K. Crumpacker, appellant.	Robert F. Stover	

(continued)

1:30 p.m.

58,671	State of Kansas, appellee,	Robert T. Stephan, Attorney General Rodney H. Symmonds, County Attorney Philip Winter	Lyon
	v.		
58,476	Judy Robinson, appellant. Johnson County Memorial Gardens, Inc., appellant,	W. Irving Shaw Charles D. Kugler Michael J. Gallagher Thomas M. Franklin	Johnson
	v.		
	City of Overland Park, <i>et al.</i> , appellees.	Rod L. Richardson Henry Cox	

Thursday, March 27, 1986

9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,567	Peoples National Bank of Liberal, Kansas, appellee,	Richard R. Yoxall	Seward
	v.		
58,326	Donald D. Molz, appellant. In the Matter of the Estate of Nellie F. Estes, Deceased.	Donald D. Molz, <i>pro se</i> Phil M. Cartmell, Jr. Stephen A. Murphy	Clark
58,332	Eugene L. Miller, Sr., appellant, v. The St. Louis Southwestern Railway Company, <i>et al.</i> , appellees.	David J. Rebein Eldon L. Meigs Gregory A. Lee	Pratt
58,016	James E. Paulsen, Jr., appellant, v. Unified School District 368 and Le Roy C. Detwiler, appellees.	Lynn E. Martin Lee H. Tetwiler Karl V. Shawver, Jr.	Miami

1:30 p.m.

57,835	Michael C. Becker, appellee, v. Dean Buman, Randall Marsh, and Allen County Bank & Trust, Iola, Kansas, appellants,	Daryl D. Ahlquist James M. Immel Robert Pennington	Neosho
	v.		
58,994	Patricia A. Becker. In the Matter of Melvin Ralph Winters, Jr., Respondent.	Arno Windscheffel Melvin Ralph Winters, Jr., <i>pro se</i>	Original

Friday, March 28, 1986
9:30 a.m.

CONSOLIDATED

Case No.	Case Name	Attorneys	Originating County
58,914	Kansas Gas and Electric Company, Applicant, v. State Corporation Commission of the State of Kansas, Respondent.	Ralph Foster James Haines Jonathan L. Heller	Original
58,917	Kansas City Power & Light Company, Applicant, v. State Corporation Commission of the State of Kansas, Respondent.	Brian Moline	Original
58,918	Kansas Electric Power Cooperative, Inc., Applicant, v. State Corporation Commission of the State of Kansas, Respondent.	A. Drue Jennings Warren B. Wood Russell Baker, Jr. Lowell L. Smithson Charles S. Schnider Thomas M. Welsch Brian Moline Clifford Bertholf	Original

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 003992

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